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THE
PUBLIC GENERAL ACTS
AND CHURCH ASSEMBLY MEASURES
OF
1962

being those which received the Royal Assent in that year
during the Third or Fourth Session
of the Forty-second Parliament of the
United Kingdom of Great Britain and Northern Ireland
which were begun during the
Tenth and Eleventh years
of the Reign of Her Majesty
QUEEN ELIZABETH THE SECOND
with
*Lists of the Public General and Local Acts and a
Table of the Effect of Legislation
and an Index*



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PUBLIC GENERAL STATUTES

10 & 11 ELIZ. 2

CHAPTER 7

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

[21st February, 1962]

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

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

Issue of
£96,830,500
out of the
Consolidated Fund
for the service of
the year ending
31st March, 1962.

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 ninety-six million, eight hundred and thirty thousand and five hundred 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 sixty-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 any interest payable thereon, out 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.

Short title.

3. This Act may be cited as the Consolidated Fund Act, 1962.

CHAPTER 8

Civil Aviation (Eurocontrol) Act, 1962

ARRANGEMENT OF SECTIONS

Section

1. The Convention and the Organisation.
2. Status and privileges of Eurocontrol.
3. Provision of funds and facilities for Eurocontrol.
4. Charges for air navigation services.
5. Use of certain records as evidence.
6. Offences.
7. Supplementary provisions.
8. Interpretation and minor amendment.
9. Application to Channel Islands, Isle of Man, etc.
10. Short title, commencement and extent.

An Act to make provision in connection with the international convention relating to co-operation for the safety of air navigation, known as the Eurocontrol Convention; to provide for the recovery of charges for services provided for aircraft; to authorize the use of certain records as evidence in proceedings for the recovery of such charges or proceedings under the Air Navigation Order; and for purposes connected with the matters aforesaid. [21st February, 1962]

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

The
Convention
and the
Organisation.

1.—(1) In this Act “the Convention” means the International Convention relating to co-operation for the safety of air navigation (entitled Eurocontrol) concluded at Brussels on the thirteenth day of December, nineteen hundred and sixty (copies of which were laid before Parliament by command of Her Majesty on the thirteenth day of June, nineteen hundred and sixty-one); and “the Organisation” means the European Organisation for the Safety of Air Navigation established by the Convention and therein referred to as Eurocontrol.

(2) Except where the context otherwise requires, references in this Act to the Organisation include references to the Permanent Commission for the Safety of Air Navigation and the Air Traffic Services Agency (in this Act referred to as the Agency) comprised in the Organisation.

2.—(1) The Organisation shall have the legal capacity of a body corporate ; and anything which may be required or authorised by law to be done by or to the Organisation may be done by or to the Agency on behalf of the Organisation. Status and privileges of Eurocontrol.

(2) The Organisation shall be entitled to the exemptions and reliefs described in paragraphs 3 to 5 of the Schedule to the International Organisations (Immunities and Privileges) Act, 1950 (rates and taxes, import duties and import and export restrictions).

(3) Any rule of law relating to the inviolability of the official archives and premises of an envoy of a foreign sovereign Power accredited to Her Majesty shall extend to the official archives of the Organisation, and to premises occupied by the Organisation wholly or mainly for the housing of its installations ; and without prejudice to the foregoing provisions, no judgment or order of any court shall be enforced by the levying of execution or by diligence upon anything forming part of any such installations :

Provided that this subsection (except so far as it relates to execution or diligence) shall not preclude access to any premises, or the inspection of any record or document,—

- (a) by a constable or other person acting in the execution of a warrant or other legal process ;
- (b) by a Court of Inquiry or an Inspector of Accidents acting in pursuance of regulations made under section ten of the Civil Aviation Act, 1949 (investigation of accidents) ; or
- (c) by a constable having reason to believe that an offence has been or is being or is about to be committed on the premises.

(4) In this section “ installations ” means apparatus for locating, directing, affording navigational aid to, or otherwise communicating with aircraft in flight, including apparatus for recording or processing material received or transmitted by such apparatus, and any other apparatus for use in connection with any such apparatus as aforesaid.

3.—(1) The Minister may from time to time pay to the Organisation such sums on account of its expenses as he may with the consent of the Treasury determine, being sums for the payment of which Her Majesty’s Government in the United Kingdom are liable under the Convention. Provision of funds and facilities for Eurocontrol.

(2) The Minister or the Secretary of State may provide for the Organisation any land, premises, installations, equipment or services (including the services of personnel), whether within or

without the United Kingdom, which may be required for the purposes of or in connection with the functions of the Organisation under the Convention.

(3) The following provisions of the Civil Aviation Act, 1949, that is to say—

- (a) section twenty-four (which enables the Minister to obtain rights over land in order to secure the safe and efficient use for civil aviation purposes of land which is vested in him or which he proposes to acquire) ; and
- (b) section twenty-six (which enables the Minister to exercise control over land in order to secure the safe and efficient use for civil aviation purposes of land, structures, works or apparatus vested in him or which he proposes to acquire or instal),

shall apply in relation to land, structures, works and apparatus vested in or occupied by the Organisation, or proposed to be acquired, occupied or installed by the Organisation, as they apply in relation to land, structures, works or apparatus vested in, or proposed to be acquired or installed by, the Minister.

(4) Any easements, servitudes or rights created by order under the said section twenty-four as extended by this section may be created in favour of the Organisation, and any reference in the said Act to an order for the creation of easements, servitudes or rights in favour of the Minister shall be construed accordingly.

(5) Any expenses incurred by the Minister or the Secretary of State by virtue of this section shall be defrayed out of moneys provided by Parliament, and any sums received from the Organisation by either of them in consideration of anything done under this section shall be paid into the Exchequer.

Charges for air navigation services.

4.—(1) The Minister may by statutory instrument make regulations for requiring the payment to the Organisation or to the Minister of charges of such amounts as may be prescribed by the regulations in respect of navigation services provided for aircraft, being services provided by the Organisation in pursuance of the Convention, or provided by the Minister, as the case may be ; and any sums received by the Minister under such regulations shall be paid into the Exchequer.

(2) The liability for any charges payable by virtue of regulations under this section may be imposed upon the operators of aircraft for which those services are available (whether or not they are actually used or could be used with the equipment installed in the aircraft) or upon the managers of aerodromes used by such aircraft, or partly upon those operators and partly upon those managers.

(3) The charges to be prescribed by any such regulations as aforesaid shall—

- (a) in the case of charges payable to the Organisation, be at such rates as the Minister may determine in pursuance of tariffs approved under the Convention ;
- (b) in the case of charges payable to the Minister, be at such rates as the Minister may, with the consent of the Treasury, determine ;

and the regulations may prescribe different charges in respect of aircraft of different classes or descriptions or in respect of aircraft used in different circumstances, and may dispense with charges in such cases as may be prescribed by or determined under the regulations.

(4) For the purpose of facilitating the assessment and collection of charges payable by virtue of regulations under this section, the regulations may make provision for requiring operators of aircraft or managers of aerodromes—

- (a) to make such records of the movements of aircraft, and of such other particulars relating to aircraft, as may be prescribed by the regulations, and to preserve those records for such period as may be so prescribed ;
- (b) to produce for inspection, at such times and by such officers of the Organisation or of the Minister as may be so prescribed, any records which are required by the regulations or the Air Navigation Order to be preserved by those operators or managers ;
- (c) to furnish to the Organisation or to the Minister such particulars of any such records as may be so prescribed.

(5) Any statutory instrument containing regulations made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

5.—(1) In any proceedings to which this section applies, any record made by any such authority or person as may be designated for the purposes of this subsection, or by a person acting under the control of such an authority or person, being a record purporting to show—

- (a) the position of any aircraft at any material time ; or
- (b) the terms or content of any message or signal transmitted to any aircraft, either alone or in common with other aircraft, or received from any aircraft, by the first-mentioned authority or person, or by a person acting under the control of that authority or person,

shall, if produced from the custody of that authority or person, be evidence, and in Scotland sufficient evidence, of the matters appearing from the record.

Use of certain records as evidence.

(2) This section applies to the following proceedings, that is to say—

- (a) proceedings for the recovery of any charges payable by virtue of regulations under section four of this Act, or for an offence under this Act committed by failure to make records in accordance with regulations made in pursuance of subsection (4) of that section, or by furnishing false particulars of records so made;
- (b) proceedings for an offence under the Air Navigation Order being an offence committed by failure or refusal to comply with any rules or directions relating to the navigation of aircraft;

and the authorities or persons to be designated for the purposes of subsection (1) of this section shall be designated, in relation to such proceedings, by regulations under the said section four or by the Air Navigation Order, as the case may be.

(3) The references in subsection (1) of this section to a record made by or under the control of any authority or person include references to a document or article purporting to be a copy of a record so made, and certified to be a true copy by or on behalf of that authority or person; and in relation to such a copy that subsection shall have effect as if the words “if produced from the custody of that authority or person” were omitted.

Offences.

6.—(1) Any person who, without reasonable cause, fails to comply with any requirement of regulations made by virtue of subsection (4) of section four of this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(2) Any person who, being in possession of information furnished to or obtained by him in pursuance of regulations under the said subsection (4), discloses that information otherwise than—

- (a) with the consent of the person by whom it was furnished or from whom it was obtained; or
- (b) for the purposes of the regulations; or
- (c) for the purposes of any proceedings arising out of this Act, or of any criminal proceedings whether so arising or not; or
- (d) for the purposes of any public inquiry or Inspector's investigation held or carried out in pursuance of regulations made under section ten of the Civil Aviation Act, 1949 (investigation of accidents); or
- (e) for the purpose of any report of any such proceedings, inquiry or investigation as aforesaid,

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.

(3) Any person who, in furnishing in pursuance of such regulations any such particulars as are described in paragraph (c) of the said subsection (4), furnishes any particulars which to his knowledge are false in any material particular, or recklessly furnishes any particulars which are false in any material particular, shall be liable—

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

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(4) Any person who wilfully certifies any document or article to be a true copy of any such record as is mentioned in subsection (1) of section five of this Act knowing it not to be a true copy shall be liable—

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

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(5) References in the Forgery Act, 1913, to a document shall be construed as including a reference to any record, not being a document within the meaning of that Act, which is made as described in subsection (1) of the said section five and which purports to show as regards any aircraft any such information as is mentioned in paragraph (a) or (b) of that subsection.

7.—(1) Part VI of the Civil Aviation Act, 1949 (which contains supplementary provisions applicable to certain enactments contained in that Act, including provisions relating to the extra-territorial effect of Orders in Council and regulations, and savings in respect of Crown aircraft) shall have effect as if sections four to six of this Act were included among the enactments to which the said Part VI applies. Supplementary provisions.

(2) Without prejudice to section fifty-eight of the said Act (under which orders and regulations made under any enactment to which Part VI of that Act applies may provide for the detention of aircraft to secure compliance therewith), regulations under section four of this Act may make provision—

(a) in the case of default in the payment of any charge payable by an operator under the regulations, for authorising the detention, pending payment, of the aircraft in respect of which the charge was incurred or of any other aircraft of which the person in default is the operator at the time when the detention begins ;

- (b) in the case of default in complying with any requirement imposed by the regulations on the operators of aircraft with respect to the production for inspection, or the furnishing of particulars, of any records, for authorising the detention, pending compliance, of any aircraft of which the person in default is the operator at the time when the detention begins ;

and such regulations may make such further provision as appears to Her Majesty in Council to be necessary or expedient for securing such detention.

(3) A court in any part of the United Kingdom shall have jurisdiction—

- (a) to hear and determine a claim for charges payable to the Minister by virtue of regulations under section four of this Act, notwithstanding that the person against whom the claim is made is not resident within the jurisdiction of the court ;
- (b) to hear and determine a claim against the Organisation for damages in respect of any wrongful act, neglect or default, notwithstanding that that act, neglect or default did not take place within the jurisdiction of the court or that the Organisation is not present within the jurisdiction of the court :

Provided that a court shall not have jurisdiction by virtue of paragraph (b) of this subsection in respect of damage or injury sustained wholly within or over a country to which this Act does not extend.

Interpretation
and minor
amendment.

8.—(1) In this Act, unless the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

“ aerodrome ” has the same meaning as in the Civil Aviation Act, 1949 ;

“ the Air Navigation Order ” means any Order in Council in force under section eight of the Civil Aviation Act, 1949 ;

“ manager ”, in relation to an aerodrome, means a person who is in charge of, or holds an aerodrome licence (within the meaning of the Civil Aviation (Licensing) Act, 1960) in respect of, the aerodrome ;

“ the Minister ” means the Minister of Aviation ;

“ navigation services ” includes information, directions and other facilities furnished, issued or provided for the

purposes of or in connection with the navigation or movement of aircraft ;

“ operator ”, in relation to an aircraft, means the person for the time being having the management of that aircraft ;

“ record ” includes, in addition to a record in writing—

(a) any disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced therefrom ;

(b) any film, tape or other device in which visual images are embodied so as to be capable (as aforesaid) of being reproduced therefrom ; and

(c) any photograph ;

and any reference to a copy of a record includes, in the case of a record falling within paragraph (a) only of this definition, a transcript of the sounds or signals embodied therein, in the case of a record falling within paragraph (b) only of this definition, a still reproduction of the images embodied therein, and in the case of a record falling within both those paragraphs, such a transcript together with such a still reproduction.

(2) Any reference in this Act to any other enactment is a reference thereto as amended by or under any other enactment, including this Act ; and any such reference to the Convention includes a reference to any amendment of the Convention which may be agreed upon between the contracting parties thereto.

(3) The definition of “ operator ” contained in this section shall be substituted for the definition of that expression in section ten of the Civil Aviation (Licensing) Act, 1960, and cognate expressions in that Act shall be construed accordingly.

9.—(1) Her Majesty may by Order in Council direct that this Act shall extend, subject to such exceptions, adaptations and modifications as may be specified in the Order, to— Application to Channel Islands, Isle of Man, etc.

(a) any of the Channel Islands or the Isle of Man ;

(b) any colony, protectorate or protected state ;

and any such Order in Council may contain such transitional and other consequential provisions as appear to Her Majesty to be expedient, and may be varied or revoked by a subsequent Order in Council.

(2) References in this section to a protectorate and to a protected state shall be construed as if they were references contained in the British Nationality Act, 1948.

A*

Short title,
commence-
ment and
extent.

10.—(1) This Act may be cited as the Civil Aviation (Eurocontrol) Act, 1962.

(2) This Act (except this section) shall come into operation on such date as the Minister may by order appoint; and different dates may be appointed by order under this subsection for different purposes of this Act.

(3) It is hereby declared that this Act extends to Northern Ireland; and for that purpose any reference in this Act to an enactment of the Parliament of the United Kingdom is a reference to that enactment as it applies in Northern Ireland.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
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British Nationality Act, 1948	11 & 12 Geo. 6. c. 56.
Civil Aviation Act, 1949	12, 13 & 14 Geo. 6. c. 67.
International Organisations (Immunities and Privileges) Act, 1950	14 Geo. 6. c. 14.
Civil Aviation (Licensing) Act, 1960	8 & 9 Eliz. 2. c. 38.

CHAPTER 9

Local Government (Financial Provisions etc.) (Scotland) Act, 1962

ARRANGEMENT OF SECTIONS

Section

1. Revision of apportionment of expenditure and general grants among local authorities.
2. Payments in lieu of rates by British Transport Commission and Electricity Boards in Scotland.
3. Rating of Gas Boards.
4. Reduction and remission of rates payable by charitable and other organisations.
5. Provisions supplementary to foregoing section.
6. Suspension of annual provision for repayment of sums borrowed by local authorities.
7. Deputy secretary of Valuation Appeal Committee.
8. Amendment of s. 237 (2) of Act of 1947.
9. Alteration of valuation roll.
10. Provisions as to orders.

Section

11. Financial provisions.
12. Consequential amendments and repeals.
13. Interpretation.
14. Citation and extent.

SCHEDULES:

- First Schedule—Institutions excluded from Mandatory Relief.
 Second Schedule—Consequential Amendments.
 Third Schedule—Repeals.

An Act to provide in respect of the year 1961–62 for revision of the apportionment of expenditure and of general grants among local authorities in Scotland; to make further provision as respects Scotland with respect to the amounts payable in lieu of rates or by way of rates by the British Transport Commission, Electricity Boards and Gas Boards, with respect to relief from rates of charitable and other similar bodies, with respect to sums borrowed by local authorities and with respect to Valuation Appeal Committees, demand notes for rates, and corrections of the valuation roll; and for purposes connected with the matters aforesaid. [21st February, 1962]

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

1.—(1) Having regard to the results of appeals against, Revision of complaints in respect of, and adjustments made to entries in apportionment the valuation roll for the year 1961-62, the assessor for each of expenditure valuation area shall, not later than the fifteenth day of March, and general nineteen hundred and sixty-two, re-estimate for that year the grants among net annual valuation and the rateable valuation of the landward local area of each county and of each burgh situated within the authorities. valuation area and shall send certified copies of such estimate to the rating authority of such county or burgh and to the Secretary of State who shall thereupon re-estimate the standard rateable value of each of the said areas for that year.

(2) Subsection (8) of section fifteen of the Act of 1956 (which relates to the apportionment and allocation of expenditure

among local authorities for the year 1961-62) shall have effect as if the references in paragraphs (a) and (b) to estimates of rateable valuation, net annual valuation and standard rateable value were references to the estimates made under the foregoing subsection, and accordingly the apportionment and allocation of expenditure in respect of the year 1961-62 among local authorities under section two hundred and fourteen of the Act of 1947 or any other enactment, statutory order or agreement affected by the said subsection (8) shall be revised according to the last mentioned estimates, and any adjustment required with respect to a requisition for the year 1961-62 shall be made in the requisition for the year 1962-63.

(3) (a) Sub-paragraph (2) of paragraph 5 of the Second Schedule to the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958 (which relates to apportionment of general grants among local authorities), and paragraph 6 of that Schedule shall respectively have effect in relation to the year 1961-62 as if in the said sub-paragraph (2) the references to the year immediately preceding the grant year were references to the grant year and as if in the said paragraph 6 the reference to amounts estimated by the assessor and the Secretary of State were a reference to the estimates made under subsection (1) of this section.

(b) The apportionment of general grants for the year 1961-62 among local authorities shall be revised according to the said Second Schedule, as modified for that year by the foregoing paragraph, and any adjustment required with respect to such apportionment shall be made in the general grant payable to each authority for the year 1962-63.

Payments in lieu of rates by British Transport Commission and Electricity Boards in Scotland.

2.—(1) For the purpose of calculating the payments which are, under the provisions of Part V of the Local Government Act, 1948, to be made year by year by the British Transport Commission for the benefit of local authorities in Scotland for the year 1962-63 and subsequent years, the standard amount referred to in sections ninety-three and ninety-four of that Act shall be such sum as is certified by the Secretary of State to be the estimated amount which, when adjusted in accordance with the provisions of sections ninety-four and ninety-five of that Act, will secure that the amount payable for the year 1962-63 is as near as may be the same as the amount paid for the year 1961-62.

(2) (a) For the purpose of calculating the payments which are, under the provisions of Part V of the Local Government Act, 1948, to be made year by year by the South of Scotland Electricity Board and the North of Scotland Hydro-Electric Board respectively for the benefit of local authorities in Scotland for

the year 1962-63 and subsequent years, the standard amount referred to in sections ninety-six to ninety-eight of that Act (which relate to payments by the South of Scotland Board) shall be the sum of eight hundred and twenty-two thousand pounds increased by the percentage first mentioned in the following paragraph and the standard amount referred to in section ninety-nine of that Act (which relates to payments by the Hydro-Electric Board) shall be the sum of two hundred and eight thousand pounds increased by the percentage next mentioned in that paragraph, the resultant figure in each case being calculated if it includes a fraction of a thousand pounds to the nearest thousand pounds or if the fraction is five hundred pounds the fraction being disregarded.

(b) (i) The Secretary of State shall ascertain and certify the percentage increase in the rateable valuation for the year 1961-62 of so much of Scotland as is outside the North of Scotland District over the rateable valuation of that area for the year 1960-61 as certified by him under the said Part V, and shall similarly ascertain and certify the percentage increase in the rateable valuation of the North of Scotland District.

(ii) For the purposes of the foregoing sub-paragraph, the rateable valuations for the year 1961-62 of the areas therein mentioned shall be calculated by the Secretary of State from the estimates made under subsection (1) of the foregoing section.

3. As respects the levying of rates for the year 1962-63 and any subsequent year— Rating of
Gas Boards.

- (a) for the purposes of the Fourth Schedule to the Act of 1956 (which relates to the rating of Gas Boards), the standard number of therms of a Gas Board shall be taken to be the number estimated under paragraph 3 or paragraph 8 of that Schedule, as the case may be, reduced by one-half of the number of therms purchased by the Board in the periods of twelve months respectively described in those paragraphs, and the number of therms estimated under sub-paragraph (2) of paragraph 4 of that Schedule shall be subject to a similar reduction ;
- (b) gas produced by a Gas Board by the application, to gas purchased by the Board, of any process not consisting only of purification or blending with other gases, or both, shall be treated for the purposes of the Act of 1956 as gas manufactured by the Board, and the reference in subsection (1) of section twenty-four of that Act to the manufacture of gas shall be construed accordingly ;
- (c) in estimating for the purposes of sub-paragraph (1) of paragraph 5 of the Fourth Schedule to the Act of 1956 the number of therms manufactured by a Gas Board,

the number of therms in gas produced by the Board as aforesaid shall be treated as half the actual number thereof ;

- (d) the reference in section five of the Water (Scotland) Act, 1949 (which relates to the levy of domestic water rate on public utility undertakings, etc.), to lands and heritages occupied as gasworks shall be construed as a reference to lands and heritages which a Gas Board is, under section twenty-four of the Act of 1956, to be treated as occupying.

Reduction and remission of rates payable by charitable and other organisations.

4.—(1) This section shall apply to rates leviable for the year 1962-63 and any subsequent year.

(2) If notice in writing is given to the rating authority not later than the thirtieth day of June in any year that any lands and heritages—

- (a) are occupied by, or by trustees for, a charity and are wholly or mainly used for charitable purposes (whether of that charity or of that and other charities) ; or
 (b) are held on trust for use as an almshouse,

then, subject to the provisions of this section, any rate leviable in respect of the lands and heritages for any period, beginning not earlier than the year in which the notice is given, during which the lands and heritages are within the categories described in either paragraph (a) or paragraph (b) of this subsection, shall not exceed one-half of the rate which would be leviable apart from the provisions of this subsection :

Provided that where lands and heritages cease to be within the said categories, a previous notice given for the purposes of this subsection shall not have effect as respects any subsequent period during which the lands and heritages are within either of those categories.

(3) No relief under the foregoing subsection shall be given in the case of lands and heritages within the category described in paragraph (a) thereof for any period during which the lands and heritages are occupied by an institution specified in the First Schedule to this Act.

(4) The Secretary of State may by order amend the provisions of the First Schedule to this Act by adding any institution which in his opinion ought to be classified with the institutions mentioned in that Schedule or omitting any institution or altering the description of any institution.

An order under this subsection may be made so as to have effect from any date not earlier than the beginning of the year in which it is made, and any statutory instrument containing an order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Without prejudice to the powers conferred by section two hundred and forty-four of the Act of 1947, a rating authority shall have power to reduce or remit any rate leviable in respect of—

- (a) any lands and heritages within the categories described in paragraph (a) or (b) of subsection (2) of this section ;
- (b) any lands and heritages occupied for the purposes of one or more institutions or other organisations (whether corporate or unincorporate) which are not established or conducted for profit and whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts ;
- (c) any lands and heritages occupied for the purposes of a club, society or other organisation not established or conducted for profit, and which are wholly or mainly used for purposes of recreation,

for any such period as is mentioned in the following subsection :

Provided that any such reduction or remission shall cease to have effect on a change in the occupation of the lands and heritages in respect of which it was granted.

(6) Any reduction or remission of rates determined under the foregoing subsection may, at the discretion of the rating authority, be granted—

- (a) for the year in which, or the year next following that in which, the determination to grant it is made ; or
- (b) for a specified term of years, not exceeding five, beginning not earlier than the year in which the determination is made nor more than twenty-four months after the date of the determination ; or
- (c) for an indefinite period beginning not earlier than the year in which the determination is made, subject, however, to the exercise by the rating authority of their powers under the following subsection.

(7) Where any such reduction or remission is granted for an indefinite period, the rating authority may, by not less than twelve months' notice in writing given to the occupiers of the lands and heritages, terminate or modify the reduction or remission as from the end of a year specified in the notice.

(8) Lands and heritages belonging to or held by or on behalf of a religious body, being the residence from which a full-time clergyman or minister of any religious denomination performs the duties of his office, or which are being held available to provide such a residence, shall be treated for the purposes of this section as occupied by a charity and wholly or mainly used for charitable purposes, whether apart from this provision they would be so treated or not.

(9) The foregoing provisions of this section shall not apply to any lands and heritages described in paragraph (a) or (b) of subsection (1) of section twenty-two of the Act of 1956, or to lands and heritages occupied by a local authority (otherwise than as trustee), or by any body to whom section two hundred and seventy of the Act of 1947 applies.

(10) In this section—

(a) “charity” means an institution or other organisation established for charitable purposes only, “organisation” includes any persons administering a trust, and “charitable” is to be construed in the same way as if it were contained in the Income Tax Acts ;

(b) “rate” does not include a domestic water rate.

Provisions
supplementary
to foregoing
section.

5.—(1) On the sixteenth day of May, nineteen hundred and sixty-two, the following enactments shall cease to have effect, that is to say—

(a) section twenty-three of the Act of 1956 (reductions and remissions of rates payable by charitable and other organisations) ;

(b) the Scientific Societies Act, 1843 (exemption for societies instituted for the purposes of science, literature or the fine arts exclusively) ;

(c) the Sunday and Ragged Schools (Exemption from Rating) Act, 1869 ;

(d) section one hundred and forty-one of the Education (Scotland) Act, 1946 (exemption of special schools and orphanages).

(2) Where an exemption from liability for rates in respect of lands and heritages subsisted immediately before the sixteenth day of May, nineteen hundred and sixty-two, by virtue of the Scientific Societies Act, 1843, and subsection (2) of section twenty-three of the Act of 1956 or by virtue of section one hundred and forty-one of the Education (Scotland) Act, 1946, and, but for the foregoing subsection, an exemption in respect of the lands and heritages would have continued to subsist after that date,—

(a) no rate shall be leviable in respect of the lands and heritages as respects the year 1962-63 ; and

(b) as respects each of the next four succeeding years, the amounts of rates payable in respect of the lands and heritages shall (without prejudice to any reduction or remission under subsection (5) of the foregoing section) be respectively one-fifth, two-fifths, three-fifths and four-fifths of the rate which would be leviable apart from the provisions of this subsection and that subsection :

Provided that paragraphs (a) and (b) of this subsection shall not apply in relation to any lands and heritages except as respects

any period as respects which an exemption for those lands and heritages would have subsisted but for the foregoing subsection.

(3) The Secretary of State may, on the application of any local authority appearing to him to be concerned, by order repeal or amend any local Act which confers an exemption in whole or in part from, or a power to reduce or remit a payment of, rates in respect of any particular lands and heritages or of lands and heritages of any class, if it appears to him that a right to relief arises in respect thereof under subsection (2) of the foregoing section, or that a reduction or remission may be granted in respect thereof under subsection (5) of that section, and may by that order make such other amendments to any other local Acts as appear to him to be necessary in consequence of the repeal or amendment and such transitional provision as appears to him to be necessary or expedient in connection with the matter.

6. Subsection (2) of section two hundred and sixty-two of the Act of 1947 (which relates to suspension of loan repayments on certain works) shall apply to a sum borrowed by a local authority to meet expenditure on such revenue producing services or schemes as the Secretary of State may by order designate as it applies to a sum so borrowed to meet expenditure on works described in that subsection, and where any annual provision required to be made for repayment of any sum has been suspended under that subsection, or under that subsection as applied by this section, a local authority may borrow for the purpose of payment, during the period of the suspension, of interest on that sum.

Suspension of annual provision for repayment of sums borrowed by local authorities.

7. The secretary of any Valuation Appeal Committee may appoint a person approved by the sheriff to act as his deputy, and the provisions of section five of the Act of 1956 shall apply to the person so appointed as they apply to the secretary of the Committee.

Deputy secretary of Valuation Appeal Committee.

8. For paragraph (b) of subsection (2) of section two hundred and thirty-seven of the Act of 1947 (which relates to the information contained in demand notes for rates) there shall be substituted the following paragraph:—

Amendment of s. 237 (2) of Act of 1947.

“(b) the rateable value of the lands and heritages and, if different from the rateable value, the amount of the annual value thereof according to which domestic water rate is levied and the provisions of the Water (Scotland) Act, 1949, under which that amount is determined; and”.

9.—(1) Notwithstanding any provision made by or under the Valuation Acts limiting the period during which the assessor for a valuation area may alter the valuation roll, the assessor may in any year, not later than one month before the last

Alteration of valuation roll.

date fixed by or under the said Acts for the disposal of appeals by the Valuation Appeal Committee, make or cause to be made in the valuation roll any alteration which is necessary to correct any clerical or arithmetical error therein.

(2) Before making or causing to be made any alteration under the foregoing subsection the assessor shall send notice thereof to the proprietor, tenant and occupier of any lands and heritages affected and shall allow fourteen days to elapse during which any person concerned may appeal against the proposed alteration to the Valuation Appeal Committee as in manner provided by or under the said Acts, apart from any provision as to dates other than the last date for disposal of appeals.

**Provisions
as to orders.**

10. Any power to make an order conferred on the Secretary of State by this Act shall be exercisable by statutory instrument and shall include power, exercisable in like manner, to vary or revoke an order by a subsequent order.

**Financial
provisions.**

11. Any increase attributable to this Act in the sums payable by way of Exchequer Equalisation Grant under the enactments relating to local government in Scotland shall be defrayed out of moneys provided by Parliament.

**Consequential
amendments
and repeals.**

12.—(1) The enactments specified in the Second Schedule to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the foregoing provisions of this Act.

(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:

Provided that the repeal of the enactments mentioned in subsection (1) of section five of this Act shall, as provided in that subsection, take effect on the sixteenth day of May, nineteen hundred and sixty-two.

Interpretation.

13.—(1) In this Act “the Act of 1947” means the Local Government (Scotland) Act, 1947, “the Act of 1956” means the Valuation and Rating (Scotland) Act, 1956, “general grants” has the same meaning as in the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958, and, unless the context otherwise requires, other expressions used in this Act and the Act of 1956 have the same meanings respectively in this Act as in that Act.

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

**Citation
and extent.**

14.—(1) This Act may be cited as the Local Government (Financial Provisions etc.) (Scotland) Act, 1962.

(2) This Act shall extend to Scotland only.

SCHEDULES

FIRST SCHEDULE

Section 4.

INSTITUTIONS EXCLUDED FROM MANDATORY RELIEF

The Universities of Aberdeen, Edinburgh, Glasgow and St. Andrews.

SECOND SCHEDULE

Section 12.

CONSEQUENTIAL AMENDMENTS

The Local Government Act, 1948

1. In section ninety-three of the Local Government Act, 1948 (which relates to payments by the British Transport Commission), in subsection (3), for paragraphs (a), (b) and (c) there shall be substituted the words "be payments of the standard amount adjusted, in accordance with the provisions of the two next succeeding sections, for changes in the average rates levied in Scotland and for changes in the circumstances of the British Transport Commission", and, in subsection (4), for the words from "to be the estimated amount" to the end of the subsection there shall be substituted the words "in accordance with the provisions of subsection (1) of section two of the Local Government (Financial Provisions etc.) (Scotland) Act, 1962".

2. For section ninety-six of the said Act of 1948 (which relates to payments by the South of Scotland Electricity Board) there shall be substituted the following section:—

“Amount of payments by South of Scotland Electricity Board. 96.—(1) The payments which are, under the preceding provisions of this Part of this Act, to be made year by year by the South of Scotland Electricity Board for the benefit of local authorities shall be payments for the benefit of local authorities in Scotland with areas outside the North of Scotland District and shall be payments of the standard amount adjusted, in accordance with the provisions of the two next succeeding sections, for changes in the average rates levied in Scotland outside the North of Scotland District, and for changes in the amount of electricity supplied.

(2) In this and the two next succeeding sections, 'the standard amount' means the sum calculated in accordance with the provisions of subsection (2) of section two of the Local Government (Financial Provisions etc.) (Scotland) Act, 1962.”

3. In section ninety-nine of the said Act of 1948 (which relates to payments by the Hydro-Electric Board), in subsection (1), paragraph (a), and in paragraph (b) the words "in the case of any subsequent year", shall cease to have effect, and for the words from "such sum" to the end of the subsection there shall be substituted the words "the sum calculated in accordance with the provisions of subsection (2) of section two of the Local Government (Financial Provisions etc.) (Scotland) Act, 1962.”

2ND SCH.

The Valuation and Rating (Scotland) Act, 1956

4. In section nine of the Act of 1956 (which relates to the duties of assessors), after paragraph (b) of the proviso to subsection (1) there shall be inserted the following words—

“ or

(c) any alteration relating to value of lands and heritages made under section nine of the Local Government (Financial Provisions etc.) (Scotland) Act, 1962 ”.

The Recreational Charities Act, 1958

5. In section six of the Recreational Charities Act, 1958 (which relates to the application of that Act to Scotland), at the end of subsection (2), there shall be added the words “ or, without prejudice to the foregoing generality, of the Local Government (Financial Provisions etc.) (Scotland) Act, 1962 ”.

Section 12.

THIRD SCHEDULE
ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
6 & 7 Vict. c. 36.	The Scientific Societies Act, 1843.	The whole Act.
32 & 33 Vict. c. 40.	The Sunday and Ragged Schools (Exemption from Rating) Act, 1869.	The whole Act.
9 & 10 Geo. 6. c. 72.	The Education (Scotland) Act, 1946.	Section one hundred and forty-one.
11 & 12 Geo. 6. c. 26.	The Local Government Act, 1948.	In section ninety-four, in paragraph (b) of subsection (4), the word “ by ”; in section ninety-nine, in subsection (1), paragraph (a) and, in paragraph (b), the words “ in the case of any subsequent year ”.
12 & 13 Geo. 6. c. 31.	The Water (Scotland) Act, 1949.	In section seventeen, subsection (4).
4 & 5 Eliz. 2. c. 60.	The Valuation and Rating (Scotland) Act, 1956.	Section twenty-three.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Scientific Societies Act, 1843	6 & 7 Vict. c. 36.
Sunday and Ragged Schools (Exemption from Rating) Act, 1869.	32 & 33 Vict. c. 40.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Water (Scotland) Act, 1949	12 & 13 Geo. 6. c. 31.
Valuation and Rating (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 60.
Recreational Charities Act, 1958	6 & 7 Eliz. 2. c. 17.
Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958.	6 & 7 Eliz. 2. c. 64.

CHAPTER 10

Army Reserve Act, 1962

ARRANGEMENT OF SECTIONS

Section

1. Retention of national servicemen in army service.
2. Recall of national servicemen into army service.
3. Territorial army emergency reserve.
4. Provisions supplemental to ss. 2 and 3.
5. Safeguards for civil employment and interests.
6. Interpretation and calculation of service.
7. Expenses.
8. Short title and extent.

SCHEDULE—Calculation of length of service.

An Act to make further provision with respect to reserves for the regular army. [15th March, 1962]

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

1.—(1) Without prejudice to section nine of the Army Act, 1955, as applied by section twenty of that Act, where at any time after the passing of this Act any person, not being the holder of a commission, is in army service as, or as the equivalent of, his whole-time service under the National Service Act, 1948, the Secretary of State may by notice in writing retain that person in army service for such term not exceeding six months beginning with the completion of that whole-time or equivalent service as may be specified in the notice.

Retention of national servicemen in army service.

(2) Where any person, being the holder of a commission, is at any time after the passing of this Act employed as the holder of that commission in army service as the equivalent of whole-time service under the said Act of 1948, the Secretary of State may require that person to continue in army service until the expiration of the period of thirty months beginning with the date on which he first entered on, or on the equivalent of, his whole-time service under that Act.

2.—(1) Without prejudice to any liability to be called out or embodied under section five or six of the Army Reserve Act, 1950, or section twenty-three or twenty-five of the Auxiliary Forces Act, 1953, and without prejudice to any obligation by virtue of his holding a commission, but subject to subsection (3) of this section, any person who has completed

Recall of national servicemen into army service.

a period of army service which is, or is the equivalent of, his whole-time service under the National Service Act, 1948, may, at any time before he has completed the term of, or of the equivalent of, his part-time service under that Act, be recalled into army service by the Secretary of State by notice in writing for such term consistent with subsection (2) of this section beginning on such date as may be specified in the notice.

(2) No person shall be recalled under this section for more than one period of army service and, subject to the provisions of the Schedule to this Act, the term for which any person is so recalled shall not exceed six months reduced by any period of army service—

- (a) rendered by virtue of subsection (1) of section one of this Act ; or
- (b) rendered by virtue of subsection (2) of the said section one after the expiration of the period of twenty-four months beginning with the date referred to in that subsection ; or
- (c) rendered by virtue of section three of this Act ;

and subject as aforesaid no person's term of service under this section shall end later than the date when he completes the term of, or of the equivalent of, his part-time service under the said Act of 1948.

(3) Subsection (1) of this section shall not apply to any person—

- (a) during the period specified in any agreement entered into by him for the purposes of section three of this Act which is for the time being in force ; or
- (b) if he has entered into an agreement for the purposes of paragraph (c) of subsection (1) of section six of the Army Reserve Act, 1950, which is for the time being in force ; or
- (c) if he is for the time being a person of any of the descriptions specified in the First Schedule to the said Act of 1948 (which relates to the persons exempted from service under that Act).

**Territorial
army
emergency
reserve.**

3.—(1) Where any person who is a member of the territorial army, not being a person serving in that army only in pursuance of the National Service Act, 1948, has entered into an agreement in writing to that effect, the Secretary of State may at any time during the period specified in the agreement by notice in writing call out that person for army service for such term consistent with subsection (2) of this section beginning on such date falling within that period as may be specified in the notice, whether or not any of that term falls after the date when the agreement ceases to be in force.

(2) Subject to the provisions of the Schedule to this Act, the term, or, if more than one, the aggregate of the terms, for which any person is called out for service under this section in pursuance of any one agreement shall not exceed six months.

(3) Any agreement for the purposes of this section shall be made with respect to such period of twelve months as may be specified therein and, without prejudice to the making of a further agreement, shall cease to be in force at the expiration of that period.

(4) An agreement for the purposes of this section may be revoked at any time by three months' notice in writing but shall not cease to be in force until the expiration of that notice; and any notice given by any person under subsection (1) of section seventeen of the Auxiliary Forces Act, 1953, of his desire to be discharged from the territorial army shall be deemed to include notice of revocation of any agreement entered into by that person for the purposes of this section.

(5) If the term of any person's enlistment in the territorial army expires during the period specified in any agreement entered into by that person for the purposes of this section or during the term of any service by him by virtue of this section, he shall not be entitled to be discharged from the territorial army before the expiration of that period or term.

(6) The number of persons for the time being called out under this section shall not be reckoned in the numbers for the time being authorised by Parliament for the regular forces; but the aggregate number of the persons for the time being liable to be called out by virtue of agreements made for the purposes of this section or of paragraph (c) of subsection (1) of section six of the Army Reserve Act, 1950, and of the persons for the time being designated under paragraph (b) of that subsection shall not exceed sixty thousand; and subsection (3) of the said section six is hereby repealed.

4.—(1) A notice to any person under subsection (1) of section two or subsection (1) of section three of this Act shall specify the time and place at which he is to present himself for service in accordance with the notice and may be revoked or varied by a subsequent notice thereunder; and any such notice shall be deemed to have been duly served on the person to whom it is directed if—

Provisions supplemental to ss. 2 and 3.

- (a) it is delivered to him personally; or
- (b) it is sent by registered post or the recorded delivery service addressed to him at his latest address known to the military authorities.

(2) Where any person has been recalled or called out by such a notice as aforesaid, then, at all times during the period beginning with the date and time specified in the notice and ending with the completion of his service by virtue of that notice, he shall be liable to serve in any place, whether in the United Kingdom or elsewhere, and the Army Act, 1955, shall apply to him as if he were an officer holding a land forces commission, warrant officer, non-commissioned officer or soldier, as the case may be, of the regular forces, and not a member of the territorial army, the army reserve or a reserve of officers, as the case may be, but, in the case of a person who does not for the time being hold a commission, subject to the same exceptions as in the case of a person enlisted in pursuance of the National Service Act, 1948.

(3) The Secretary of State shall from time to time report to Parliament with respect to the exercise of his powers to recall persons under section two or call out persons under section three of this Act, and any such report may be made, as the Secretary of State thinks fit, either with respect to any use made, or with respect to any use proposed to be made, of those powers.

(4) Where a member of the territorial army has been recalled into army service under section two or called out for army service under section three of this Act—

(a) if, while he is rendering that service, directions are given under the Auxiliary Forces Act, 1953, for embodying the territorial army or the part thereof in which he was serving before he was so recalled or called out, he shall thereupon be deemed to be embodied and his service by virtue of the said section two or three shall cease ;

(b) if he so desires and he is not serving in the territorial army only in pursuance of the National Service Act, 1948, there shall be taken, as soon as may be convenient after the end of the term of his service by virtue of the said section two or three, all such steps as are necessary to enable him to serve again in the corps and unit of the territorial army in which he was serving at the time when he was so recalled or called out.

(5) If, while a member of the army reserve is in army service by virtue of section two of this Act, the army reserve is called out on permanent service by proclamation under section five of the Army Reserve Act, 1950, he shall be treated as called out on permanent service under that section and his service by virtue of the said section two shall cease.

5.—(1) In relation to any person retained or continuing in army service by virtue of section one of this Act, Part II of the National Service Act, 1948 (which relates to reinstatement in civil employment after whole-time service under that Act) shall have effect as if any period for which that person is so retained or so continues were a continuation of his whole-time or equivalent service under that Act. Safeguards for civil employment and interests.

(2) Where any person is, or is liable to be, recalled under section two or called out under section three of this Act, the provisions of the Reinstatement in Civil Employment Act, 1950, shall apply to that person as they apply to a person who has entered, or, as the case may be, may be required to enter, upon a period of whole-time service in the armed forces of the Crown in the circumstances mentioned in paragraph (a) of section one of that Act.

(3) Any service rendered by virtue of section one, two or three of this Act shall be relevant service within the meaning of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951.

6.—(1) In this Act, the expression “equivalent” in relation to whole-time or part-time service under the National Service Act, 1948, means service which is recognised by the Army Council as equivalent to whole-time or, as the case may be, part-time military service under that Act. Interpretation and calculation of service.

(2) The provisions of the Schedule to this Act shall have effect for the purpose of calculating the terms or periods of service therein mentioned.

(3) Save where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment.

7. 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 moneys so provided under any other Act. Expenses.

8.—(1) This Act may be cited as the Army Reserve Act, 1962. Short title and extent.

(2) This Act extends to the United Kingdom and the Isle of Man.

Section 6.

SCHEDULE

CALCULATION OF LENGTH OF SERVICE

1. If, in the case of any person, at the time when—

- (a) the term of any service by him under subsection (1) of section one or under section two or three of this Act ; or
- (b) the period referred to in subsection (2) of the said section one,

would otherwise be completed, that person has become liable to be proceeded against for an offence against the Naval Discipline Act, 1957, military law or air-force law, that term or period shall not be completed until he has been tried or otherwise dealt with for that offence and has undergone any punishment awarded therefor, or, if at that time punishment for such an offence as aforesaid has already been awarded, until he has undergone that punishment.

2. In determining in the case of any person the end of any such term or period as is mentioned in the foregoing paragraph or the length of any period of service rendered as mentioned in paragraph (a), (b) or (c) of subsection (2) of section two of this Act, no account shall be taken—

- (a) in relation to any service which is, or is the equivalent of, whole-time service under the National Service Act, 1948, of any day before the day on which that person presented himself in pursuance of his enlistment notice, if any, under that Act ;
- (b) in relation to any service under section two or three of this Act, of any day before the day on which that person presented himself in pursuance of the notice to him under subsection (1) of that section ;
- (c) of any continuous period exceeding fourteen days during which that person was absent as a deserter or absent without leave ;
- (d) of any continuous period exceeding fourteen days during which that person—
 - (i) was serving, or would if he had not been unlawfully at large have been serving, a term of imprisonment, detention, preventive detention, corrective training or detention in a detention centre ; or
 - (ii) was detained, or would if he had not been unlawfully at large have been detained, in a borstal institution, in pursuance of a sentence of a court or an award by his commanding officer or in default of payment of any sum of money or for doing or failing to do or abstain from doing anything required to be done or left undone.

3. If, in the case of any term or period such as is mentioned in paragraph 1 of this Schedule, leave of absence is granted to the person in question for a period comprising or immediately following the date on which that term or period would otherwise be completed, the Army Council may postpone the completion of that term or period until a date not later than the expiry of his leave.



Table of Statutes referred to in this Act

Short Title	Session and Chapter
National Service Act, 1948	11 & 12 Geo. 6. c. 64
Army Reserve Act, 1950	14 Geo. 6. c. 32
Reinstatement in Civil Employment Act, 1950 ...	14 & 15 Geo. 6. c. 10
Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951	14 & 15 Geo. 6. c. 65
Auxiliary Forces Act, 1953	1 & 2 Eliz. 2. c. 50
Army Act, 1955	3 & 4 Eliz. 2. c. 18
Naval Discipline Act, 1957	5 & 6 Eliz. 2. c. 53

CHAPTER 11

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 sixty-one, one thousand nine hundred and sixty-two and one thousand nine hundred and sixty-three.

[29th March, 1962]

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

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to Her Majesty for the service of the years ending on the thirty-first day of March, one thousand nine hundred and sixty-one and one thousand nine hundred and sixty-two, the sum of one hundred and four million, three hundred and twenty-five thousand, two hundred and eighty-one pounds, eight shillings and ninepence.

Issue of
£104,325,281 8s. 9d.
out of the
Consolidated Fund
for the service of
the years ending
31st March, 1961
and 1962.

2. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and sixty-three, the sum of two thousand two hundred and forty-eight million, eighteen thousand, seven hundred and three pounds.

Issue of
£2,248,018,703
out of the
Consolidated Fund
for the service of
the year ending
31st March, 1963.

Power for
the Treasury
to borrow.

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

40 & 41 Vict.
c. 2.

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

Short title.

4. This Act may be cited as the Consolidated Fund (No. 2) Act, 1962.

CHAPTER 12

Education Act 1962

ARRANGEMENT OF SECTIONS

Awards and grants by local education authorities and Minister of Education in England and Wales

Section

1. Local education authority awards for first degree university courses and comparable courses in United Kingdom.
2. Local education authority awards for other courses of further education, and grants for training of teachers.
3. State grants for training of teachers and awards for postgraduate courses and students over prescribed age.
4. Provisions supplementary to ss. 1 to 3.

Grants and other payments by education authorities and Secretary of State in Scotland

5. Amendment of s. 43 of Scottish Act of 1946.
6. Amendment of s. 70 of Scottish Act of 1946.

Consequential variation of general grants

7. Variation of General Grant Order, 1960.
8. Variation of General Grant (Scotland) Order, 1960.

School leaving dates

Section

9. School leaving dates in England and Wales.
10. School leaving dates in Scotland.

Supplementary provisions

11. Financial provisions.
12. Interpretation.
13. Repeals, transitional provisions and savings.
14. Short title, citation, construction and extent.

SCHEDULES:

- First Schedule—Ordinary Residence.
Second Schedule—Enactments Repealed.

An Act to make further provision with respect to awards and grants by local education authorities and the Minister of Education in England and Wales, and by education authorities and the Secretary of State in Scotland, and to enable the General Grant Order, 1960, and the General Grant (Scotland) Order, 1960, to be varied so as to take account of additional or reduced expenditure resulting from action (including anticipatory action) taken in accordance with that provision; to make further provision as to school leaving dates; and for purposes connected with the matters aforesaid.
[29th March, 1962]

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

Awards and grants by local education authorities and Minister of Education in England and Wales

1.—(1) It shall be the duty of every local education authority, subject to and in accordance with regulations made under this Act, to bestow awards on persons who—

Local education authority awards for first degree university courses and comparable courses in United Kingdom.

- (a) are ordinarily resident in the area of the authority, and
- (b) possess the requisite educational qualifications,

in respect of their attendance at courses to which this section applies.

(2) This section shall apply to such full-time courses at universities, colleges or other institutions in Great Britain and Northern Ireland as may for the time being be designated by or

under the regulations for the purposes of this section as being first degree courses or comparable to first degree courses ; and for the purposes of the preceding subsection the requisite educational qualifications, in relation to any course, shall be such as may be prescribed by or under the regulations, either generally or with respect to that course or a class of courses which includes that course.

(3) Regulations made for the purposes of subsection (1) of this section shall prescribe the conditions and exceptions subject to which the duty imposed by that subsection is to have effect, and the descriptions of payments to be made in pursuance of awards bestowed thereunder, and, with respect to each description of payments, shall—

- (a) prescribe the circumstances in which it is to be payable, and the amount of the payment or the scales or other provisions by reference to which that amount is to be determined, and
- (b) indicate whether the payment is to be obligatory or is to be at the discretion of the authority bestowing the award ;

and, subject to the exercise of any power conferred by the regulations to suspend or terminate awards, a local education authority by whom an award has been bestowed under subsection (1) of this section shall be under a duty, or shall have power, as the case may be, to make such payments as they are required or authorised to make in accordance with the regulations.

(4) Without prejudice to the duty imposed by subsection (1) of this section, a local education authority shall have power to bestow an award on any person in respect of his attendance at a course to which this section applies, where he is not eligible for an award under subsection (1) of this section in respect of that course.

(5) The provisions of subsection (3) of this section and of the regulations made in accordance with that subsection (except so much of those provisions as relates to the conditions and exceptions subject to which the duty imposed by subsection (1) of this section is to have effect) shall apply in relation to awards under the last preceding subsection as they apply in relation to awards under subsection (1) of this section.

(6) Notwithstanding anything in subsection (1) of this section, that subsection shall not have effect so as to require a local education authority—

- (a) to bestow awards in respect of any period beginning before the first day of September, nineteen hundred and sixty-two, or

(b) to bestow an award on a person in respect of any course, if a scholarship, exhibition, bursary or other allowance granted to him in respect of that course is in force on that day by virtue of regulations made under paragraph (c) of section eighty-one of the Act of 1944.

(7) The reference in subsection (1) of this section to persons who are ordinarily resident in the area of a local education authority is a reference to persons who, in accordance with the provisions of the First Schedule to this Act, are to be treated as being so resident.

2.—(1) A local education authority shall have power to bestow awards on persons over compulsory school age (other than persons undergoing training as teachers) in respect of their attendance at courses to which this subsection applies, and to make such payments as are payable in pursuance of such awards.

Local education authority awards for other courses of further education, and grants for training of teachers.

(2) The preceding subsection applies to any course of full-time or part-time education (whether held in Great Britain or elsewhere) which is not a course of primary or secondary education, or (in the case of a course held outside Great Britain) is not a course of education comparable to primary or secondary education in Great Britain, and is not a course to which section one of this Act applies.

(3) A local education authority shall have power to pay grants to or in respect of persons undergoing training as teachers; but the power conferred by this subsection shall not be exercisable by a local education authority except in accordance with such arrangements as may from time to time be submitted by the authority to the Minister and approved by him.

3. Provision may be made by regulations under this Act for authorising the Minister—

State grants for training of teachers and awards for postgraduate courses and students

(a) to pay grants to or in respect of persons undergoing training as teachers;

(b) to bestow awards on persons in respect of their attendance at such courses at universities, colleges or other institutions (whether in Great Britain or elsewhere) as may for the time being be designated by or under the regulations for the purposes of this section as being postgraduate courses or comparable to postgraduate courses;

over prescribed age.

- (c) to bestow awards on persons who, at such time as may be prescribed by the regulations, have attained such age as may be so prescribed, being awards in respect of their attendance at such courses at universities, colleges or other institutions (whether in Great Britain or elsewhere) as may for the time being be designated by or under the regulations for the purposes of this section as being first degree courses or comparable to first degree courses ;

and, in the case of awards bestowed in accordance with paragraph (b) or paragraph (c) of this section, for authorising the Minister to make such payments as are payable in pursuance of the awards.

Provisions
supplementary
to ss. 1 to 3.

4.—(1) For the purposes of the exercise of any power or the performance of any duty conferred or imposed by or under any of the provisions of sections one to three of this Act, it is immaterial—

- (a) whether an award is designated by that name or as a scholarship, studentship, exhibition or bursary or by any similar description, or
(b) in what terms the bestowal of an award is expressed.

(2) Any enactment contained in those sections which requires or authorises the making of regulations shall be construed as requiring or authorising regulations to be made by the Minister ; and regulations made for the purposes of any such enactment may make different provision for different cases to which that enactment is applicable.

(3) Any power to make regulations under those sections shall be exercisable by statutory instrument ; and any statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Subject to the next following subsection, sections one and two of this Act shall have effect in substitution for the following provisions, that is to say—

- (a) the provisions of section eighty-one of the Act of 1944 in so far as they require regulations to be made for the purpose of empowering local education authorities to grant scholarships, exhibitions, bursaries and other allowances in respect of pupils over compulsory school age in connection with their attendance at courses to which section one or subsection (1) of section two of this Act applies, or in connection with their undergoing training as teachers, and

(b) the provisions of any regulations made under the said section eighty-one in so far as they provide for the granting of such scholarships, exhibitions, bursaries and other allowances,

and (subject to the next following subsection) those provisions shall cease to have effect in so far as they impose any such requirement or make any such provision as is mentioned in paragraph (a) or paragraph (b) of this subsection.

(5) Nothing in the last preceding subsection shall affect or prevent—

(a) the making of any payment in respect of a period ending before the first day of September, nineteen hundred and sixty-two, or the granting of any scholarship, exhibition, bursary or other allowance at any time before that day, or the making of any payment (whether before or after that day) in pursuance of a scholarship, exhibition, bursary or other allowance so granted, or

(b) the revocation of any regulations made under section eighty-one of the Act of 1944, or

(c) the variation of any such regulations in so far as they relate to matters not falling within paragraphs (a) and (b) of the last preceding subsection, or in so far as they relate to payments or grants falling within paragraph (a) of this subsection.

(6) In sections two and three of this Act and in this section “training” (in relation to training as a teacher) includes further training, whether the person undergoing the further training is already qualified as a teacher or not; and any reference to a person undergoing training includes a person admitted or accepted by the appropriate university, college or other authorities for undergoing that training.

Grants and other payments by education authorities and Secretary of State in Scotland

5.—(1) For section forty-three of the Scottish Act of 1946 there shall be substituted the following section, that is to say—

“Power of education authorities to assist persons to take advantage of educational facilities.

43.—(1) Subject to the following provisions of this section an education authority shall have power to grant, on such conditions as may be prescribed, and make payments in pursuance of, bursaries, scholarships or other allowances to persons over school age attending courses of full-time or part-time education (whether held in Great Britain or elsewhere) which are not courses of primary or secondary education or (in the case of courses held

Amendment of s. 43 of Scottish Act of 1946.

outside Great Britain) are not courses of education comparable to primary or secondary education in Great Britain.

(2) Subject to the following provisions of this section an education authority shall have power, for the purpose of enabling persons to take advantage without hardship to themselves or their parents of the facilities for primary or secondary education available to them, to grant, on such conditions as may be prescribed, and make payments in pursuance of, allowances for the purpose of defraying in whole or in part—

- (a) such expenses of persons attending any school as may be expedient to enable them to take full part in the activities of the school;
- (b) the fees and expenses payable in respect of persons attending schools at which fees are payable;
- (c) the maintenance expenses of persons over school age who are attending schools.

(3) The Secretary of State may make regulations providing that the powers conferred on an education authority by subsections (1) and (2) of this section—

- (a) shall be exercised in accordance with such provisions as may be prescribed by or under the regulations; and
- (b) shall not be exercised in relation to a person who does not fulfil such requirements as to residence in the area of the authority, or as to other matters, as may be specified in the regulations;

and regulations made under this subsection may contain provision for the determination by the Secretary of State of any question whether any such requirements are fulfilled in any particular case.”

(2) Any scholarship, bursary or other allowance granted under the said section forty-three before the date of commencement of this Act and any regulations made under that section before that date, if in force at the commencement of this Act, shall continue to have effect as if granted or made under the said section forty-three as amended by this section.

Amendment
of s. 70 of
Scottish Act
of 1946.

6. Paragraph (10) of section seventy of the Scottish Act of 1946 (which empowers the Secretary of State to make payments for the purpose of enabling persons to take advantage of

educational facilities) shall have effect with the substitution, for the words from "for the purpose of" to the end of the paragraph, of the words "to persons attending courses of education".

Consequential variation of general grants

7.—(1) The Minister of Housing and Local Government shall have power, by an order made in the like manner and subject to the like provisions as a general grant order, to vary the provisions of the General Grant Order, 1960, in accordance with the following provisions of this section. Variation of
General
Grant
Order, 1960.

(2) Any order made by virtue of this section shall be made in respect of either or both of the years 1961-62 and 1962-63 as may be specified in the order, and in respect of the year or years so specified shall—

- (a) increase the annual aggregate amount of the general grants, and
- (b) vary any other matter prescribed by the General Grant Order, 1960,

to such extent and in such manner as may appear to the Minister of Housing and Local Government to be appropriate having regard to any additional expenditure incurred or likely to be incurred by local education authorities in consequence of any change in the relevant arrangements.

(3) The provisions of this section shall have effect without prejudice to the exercise of any power conferred by subsection (4) of section two of the Local Government Act, 1958 (which confers power to vary general grant orders in consequence of unforeseen increases in the level of prices, costs or remuneration).

(4) In this section any reference to the year 1961-62 or to the year 1962-63 or to a general grant order shall be construed as if this section were contained in Part I of the Local Government Act, 1958.

(5) In this section "the relevant arrangements" means the arrangements which, at the time when the General Grant Order, 1960, was made, were in force with respect to the exercise by local education authorities of their powers in relation to the matters referred to in paragraph (c) of section eighty-one of the Act of 1944; and any reference in this section to a change in the relevant arrangements is a reference to either of the following, that is to say—

- (a) the coming into operation, before the passing of this Act, of any arrangements relating to the exercise of those powers which differed from the relevant arrangements, and
- (b) the coming into operation of sections one and two of this Act or of any regulations made for the purposes thereof.

Variation of
General
Grant
(Scotland)
Order, 1960.

8.—(1) The Secretary of State shall have power, by an order made in the like manner and subject to the like provisions as a general grant order under section one of the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958, to vary the provisions of the General Grant (Scotland) Order, 1960, in accordance with the following provisions of this section.

(2) Any order made by virtue of this section shall be made in respect of either or both of the years 1961-62 and 1962-63 as may be specified in the order, and in respect of the year or years so specified shall decrease the annual aggregate amount of the general grants to such extent as may appear to the Secretary of State to be appropriate having regard to any reduction of expenditure effected or likely to be effected by education authorities in consequence of any change in the relevant arrangements.

(3) The provisions of this section shall have effect without prejudice to the exercise of any power conferred by subsection (2) of section two of the said Act of 1958 (which confers power to vary general grant orders in consequence of unforeseen increases in the level of prices, costs or remuneration).

(4) In this section—

(a) the expression “ the relevant arrangements ” means the arrangements which, at the time when the General Grant (Scotland) Order, 1960, was made, were in force with respect to the exercise by education authorities of their powers in relation to the matters referred to in subsection (1) of section forty-three of the Scottish Act of 1946 (as it then had effect); and

(b) references to the year 1961-62 and to the year 1962-63 shall be construed respectively as references to the year beginning on the sixteenth day of May, nineteen hundred and sixty-one, and the year beginning on the sixteenth day of May, nineteen hundred and sixty-two, so however that subsection (2) of section twenty-one of the said Act of 1958 (which relates to authorities whose financial year begins on a day other than the sixteenth day of May) shall apply to this paragraph as it applies to the provisions of that Act.

School leaving dates

School leaving
dates in
England
and Wales.

9.—(1) The provisions of subsections (2) to (4) of this section shall have effect in relation to any person who on a date when either—

(a) he is a registered pupil at a school, or

(b) not being such a pupil, he has been a registered pupil at a school within the preceding period of twelve months,

attains an age which (apart from this section) would in his case be the upper limit of the compulsory school age.

(2) If he attains that age on any date from the beginning of September to the end of January, he shall be deemed not to have attained that age until the end of the appropriate spring term at his school.

(3) If he attains that age on any date on or after the beginning of February but before the end of the appropriate summer term at his school, he shall be deemed not to have attained that age until the end of that summer term.

(4) If he attains that age on any date between the end of the appropriate summer term at his school and the beginning of September next following the end of that summer term (whether another term has then begun or not) he shall be deemed to have attained that age at the end of that summer term.

(5) The provisions of this section shall have effect for the purposes of the Act of 1944, and for the purposes of any enactment whereby the definition of compulsory school age in that Act is applied or incorporated ; and for references in any enactment to section eight of the Education Act, 1946, there shall, in relation to compulsory school age, be substituted references to this section :

Provided that for the purposes of any enactment relating to family allowances or national insurance (including industrial injuries insurance) the provisions of this section shall have effect as if subsection (4) thereof were omitted.

(6) This section shall not apply where the date referred to in subsection (1) thereof is a date before the beginning of September, nineteen hundred and sixty-three.

(7) In this section “ the appropriate spring term ”, in relation to a person, means the last term at his school which ends before the month of May next following the date on which he attains the age in question, and “ the appropriate summer term ”, in relation to a person, means the last term at his school which ends before the month of September next following that date ; and any reference to a person’s school is a reference to the last school at which he is a registered pupil for a term ending before the said month of May or month of September (as the case may be) or for part of such a term.

10.—(1) Section thirty-three of the Scottish Act of 1946 (which relates among other things to the fixing of school leaving dates) shall have effect as if,— School leaving dates in Scotland.

(a) in subsection (1) thereof, for paragraph (b) there were substituted the following paragraph, that is to say:—

“ (b) two school leaving dates ” ;

(b) at the end of the said subsection (1) there were added the following proviso, that is to say:—

“ Provided that—

(i) in pursuance of any requirement under paragraph (b) of this subsection an education authority may fix different dates for different schools in their area ; and

(ii) if the Secretary of State is satisfied, on the application of the education authority for any area, that, having regard to all the circumstances, it is desirable that for any school in that area three school leaving dates should be fixed, he may require the authority to fix three (but not more than three) school leaving dates for that school.” ;

(c) subsection (4) were omitted ; and

(d) for subsection (5) there were substituted the following subsections, that is to say:—

“ (4) A pupil who was at any time within the period of twelve months preceding the fifteenth anniversary of his birth in attendance at school and who does not attain the age of fifteen years on a school leaving date shall be deemed to be of school age until the school leaving date next following the fifteenth anniversary of his birth or, where that school leaving date falls within a holiday period, until the first day of that holiday period or the fifteenth anniversary of his birth, whichever is the later.

(5) In the last foregoing subsection ‘ school leaving date ’ and ‘ holiday period ’ in relation to any person mean respectively a school leaving date and a holiday period fixed for the school at which the person was last in attendance before attaining the age of fifteen ; and the said subsection shall apply to a person for whom the upper limit of school age is sixteen, with the substitution for the words ‘ fifteen ’ and ‘ fifteenth ’, wherever those words occur, of the words ‘ sixteen ’ and ‘ sixteenth ’ respectively.”

(2) This section shall come into operation on the first day of August, nineteen hundred and sixty-three.

Supplementary provisions

Financial provisions.

11. There shall be paid out of moneys provided by Parliament—

(a) any expenditure incurred by the Minister in consequence of regulations made for the purposes of section three of this Act ;

- (b) any increase in the sums payable out of moneys provided by Parliament in respect of general grants, under the enactments relating to local government in England and Wales, or in Scotland, being an increase arising—
- (i) from the inclusion, in the expenditure relevant to the fixing of the aggregate amounts of those grants, of expenditure under section one or section two of this Act, or
 - (ii) from any increase in the expenditure relevant to the fixing of the aggregate amounts of those grants which is attributable to the provisions of section five of this Act, or
 - (iii) from the provisions of section seven of this Act ;
- (c) any increase attributable to the provisions of section six of this Act in the sums payable out of moneys provided by Parliament under section seventy of the Scottish Act of 1946 ;
- (d) any increase in the sums payable out of moneys provided by Parliament under any enactment not contained in this Act, being an increase attributable to the provisions of section nine or section ten of this Act ;
- (e) any increase attributable to this Act in the sums payable out of moneys provided by Parliament by way of Rate-deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland.

12.—(1) In this Act “ the Act of 1944 ” means the Education Interpretation Act, 1944, and “ the Scottish Act of 1946 ” means the Education (Scotland) Act, 1946.

(2) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment.

13.—(1) Subject to the following provisions of this section, **Repeals,** the enactments specified in the Second Schedule to this Act are **transitional provisions** hereby repealed to the extent specified in relation thereto in the **and savings.** third column of that Schedule.

(2) Any regulations relating to the training of teachers, in so far as they were made by virtue of the repealed grant provisions, shall continue to have effect notwithstanding the repeal, and may be revoked or varied as if this Act had not been passed.

(3) Any other regulations, in so far as they were made by virtue of the repealed grant provisions, shall continue to have effect notwithstanding the repeal in so far as—

- (a) they authorise the making of any payment in respect of a period ending before the first day of September, nineteen hundred and sixty-two, or
- (b) they enable scholarships, exhibitions, bursaries or other allowances to be awarded at any time before that day, or authorise the making of any payment (whether before or after that day) in pursuance of a scholarship, exhibition, bursary or other allowance so awarded ;

and in so far as any regulations continue to have effect by virtue of this subsection, they may be revoked, or (within the limits subject to which they continue so to have effect) may be varied, as if this Act had not been passed.

(4) Subsection (1) of this section, in so far as it repeals any of the provisions of section eight of the Education Act, 1946, shall have effect subject to the provisions of subsections (5) and (6) of section nine of this Act as if it were contained in the said section nine.

(5) In this section “ the repealed grant provisions ” means so much of section one hundred of the Act of 1944 as is repealed by this Act.

**Short title,
citation,
construction
and extent.**

14.—(1) This Act may be cited as the Education Act, 1962.

(2) The Education Acts, 1944 to 1959, and this Act (except sections five, six, eight and ten thereof) may be cited together as the Education Acts, 1944 to 1962.

(3) The Education (Scotland) Acts, 1939 to 1956, and this Act (except sections one to four and sections seven, nine and thirteen thereof and the Schedules thereto) may be cited together as the Education (Scotland) Acts, 1939 to 1962.

(4) This Act shall, in its application to England and Wales, be construed as one with the Education Acts, 1944 to 1953.

(5) Sections one to four and sections seven, nine and thirteen of this Act, and the Schedules to this Act, shall not extend to Scotland ; and sections five, six, eight and ten of this Act shall not extend to England and Wales.

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

SCHEDULES

FIRST SCHEDULE

Section 1.

ORDINARY RESIDENCE

1. The provisions of this Schedule shall have effect for the purposes of section one of this Act.

2. Subject to the following provisions of this Schedule, a person shall be treated for those purposes as ordinarily resident in the area of a local education authority if he would fall to be treated as belonging to that area for the purposes of section seven of the Education (Miscellaneous Provisions) Act, 1953 (which provides for recouping to a local education authority the cost of providing further education for persons not belonging to their area); and the provisions of subsection (4) of the said section seven and any regulations made for the purposes of that section, and any determination of the Minister under subsection (5) thereof, shall have effect accordingly.

3.—(1) Regulations made under this Act may modify the operation of the last preceding paragraph in relation to cases where a person applies for an award under section one of this Act in respect of a course, and, at any time within the period of twelve months ending with the date on which that course is due to begin, a change occurs or has occurred in the circumstances by reference to which (apart from this paragraph) his place of ordinary residence would fall to be determined.

(2) Subsections (1) to (3) of section four of this Act shall have effect in relation to this paragraph as they have effect in relation to section one of this Act.

4.—(1) Where in accordance with the provisions mentioned in paragraph 2 of this Schedule (including any determination of the Minister under those provisions) a person would fall to be treated for the purposes of section one of this Act as not being ordinarily resident in any area, the Minister may direct that he shall be treated for those purposes as being ordinarily resident in the area of such local education authority as may be specified in the direction.

(2) In the exercise of the power to give a direction in respect of any person under this paragraph, the Minister shall have regard to the nature and extent of that person's association with the area in question and to any other material considerations.

SECOND SCHEDULE

Section 13.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
7 & 8 Geo. 6. c. 31.	The Education Act, 1944.	In section one hundred, in paragraph (c) of subsection (1), the words from "and of sums by way of scholarships" to the end of the subsection.
9 & 10 Geo. 6. c. 50.	The Education Act, 1946.	In section eight, subsections (1) and (2).

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Table of Statutes referred to in this Act.

Short Title	Session and Chapter
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Education Act, 1946	9 & 10 Geo. 6. c. 50.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
Education (Miscellaneous Provisions) Act, 1953 ...	1 & 2 Eliz. 2. c. 33.
Local Government Act, 1958	6 & 7 Eliz. 2. c. 55.
Local Government Miscellaneous Financial Pro- visions (Scotland) Act, 1958	6 & 7 Eliz. 2. c. 64.

CHAPTER 13

Vehicles (Excise) Act, 1962

ARRANGEMENT OF SECTIONS

Excise duty on, and licensing of, mechanically propelled vehicles

Section

1. Charge of duty.
2. Duration of licences and rates of duty.
3. Power to modify duration of licences and rates of duty.
4. Duty on vehicles kept, but not used, on roads.
5. Collection of duty.
6. Exemptions from duty.
7. Using and keeping vehicles without a licence.
8. Issue and exhibition of licences.
9. Surrender of licences.
10. Alteration of vehicle or of its use.
11. Recovery of under-payments and over-payments of duty.
12. Trade licences.

Registration and registration marks, etc.

13. Registration and registration marks.
14. Distinctive signs for hackney carriages.
15. Failure to fix, and obscuration of, marks and signs.
16. Regulations as to registration, etc.

Miscellaneous and supplementary provisions

17. Forgery, false information and offences against regulations.
18. Duty to give information.
19. Institution of proceedings.
20. Burden of proof in certain proceedings.
21. Application of fines and penalties.
22. Expenses.
23. Regulations.
24. Interpretation.
25. Consequential amendments, repeals, savings and transitional provisions.
26. Short title, extent and commencement.

SCHEDULES:

- First Schedule—Annual rates of duty on certain vehicles not exceeding 8 cwt. in weight unladen.
- Second Schedule—Annual rates of duty on hackney carriages.
- Third Schedule—Annual rates of duty on tractors, etc.
- Fourth Schedule—Annual rates of duty on goods vehicles.
- Fifth Schedule—Annual rates of duty on vehicles not falling within the first four Schedules to this Act.
- Sixth Schedule—Provisions as to the computation of the unladen weight of vehicles.
- Seventh Schedule—Consequential amendments of Acts.
- Eighth Schedule—Repeals and Revocations.
- Ninth Schedule—Savings and transitional provisions.

An Act to consolidate certain enactments relating to excise duties on mechanically propelled vehicles, and to the licensing and registration of such vehicles.

[29th March, 1962]

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

Excise duty on, and licensing of, mechanically propelled vehicles

1.—(1) Subject to the provisions of this Act, a duty of excise Charge of shall be charged in respect of every mechanically propelled duty. vehicle used on any public road in Great Britain and shall be paid upon a licence to be taken out by the person keeping the vehicle.

(2) The duty chargeable under this section in respect of a vehicle of any description shall be chargeable by reference to the annual rate applicable in accordance with the provisions of that one of the first five Schedules to this Act which relates to vehicles of that description.

2.—(1) Subject to the provisions of the following section, a Duration of licence under this Act (other than a trade licence) may be taken out— licences and rates of duty

- (a) in the case of any vehicle, for one calendar year ;
- (b) in the case of any vehicle, for any period of twelve months running from the beginning of the month in which the licence first has effect ;

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- (c) in the case of any vehicle the annual rate of duty applicable to which exceeds four pounds, for any period of four months running from the beginning of the month in which the licence first has effect ;
- (d) in the case of a goods vehicle which is authorised to be used on roads by virtue of an order made under subsection (4) of section sixty-four of the Road Traffic Act, 1960, and the unladen weight of which exceeds eleven tons, for any period of seven consecutive days.

(2) Subject to the provisions of the following section, the duty payable on a licence under this Act for a vehicle of any description shall—

- (a) if the licence is taken out for one calendar year or any other period of twelve months, be paid at the annual rate of duty applicable to vehicles of that description ;
- (b) if the licence is taken out for a period of four months, be paid at a rate equal to eleven thirtieths of the said annual rate ;
- (c) if the licence is taken out for a period of seven days, be paid at a rate equal to one fifty-second of the said annual rate plus ten per cent. of that amount ;

and in computing the rate of duty in accordance with paragraph (b) or paragraph (c) of this subsection, any fraction of a shilling shall be treated as a whole shilling if it exceeds sixpence and shall otherwise be disregarded.

Power to modify duration of licences and rates of duty.

3.—(1) Subject to the following provisions of this section, the Minister may by order provide that licences under this Act (other than trade licences and licences for one calendar year) may be taken out for such periods as may be specified in the order, being—

- (a) periods of a fixed number of months (not exceeding fifteen) running from the beginning of the month in which the licence first has effect ; or
- (b) in the case of vehicles of such description, or of such description and used in such circumstances, as may be so specified, periods of less than a month.

(2) A licence for any period specified in an order under this section shall be taken out on payment of duty at such rate as may be so specified :

Provided that—

- (a) the rate of duty on any licence taken out for a vehicle for a period other than one of twelve months shall be such as to bear to the annual rate of duty applicable to that vehicle no less proportion than the period for which the licence is taken out bears to a year ; and

(b) the rate of duty on any licence taken out for a vehicle for a period of three months or for a period of four months shall not exceed for each month of the period ten per cent. of the annual rate of duty applicable to the vehicle.

(3) Any order made by the Minister under this section may be made so as to apply only to vehicles of specified descriptions and may make different provision for vehicles of different descriptions or for different circumstances.

(4) The power to make orders under this section shall be exercisable by statutory instrument, and shall include power to vary or revoke any order so made and to amend or repeal the following provisions of the foregoing section, that is to say, in subsection (1), paragraphs (b), (c) and (d) and, in subsection (2), paragraphs (b) and (c) and so much of the remainder of the subsection as relates to those two paragraphs.

4.—(1) The duty chargeable under section one of this Act in respect of the use of mechanically propelled vehicles on public roads in Great Britain shall also be chargeable in respect of the keeping of such vehicles thereon, and the foregoing provisions of this Act shall apply accordingly. Duty on vehicles kept, but not used, on roads.

(2) For the purposes of the said duty, in so far as chargeable by virtue of this section, a vehicle shall be deemed—

(a) to be chargeable with the like duty as on the occasion of the issue of the licence or last licence issued for the vehicle under this Act, and to be so chargeable by reference to the rate specified in the same Schedule to this Act as on that occasion, or

(b) if no licence has been issued for the vehicle under this Act, to be chargeable by reference to the rate applicable to it under the Fifth Schedule to this Act.

(3) Nothing in this section shall operate so as to render lawful the keeping of a vehicle for any period, in any manner or at any place, if to do so would be unlawful apart from this section.

5.—(1) The duty chargeable under this Act shall be levied by county councils in accordance with provisions to be made for the purpose by Order in Council. Collection of duty.

(2) Subject to the provisions of this Act and of any Order in Council made under this section, every county council and their officers shall have within their county for the purpose of levying the duty aforesaid the same powers, duties and liabilities as the Commissioners of Customs and Excise and their officers have with respect to duties of excise and to the issue and cancellation of licences on which duties of excise are imposed and to other matters under the Acts relating to duties of excise and excise licences; and, subject to those provisions and in particular

section nineteen of this Act, all enactments relating to those duties and to punishments and penalties in connection therewith shall apply accordingly.

(3) Without prejudice to the foregoing subsection and subject to the provisions of any Order in Council made under this section, every county council shall, with respect to the duty of excise chargeable under this Act and the excise licences provided for thereby, have the powers given to the said Commissioners by the Acts relating to duties of excise and excise licences for the restoration of any forfeiture and the mitigation or remission of any penalty or part thereof.

(4) The duty levied by a county council under this Act shall be paid into the Exchequer in such manner and in accordance with such directions as may be contained in any Order in Council made under this section.

(5) Provision may be made by Order in Council under this section for enabling the Minister to give such directions to county councils as he thinks necessary for securing uniformity of administration and otherwise for carrying the provisions of this Act and of any such Order into effect, and it shall be the duty of county councils to comply with any directions so given.

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

**Exemptions
from duty.**

6.—(1) No duty shall be chargeable under this Act in respect of mechanically propelled vehicles of any of the following descriptions, that is to say—

- (a) fire engines ;
- (b) vehicles kept by a local authority while they are used or kept on a road for the purposes of their fire brigade service ;
- (c) ambulances ;
- (d) road rollers ;
- (e) vehicles used on tram lines, not being tramcars used for the conveyance of passengers ;
- (f) vehicles used or kept on a road for no purpose other than the haulage of lifeboats and the conveyance of the necessary gear of the lifeboats which are being hauled ;
- (g) vehicles (including cycles with an attachment for propelling them by mechanical power) which do not exceed six hundredweight in weight unladen and are adapted, and used or kept on a road, for invalids ;
- (h) road construction vehicles used or kept on a road solely for the conveyance of built-in road construction machinery (with or without articles or material used for the purposes of that machinery) ;

- (i) vehicles constructed or adapted, and used, solely for the conveyance of machinery for spreading material on roads to deal with frost, ice or snow or for the conveyance of such machinery and articles and material used for the purposes of the machinery.

(2) A mechanically propelled vehicle shall not be chargeable with any duty under this Act by reason of its use for clearing snow from public roads by means of a snow plough or similar contrivance, whether forming part of the vehicle or not, or by reason of its being kept for such use or by reason of its use for the purpose of going to or from the place where it is to be used for clearing snow from public roads by those means.

(3) Regulations under this Act may provide that, in such cases and subject to such conditions as may be prescribed, a mechanically propelled vehicle shall not be chargeable with any duty under this Act by reason of any use made of it for the purpose of a public or local authority's functions in connection with civil defence as defined in the Civil Defence Act, 1948, or by reason of its being kept on a road for any such use, or both.

(4) Regulations under this Act may provide for the total or partial exemption for a limited period from the duty chargeable under this Act of any mechanically propelled vehicles for the time being licensed under section one or section ten of the Vehicles (Excise) Act (Northern Ireland), 1954 ; and regulations made under this subsection may—

- (a) make different provision in relation to vehicles of different descriptions ;
- (b) provide that any exemption conferred by the regulations in respect of any vehicle shall have effect subject to such conditions as may be prescribed.

(5) A mechanically propelled vehicle shall not be chargeable with any duty under this Act by reason of its use on public roads—

- (a) for the purpose of submitting it by previous arrangement for, or bringing it away from, a compulsory test ;
or
- (b) in the course of a compulsory test, for the purpose of taking it to, or bringing it away from, any place where a part of the test is to be or, as the case may be, has been carried out, or of carrying out any part of the test, the person so using it being either—

- (i) a person authorised as an examiner or appointed as an inspector under section sixty-five of

the Road Traffic Act, 1960, or acting on behalf of a person so authorised, or

(ii) a person acting under the personal direction of such a person as aforesaid ; or

- (c) where a test certificate is refused on a compulsory test, for the purpose of delivering it by previous arrangement at, or bringing it away from, a place where work is to be or has been done on it to remedy for a further compulsory test the defects on the ground of which the test certificate was refused.

In this subsection “ test certificate ” has the same meaning as in the said Act of 1960, and “ compulsory test ” means an examination under section sixty-five of that Act with a view to obtaining a test certificate without which a licence cannot be granted for the vehicle under this Act.

(6) If an applicant for a licence under this Act for any mechanically propelled vehicle satisfies the county council that the vehicle is intended to be used on public roads—

- (a) only in passing from land in his occupation to other land in his occupation, and
 (b) for distances not exceeding in the aggregate six miles in any calendar week,

then, if authorised so to do by the Minister with the consent of the Treasury, the council may exempt the vehicle from the duty chargeable under this Act in respect of the use of the vehicle on roads.

(7) If a vehicle exempted under the foregoing subsection from the payment of duty is used on public roads otherwise than for the purpose or to the extent specified in that subsection, the vehicle shall cease to be so exempted.

(8) In this section—

“ road construction vehicle ” means a vehicle constructed or adapted for use for the conveyance of built-in road construction machinery and not constructed or adapted for the conveyance of any other load except articles and material used for the purposes of that machinery ;

“ road construction machinery ” means a machine or contrivance suitable for use for the construction or repair of roads and used for no purpose other than the construction or repair of roads at the public expense ;

“ built-in road construction machinery ”, in relation to a vehicle, means road construction machinery built in as part of the vehicle or permanently attached thereto.

7. If any person uses or keeps on a public road any mechanically propelled vehicle for which a licence under this Act is not in force, not being a vehicle exempted from duty under this Act by virtue of any enactment (including any provision of this Act), he shall be liable to the greater of the following penalties, namely—

Using and keeping vehicles without a licence.

- (a) an excise penalty of twenty pounds ; or
- (b) an excise penalty equal to three times the amount of the duty chargeable in respect of the vehicle.

8.—(1) Every person applying for a licence under this Act shall make such a declaration and furnish such particulars with respect to the mechanically propelled vehicle for which the licence is to be taken out or otherwise as may be prescribed.

Issue and exhibition of licences.

(2) Subject to the provisions of this Act relating to trade licences—

- (a) every licence issued under this Act shall be issued for the vehicle specified in the application for the licence and shall not entitle the person to whom it is issued to use or keep any other vehicle ; and
- (b) a county council shall not be required to issue any licence for which application is made unless they are satisfied—
 - (i) that the licence applied for is the appropriate licence for the vehicle specified in the application ; and
 - (ii) in the case of an application for a licence for a vehicle purporting to be the first application for a licence for the vehicle, that a licence has not previously been issued for that vehicle.

(3) Subject to the provisions of regulations under this Act, every licence issued under this Act for a mechanically propelled vehicle shall be fixed to and exhibited on the vehicle in the prescribed manner.

(4) Regulations under this Act may provide for the issue of new licences in the place of licences which may be lost or destroyed, and for the fee (not exceeding five shillings) to be paid on the issue of a new licence.

(5) Any licence issued under this Act for a mechanically propelled vehicle may be transferred in the prescribed manner.

**Surrender
of licences.**

9.—(1) The holder of a licence issued under this Act (other than a limited trade licence or a licence for a tramcar) may at any time surrender the licence to the county council with which the vehicle for which the licence was taken out is for the time being registered under this Act or, in the case of a general trade licence, to the county council by which the licence was issued.

(2) Where a licence is surrendered to a county council under the foregoing subsection, the holder thereof shall be entitled to be repaid by the council by way of rebate of the duty paid for the licence the following amount in respect of each complete month of the period of the currency of the licence which is unexpired at the date of the surrender, that is to say—

- (a) in the case of a general trade licence taken out for a period of three months only, an amount equal to one third of the duty charged on that licence ;
- (b) in the case of a licence of any other class, an amount equal to one twelfth of the annual rate of duty chargeable on the licence.

(3) In making repayments under this section fractions of a penny shall be disregarded.

**Alteration of
vehicle or
of its use.**

10.—(1) Subject to the provisions of this section, where a licence has been taken out for a mechanically propelled vehicle at any rate under this Act and the vehicle is at any time while the licence is in force used in an altered condition or in a manner or for a purpose which brings it within, or which if it was used solely in that condition or in that manner or for that purpose would bring it within, a class or description of vehicle to which a higher rate of duty is applicable under this Act, duty at that higher rate shall become chargeable in respect of the licence for the vehicle.

(2) Where duty at a higher rate becomes chargeable under the foregoing subsection in respect of any licence, the licence may be exchanged for a new licence, for the period beginning with the date on which the higher rate of duty becomes chargeable and expiring at the end of the period for which the original licence was issued, on payment of the appropriate proportion of the difference between—

- (a) the amount payable under this Act on the original licence ; and
- (b) the amount payable under this Act on a licence taken out for the period for which the original licence was issued but at the higher rate of duty, that amount being calculated, if that rate has been changed since the issue of the original licence, as if that rate had been in force at all material times at the level at which it is in force when it becomes chargeable.

(3) For the purposes of the foregoing subsection the appropriate proportion is the proportion which the number of months in the period beginning when the higher rate of duty becomes chargeable and ending with the end of the period for which the original licence was issued bears to the number of months in the whole of the last-mentioned period, any incomplete month being treated as a whole month.

(4) Where a licence has been taken out for a mechanically propelled vehicle, and by reason of the vehicle being used as mentioned in subsection (1) of this section a higher rate of duty becomes chargeable and duty at the higher rate was not paid before the vehicle was so used, the person so using the vehicle shall be liable to the greater of the following penalties, namely—

- (a) an excise penalty of twenty pounds ; or
- (b) an excise penalty of an amount equal to three times the difference between the duty actually paid on the licence and the amount of duty at that higher rate.

(5) Where a licence has been taken out for a mechanically propelled vehicle of a certain class or description, duty at a higher rate applicable to mechanically propelled vehicles of some other class or description shall not become chargeable in respect of the vehicle by reason of the vehicle being used as mentioned in subsection (1) of this section, unless the vehicle as used while the said licence is in force satisfies all the conditions which must be satisfied in order to bring the vehicle for the purposes of the charge of duty under this Act into the said other class or description of vehicles.

(6) Where duty has been paid in respect of a vehicle at a rate applicable under the Fourth Schedule to this Act, then, so long as the vehicle is to a substantial extent being used for the conveyance of goods or burden belonging to a particular person (whether the person keeping the vehicle or not), duty at a higher rate shall not become chargeable in respect of the vehicle by reason only that it is used for the conveyance without charge in the course of their employment of employees of the person aforesaid.

(7) Where duty has been paid in respect of a vehicle at a rate applicable to farmers' goods vehicles under the Fourth Schedule to this Act, duty at a higher rate shall not become chargeable in respect of the vehicle by reason only that, on an occasion when the vehicle is being used by the person in whose name it is registered under this Act for the purpose of the conveyance of the produce of, or of articles required for the purposes of, the agricultural land which he occupies, it is also used for the conveyance for some other person engaged in agriculture of the produce of, or of articles required for the

purposes of, the agricultural land occupied by that other person, if it is shown—

- (a) that the vehicle is so used only occasionally ;
- (b) that the goods conveyed for that other person represent only a small proportion of the total amount of goods which the vehicle is conveying on that occasion ; and
- (c) that no payment or reward of any kind is, or is agreed to be, made or given for the conveyance of the goods of that other person.

(8) Where duty has been paid in respect of a vehicle at a rate applicable to farmers' goods vehicles under the Fourth Schedule to this Act, duty at a higher rate shall not become chargeable in respect of the vehicle by reason only that, during such periods and in such areas as may be specified by order of the Treasury made by statutory instrument, it is used, whether or not by the person in whose name it is registered under this Act, for any such purpose as is specified in the order.

An order under this subsection may be revoked or varied by a subsequent order of the Treasury.

(9) The foregoing subsection shall continue in force until such date as Her Majesty may by Order in Council determine.

Recovery of under-payments and over-payments of duty.

11.—(1) Where the amount of the duty which has been paid on a licence for a mechanically propelled vehicle is less than the amount payable on the licence appropriate to that vehicle—

- (a) the amount of the deficiency shall be a debt due to the county council with which the vehicle is for the time being registered under this Act ; and
- (b) that council may take proceedings for the recovery of that amount at any time before the expiration of the twelve months beginning with the end of the period in respect of which the licence was taken out.

(2) No proceedings shall be brought for enforcing any repayment of duty to which a person may be entitled in respect of any over-payment of duty made on a licence taken out by him for a mechanically propelled vehicle, unless the proceedings are brought before the expiration of the twelve months beginning with the end of the period in respect of which the licence was taken out.

Trade licences.

12.—(1) If a motor trader applies in the prescribed manner to the council of the county in which his business premises are situated to take out a licence under this section for all mechanically propelled vehicles used by him (in this Act referred to as a "trade licence"), instead of taking out a licence for each

mechanically propelled vehicle kept by him, the county council may, subject to the prescribed conditions, issue to him a trade licence on payment of duty at the rate applicable to the licence in accordance with the following provisions of this section :

Provided that the holder of a trade licence shall not be entitled by virtue of that licence—

- (a) to use more than one vehicle at any one time, except in the case of a vehicle drawing a trailer and used for the prescribed purpose ; or
- (b) to use any vehicle for any purpose other than such purposes as may be prescribed ; or
- (c) to keep any vehicle on a road if it is not being used thereon.

(2) Two sets of regulations shall be made under this section prescribing the conditions subject to which trade licences are to be issued, and prescribing the purposes for which the holder of a trade licence may use it ; and—

- (a) a licence to which the one set of regulations applies is hereafter in this Act referred to as a “ general trade licence ” ; and
- (b) a licence to which the other set of regulations applies is hereafter in this Act referred to as a “ limited trade licence ” ;

and it shall be at the option of every motor trader wishing to take out a trade licence whether the licence shall be a general trade licence or a limited trade licence.

(3) The purposes which may be prescribed as those for which the holder of a trade licence may use it shall not include the collection or delivery of mechanically propelled vehicles on or by means of another mechanically propelled vehicle, except in connection with activities which would be treated for the purposes of this section as part of his business as a motor trader apart from the provision in subsection (10) of this section as to the construction of the reference therein to a dealer in such vehicles.

(4) Any trade licence may be taken out for one calendar year and a general trade licence may be taken out for any period of three months beginning with the first day of January, of April, of July or of October.

(5) The rate of duty applicable to a trade licence taken out for a calendar year shall—

- (a) in the case of a general trade licence, be thirty pounds or, if the licence is to be used only for vehicles to which the First Schedule to this Act relates, six pounds ;

- (b) in the case of a limited trade licence, be six pounds or, if the licence is to be used only for such vehicles, one pound five shillings ;

and the rate of duty applicable to a general trade licence taken out for a period of three months shall be eleven fortieths of the rate applicable to the corresponding trade licence taken out for a calendar year.

(6) Nothing in this section shall operate to prevent a person entitled to take out a trade licence from holding two or more such licences.

(7) If any person is aggrieved by the refusal of a county council to issue a trade licence, he may appeal to the Minister, and the Minister shall, on any such appeal, make such order in the matter as he thinks just, and the council shall comply with any order so made.

(8) Any order made by the Minister under the foregoing subsection—

- (a) shall be final and not subject to appeal to any court, and
 (b) shall be enforceable in England by order of mandamus on the application of the Minister, and in Scotland by order of the Court of Session on the application of the Lord Advocate :

Provided that paragraph (a) of this subsection—

- (i) shall not have effect as respects Scotland ; and
 (ii) as respects England and Wales shall be treated for the purposes of section eleven of the Tribunals and Inquiries Act, 1958 (which extends the supervisory powers of the High Court over orders and determinations which by virtue of any Act passed before the commencement of that Act are not to be called into question in any court) as contained in an Act passed before the commencement of that Act.

(9) If any person holding a trade licence or trade licences issued under this Act uses on a public road at any one time a greater number of vehicles than he is authorised to use by virtue of that licence or those licences, he shall be liable to the greater of the following penalties, namely—

- (a) an excise penalty of twenty pounds ; or
 (b) an excise penalty equal to three times the amount of the duty chargeable in respect of the vehicle or vehicles.

(10) In this section “ motor trader ” means a manufacturer or repairer of, or dealer in, mechanically propelled vehicles ; and a person shall be treated for the purposes of this section as a dealer in such vehicles if he carries on a business consisting

wholly or mainly of collecting and delivering mechanically propelled vehicles, and not including any other activities except activities as a manufacturer or repairer of, or dealer in, such vehicles.

Registration and registration marks, etc.

13.—(1) On the first issue of a licence under this Act for a mechanically propelled vehicle, it shall be the duty of the county council issuing the licence to register the vehicle in the prescribed manner without any further application in that behalf by the person taking out the licence and to assign to the vehicle a registration mark indicating the registered number of the vehicle and the council which has registered it.

Registration and registration marks.

(2) The registration mark assigned to a mechanically propelled vehicle under this section shall be fixed in the prescribed manner on the vehicle, or on any other vehicle drawn by that vehicle, or on both.

14. On every mechanically propelled vehicle which is chargeable with duty as a hackney carriage there shall, subject to the prescribed exceptions, be exhibited, in conjunction with the mark required under the foregoing section to be fixed on the vehicle, a distinctive sign indicating—

Distinctive signs for hackney carriages.

(a) that the vehicle is a hackney carriage ; and

(b) the number of persons for which the vehicle has seating capacity ;

and regulations under this Act shall provide for such signs to be exhibited as aforesaid.

15.—(1) If any mark to be fixed or sign to be exhibited on a vehicle in accordance with either of the last two foregoing sections is not so fixed or exhibited, the person driving the vehicle, or, where the vehicle is not being driven, the person keeping the vehicle, shall be guilty of an offence :

Failure to fix, and obscuration of, marks and signs.

Provided that it shall be a defence for a person charged under this subsection with failing to fix a mark to prove that he had no reasonable opportunity of registering the vehicle under this Act and that the vehicle was being driven on a public road for the purpose of being so registered.

(2) If any mark fixed or sign exhibited on a vehicle as aforesaid is in any way obscured or rendered or allowed to become not easily distinguishable, the person driving the vehicle, or, where the vehicle is not being driven, the person keeping the vehicle, shall be guilty of an offence :

Provided that it shall be a defence for a person charged with such an offence to prove that he took all steps reasonably practicable to prevent the mark or sign being obscured or rendered not easily distinguishable.

(3) Any person guilty of an offence under this section shall be liable on summary conviction—

- (a) if it is his first conviction of such an offence, to a fine not exceeding twenty pounds;
- (b) in any other case, to a fine not exceeding fifty pounds.

Regulations as to registration, etc.

16.—(1) Regulations under this Act may—

- (a) make provision with respect to the registration of mechanically propelled vehicles;
- (b) require county councils to make the prescribed returns with respect to mechanically propelled vehicles registered with them, and provide for making any particulars contained in the register available for use by the prescribed persons;
- (c) require any person to whom any mechanically propelled vehicle is sold or disposed of to furnish the prescribed particulars in the prescribed manner;
- (d) provide for the issue of registration books in respect of the registration of any mechanically propelled vehicle, and for the surrender and production, and the inspection by the prescribed persons, of any books so issued;
- (e) provide for the issue of new registration books in the place of any such books which may be lost or destroyed, and for the fee (not exceeding five shillings) to be paid on the issue of a new registration book; and
- (f) prescribe the size, shape and character of the registration marks or the signs to be fixed on any vehicle and the manner in which those marks or signs are to be displayed and rendered easily distinguishable, whether by night or by day.

(2) Regulations under this Act may—

- (a) prescribe the form of, and the particulars to be included in, the register of trade licences; and
- (b) make provision for assigning general registration marks to persons holding trade licences and, without prejudice to the foregoing, prescribe the registration marks to be carried by vehicles the use of which is authorised by virtue of such licences.

(3) Regulations under this Act may—

- (a) extend any of the provisions as to registration, and provisions incidental to any such provisions, to any mechanically propelled vehicles in respect of which duty is not chargeable under this Act (including vehicles belonging to the Crown); and
- (b) provide for the identification of any such vehicles.

Miscellaneous and supplementary provisions

- 17.—**(1) If any person forges or fraudulently alters or uses, or fraudulently lends or allows to be used by any other person— **Forgery, false information and offences against regulations.**
- (a) any mark to be fixed or sign to be exhibited on a mechanically propelled vehicle in accordance with section thirteen or section fourteen of this Act; or
- (b) any licence or registration book under this Act,

he shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months.

(2) Any person who—

- (a) in connection with an application for a licence under this Act for a vehicle, makes a declaration which to his knowledge is false or in any material respect misleading; or
- (b) being required by virtue of this Act to furnish particulars in connection with a change of the registration of any vehicle, furnishes any particulars which to his knowledge are false or in any material respect misleading,

shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months.

(3) Any person who contravenes or fails to comply with any regulations under this Act shall be liable on summary conviction to a fine not exceeding twenty pounds.

18.—(1) Where it is alleged that a mechanically propelled vehicle has been used or kept in contravention of section seven or subsection (9) of section twelve of this Act,— **Duty to give information.**

- (a) the owner of the vehicle shall give such information as he may be required by or on behalf of a chief officer of police or a county council to give as to the identity of the person or persons concerned and, if he fails to do so, shall be guilty of an offence unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained the identity of the person or persons concerned; and
- (b) any other person shall, if required as aforesaid, give any information which it is in his power to give and which may lead to the identification of any of the persons concerned and, if he fails to do so, shall be guilty of an offence.

(2) The following persons shall be treated for the purposes of the foregoing subsection as persons concerned, that is to say—

- (a) in relation to an alleged offence of using a vehicle in contravention of section seven or subsection (9) of section twelve of this Act, both the driver and any person using the vehicle ;
- (b) in relation to an alleged offence of keeping the vehicle in contravention of the said section seven, the person keeping the vehicle.

(3) A person guilty of an offence under subsection (1) of this section shall be liable on summary conviction to a fine not exceeding twenty pounds.

Institution of proceedings.

19.—(1) Proceedings for an offence under this Act may be instituted by a county council, and, in the case of an offence under section seven, subsection (4) of section ten or subsection (9) of section twelve of this Act,—

- (a) no proceedings shall be instituted except by a county council or by a constable with the consent of a county council (which may be given on their behalf by a duly authorised officer of theirs and proved by the production of a document purporting to be the consent so given and to be signed by the officer giving it), and
- (b) proceedings may be instituted at any time within three years from the date on which the offence was committed.

(2) Section two hundred and eighty-one of the Customs and Excise Act, 1952 (which restricts the bringing of proceedings under that Act) and subsection (1) of section two hundred and eighty-three of that Act (which extends the time for bringing such proceedings) shall not apply to offences under this Act.

(3) The foregoing provisions of this section shall not apply to Scotland, but every county council and their officers shall have power within their county to institute proceedings otherwise than on indictment for any offence under section seven, subsection (4) of section ten or subsection (9) of section twelve of this Act, and any such proceedings may be instituted at any time within three years from the date on which the offence was committed ; but save as aforesaid nothing in this Act shall be construed as empowering a council to institute any proceedings.

Burden of proof in certain proceedings.

20. If in any proceedings under section seven, subsection (9) of section twelve or subsection (2) of section seventeen of this Act any question arises—

- (a) as to the number of mechanically propelled vehicles used, or

- (b) as to the character, weight, horse-power or cylinder capacity of any mechanically propelled vehicle, or
- (c) as to the number of persons for which a mechanically propelled vehicle has seating capacity, or
- (d) as to the purpose for which any mechanically propelled vehicle has been used,

the burden of proof in respect of the matter in question shall lie on the defendant.

21.—(1) All sums paid to the Secretary of State under section twenty-seven of the Justices of the Peace Act, 1949, in respect of fines imposed, or penalties or forfeitures recovered, under or in pursuance of this Act by or before a magistrates' court in England and Wales shall be deemed to be Exchequer moneys within the meaning of the said section twenty-seven. Application of fines and penalties.

(2) All fines imposed and forfeitures recovered under or in pursuance of this Act in England and Wales otherwise than by or before a magistrates' court, and all fines imposed, and penalties and forfeitures recovered, under or in pursuance of this Act in Scotland, shall be paid into the Exchequer in such manner and in accordance with such directions as may be contained in an Order in Council under section five of this Act.

22.—(1) There shall be paid out of moneys provided by Parliament in every year— Expenses.

- (a) to every county council by whom the duty under this Act is levied, an amount equal to the expenses properly incurred by that council, in accordance with directions issued by the Minister with the approval of the Treasury, in or in connection with the levying of the duty and the registration of vehicles under this Act;
- (b) any expenses incurred by any government department (other than the Postmaster-General) in connection with the collection of the said duty or otherwise in the administration of this Act.

(2) The directions issued under paragraph (a) of the foregoing subsection may provide for advances being made to county councils from time to time as may be necessary during the year on account of the expenses referred to in that paragraph.

23.—(1) Regulations under this Act may be made generally for the purpose of carrying this Act into effect, and any power to make regulations conferred by any other provision of this Act shall not be taken to prejudice the generality of the foregoing provision. Regulations.

(2) Regulations under this Act may contain provisions prescribing any matter which is to be prescribed under this Act.

(3) Any power to make regulations conferred by this Act shall be exercisable by the Minister by statutory instrument which, except in the case of a statutory instrument containing only regulations made under subsection (3) or subsection (4) of section six or subsection (4) of section twenty-four of this Act, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) County councils shall comply with any regulations under this Act.

Interpretation.

24.—(1) In this Act, unless the context otherwise requires—

“county” includes a county borough, and “county council” shall be construed accordingly;

“gas” means any fuel which is wholly gaseous at a temperature of sixty degrees Fahrenheit under a pressure of thirty inches of mercury;

“hackney carriage” means a mechanically propelled vehicle standing or plying for hire, and includes any mechanically propelled vehicle let for hire by a person whose trade it is to sell mechanically propelled vehicles or to let mechanically propelled vehicles for hire, so however that for the purposes of this definition a letting under a hire-purchase agreement (as defined in section twenty-one of the Hire-Purchase Act, 1938) shall not be treated as a letting for hire;

“the Minister” means the Minister of Transport;

“prescribed” means prescribed by regulations;

“public road” means a road which is repairable at the public expense;

“trade licence”, “general trade licence”, and “limited trade licence” have the meanings assigned to them by section twelve of this Act.

(2) A mechanically propelled vehicle shall not be treated as an electrically propelled vehicle for the purposes of this Act unless the electrical motive power is derived either from a source external to the vehicle or from any electrical storage battery which is not connected to any source of power when the vehicle is in motion.

(3) References in this Act to the unladen weight of any mechanically propelled vehicle shall be construed in accordance with the provisions of the Sixth Schedule to this Act.

(4) The unit of horse-power or cylinder capacity for the purposes of any rate of duty under this Act shall be calculated in accordance with regulations under this Act.

(5) In the application of this Act to Scotland, references to a county shall, except in this subsection, be deemed to include references to a burgh within the meaning of the Local Government (Scotland) Act, 1947, containing a population according to the census for the time being last taken of or exceeding fifty thousand, and every other burgh shall be deemed to form part of the county within which it is situated, and the expression "county council" shall be construed accordingly.

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

25.—(1) The enactments specified in the Seventh Schedule to this Act shall have effect subject to the amendments respectively specified in relation thereto in that Schedule.

Consequential amendments, repeals, savings and transitional provisions.

(2) The enactments specified in Part I of the Eighth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule; and the orders specified in Part II of that Schedule are hereby revoked.

(3) The saving and transitional provisions contained in the Ninth Schedule to this Act shall have effect.

(4) The provisions of the Seventh and Ninth Schedules to this Act shall not be taken as prejudicing the operation of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

26.—(1) This Act may be cited as the Vehicles (Excise) Act, 1962.

Short title, extent and commencement.

(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 sixty-two.

SCHEDULES

FIRST SCHEDULE

Section 1.

ANNUAL RATES OF DUTY ON CERTAIN VEHICLES NOT EXCEEDING 8 CWT IN WEIGHT UNLADEN

PART I

1. Subject to the next following paragraph—

- (a) the annual rate of duty applicable to a mechanically propelled vehicle of a description specified in the first column of Part II of this Schedule, being a vehicle which does not exceed eight hundredweight in weight unladen, shall be the rate specified in relation to vehicles of that description in the second column of the said Part II; but
- (b) if a bicycle of a description so specified is used for drawing a trailer or side-car, the annual rate of duty applicable

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thereto shall be increased by the amount specified in relation to vehicles of that description in the third column of the said Part II.

2. Where a bicycle the cylinder capacity of whose engine exceeds two hundred and fifty cubic centimetres—

(a) is one for which a licence was taken out before the beginning of the year nineteen hundred and thirty-three, and

(b) does not exceed two hundred and twenty-four pounds in weight unladen,

it shall be treated for the purposes of this Schedule as having an engine of cylinder capacity exceeding one hundred and fifty, but not exceeding two hundred and fifty, cubic centimetres.

3. In this Schedule—

“bicycle” includes a motor scooter and a bicycle with an attachment for propelling it by mechanical power;

“tricycle” includes a motor scooter and a tricycle with an attachment for propelling it by mechanical power.

PART II

Description of vehicle	Rate of Duty	
	Initial	Additional if used for drawing trailer or side-car
	£ s. d.	£ s. d.
1. Bicycles (other than bicycles which are electrically propelled) of which the cylinder capacity of the engine—		
(a) does not exceed 150 cubic centimetres ...	1 0 0	12 0
(b) exceeds 150 cubic centimetres but does not exceed 250 cubic centimetres ...	2 5 0	12 0
(c) exceeds 250 cubic centimetres ...	4 10 0	1 10 0
2. Bicycles which are electrically propelled ...	1 0 0	12 0
3. Tricycles neither constructed nor adapted for use nor used for the carriage of a driver or passenger ...	2 10 0	—
4. Other tricycles ...	6 0 0	—
5. Vehicles other than mowing machines, being vehicles with more than three wheels neither constructed nor adapted for use nor used for the carriage of a driver or passenger ...	3 15 0	—

Section 1.

SECOND SCHEDULE

ANNUAL RATES OF DUTY ON HACKNEY CARRIAGES

PART I

1. The annual rate of duty applicable to a hackney carriage of any description shall be the rate specified in relation to carriages of that description in the second column of Part II of this Schedule.

2. For the purposes of this Schedule, the seating capacity of a vehicle shall be determined in accordance with regulations under this Act.

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3. Duty shall not be chargeable by virtue of this Schedule in respect of a vehicle chargeable with duty by virtue of the First Schedule to this Act.

PART II

Description of vehicle	Rate of duty
1. Hackney carriages being tramcars	£ s. d. 15 0
2. Other hackney carriages	12 0 0 with an additional 10s. Od. for each person above 20 (excluding the driver) for which the vehicle has seating capacity.

THIRD SCHEDULE

Section 1.

ANNUAL RATES OF DUTY ON TRACTORS, ETC.

PART I

1. The annual rate of duty applicable to a mechanically propelled vehicle of a description specified in the first column of Part II of this Schedule shall, according to the unladen weight of the vehicle as set out in the second and third columns of that Table, be the initial rate specified in relation to vehicles of that description and that weight in the fourth column of that Table together with any additional rate so specified in the fifth column of that Table.

2.—(1) In this Schedule “agricultural machine” means a locomotive ploughing engine, tractor, agricultural tractor or other agricultural engine which is not used on public roads for hauling any objects, except as follows, that is to say—

- (a) for hauling its own necessary gear, threshing appliances, farming implements, a living van for the accommodation of persons employed in connection with the vehicle, or supplies of water or fuel required for the purposes of the vehicle or for agricultural purposes ;
- (b) for hauling, from one part of a farm to another part of that farm, agricultural or woodland produce of, or articles required for, the farm ;
- (c) for hauling, within fifteen miles of a farm in the occupation of the person in whose name the vehicle is registered under this Act, agricultural or woodland produce of that farm, or agricultural or woodland produce of land occupied with that farm, or fuel required for any purpose on that farm or for domestic purposes by persons employed on that farm by the occupier of the farm ;

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- (d) for hauling articles required for a farm by the person in whose name the vehicle is registered as aforesaid, being either the owner or occupier of the farm or a contractor engaged to do agricultural work on the farm by the owner or occupier of the farm, or for hauling articles required by that person for land occupied by him with a farm ;
- (e) for hauling, within fifteen miles of a forestry estate in the occupation of the person in whose name the vehicle is registered as aforesaid, agricultural or woodland produce of that estate or fuel required for any purpose on that estate or for domestic purposes by persons employed on that estate by the occupier of the estate, or for hauling articles required for such a forestry estate by the occupier of the estate.

(2) In this paragraph—

- (a) any reference to a farm includes a market garden ;
- (b) any reference to woodland produce includes the wood and other produce of trees which are not woodland trees ;
- (c) any reference to articles required for a farm, forestry estate or other land includes articles which are or have been required for doing work on and for the purposes of the farm, forestry estate or other land, except that—
 - (i) the reference to articles required for a farm by a contractor engaged to do agricultural work on the farm shall include only articles required for the farm in connection with that work, and
 - (ii) the reference to articles required for land occupied with a farm shall include only articles required for the land in connection with the doing on the land of any agricultural or forestry work (including the getting and carrying away of any woodland produce) ;
- (d) any reference to the owner of a farm includes any person having any estate or interest in land comprised in the farm.

3. In this Schedule “digging machine” means a vehicle designed, constructed and used for the purpose of trench digging or any kind of excavating or shovelling work which—

- (a) is used on public roads only for that purpose or for the purpose of proceeding to and from the place where it is to be used for that purpose ; and
- (b) when so proceeding, neither carries nor hauls any load than such as is necessary for its propulsion or equipment.

4. In this Schedule “mobile crane” means a vehicle designed and constructed as a mobile crane which—

- (a) is used on public roads only either as a crane in connection with work being carried on on a site in the immediate vicinity or for the purpose of proceeding to and from a place where it is to be used as a crane ; and
- (b) when so proceeding neither carries nor hauls any load than such as is necessary for its propulsion or equipment.

3RD SCH.

5. In this Schedule "haulage vehicle" means a vehicle (other than one described in any of the foregoing paragraphs) which is constructed and used on public roads for haulage solely and not for the purpose of carrying or having superimposed upon it any load except such as is necessary for its propulsion or equipment.

6. In this Schedule "showman's vehicle" means a vehicle registered under this Act in the name of a person following the business of a travelling showman and used solely by him for the purposes of his business and for no other purpose.

PART II

1. Description	Weight unladen of vehicle		Rate of duty	
	2. Exceeding	3. Not exceeding	4. Initial	5. Additional for each ton or part of a ton in excess of the weight in column 2
			£ s. d.	£ s. d.
1. Agricultural machines	—	—	2 10 0	—
2. Digging machines	—	—	2 10 0	—
3. Mobile cranes	—	—	2 10 0	—
4. Mowing machines	—	—	2 10 0	—
5. Haulage vehicles, not being showmen's vehicles.	— 2 tons 4 tons 6 tons 7½ tons 8 tons	2 tons 4 tons 6 tons 7½ tons 8 tons —	30 0 0 48 0 0 66 0 0 84 0 0 102 0 0 102 0 0	— — — — — 18 0 0
6. Haulage vehicles, being showmen's vehicles.	— 7½ tons 8 tons 10 tons	7½ tons 8 tons 10 tons —	30 0 0 36 0 0 42 0 0 42 0 0	— — — 6 0 0

FOURTH SCHEDULE

Section 1.

ANNUAL RATES OF DUTY ON GOODS VEHICLES

PART I

1.—(1) Subject to the provisions of this Schedule, the annual rate of duty applicable to a goods vehicle of a description specified in the first column of Table A in Part II of this Schedule shall, according to the unladen weight of the vehicle as set out in the second and third columns of that Table, be the initial rate specified in relation to vehicles of that description and that weight in the fourth column of that Table together with any additional rate so specified in the fifth column of that Table.

C

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(2) Subject to the provisions of this Schedule, if a goods vehicle of a description specified in the first column of Table B in Part II of this Schedule is used for drawing a trailer, the annual rate of duty applicable thereto in accordance with the foregoing sub-paragraph shall be increased by the amount specified in the fourth column of that Table in relation to vehicles of that description or, where the unladen weight of the vehicle is set out in the second and third columns of that Table, by the amount so specified in relation to vehicles of that description and weight.

2. Duty shall not be chargeable by virtue of this Schedule—

- (a) in respect of a vehicle chargeable with duty by virtue of the First Schedule to this Act ;
- (b) in respect of an agricultural machine as being a goods vehicle by reason of the fact that it is constructed or adapted for use and used for the conveyance of farming or forestry implements fitted thereto for operation while so fitted ;
- (c) in respect of a mobile crane ; or
- (d) in respect of a vehicle of which the unladen weight exceeds twelve hundredweight and which, though constructed or adapted for use for the conveyance of goods or burden, is not used for the conveyance thereof for hire or reward or for or in connection with a trade or business (including the performance by a local or public authority of its functions).

3.—(1) A mechanically propelled vehicle constructed or adapted for use and used for the conveyance of a machine or contrivance and no other load except articles used in connection with the machine or contrivance, not being a vehicle for which an annual rate of duty is specified in the Third Schedule to this Act, shall, notwithstanding that the machine or contrivance is built in as part thereof, be chargeable with duty at the rate which would be applicable if the machine or contrivance were burden and were not included in the unladen weight of the vehicle.

(2) A mobile concrete mixer which, but for its conveyance of the materials used by it in mixing concrete, would fall within the foregoing sub-paragraph, shall be chargeable with duty in accordance with that sub-paragraph and shall be so chargeable at the rate which would be applicable thereunder if so much of the weight of its built-in machine or contrivance as exceeds thirty hundredweight were burden and were not included in the unladen weight of the vehicle.

4.—(1) Where a goods vehicle used for drawing a trailer has the trailer attached to it by partial super-imposition, the vehicle and trailer shall, for the purpose of determining the annual rate of duty applicable to the vehicle, be treated as if they together formed a single vehicle, and the increase of duty provided for by sub-paragraph (2) of paragraph 1 of this Part of this Schedule shall not be chargeable.

(2) The increase of duty provided for by the said sub-paragraph (2) shall not be chargeable in the case of a vehicle which is constructed or adapted for use for the conveyance of goods or burden,

but is not used for the conveyance thereof for hire or reward or for or in connection with a trade or business (including the performance by a local or public authority of its functions), if the vehicle's unladen weight does not exceed twelve hundredweight.

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5.—(1) This and the following paragraph apply to agricultural machines which do not draw trailers.

(2) Subject to the provisions of this and the following paragraph, a vehicle to which this paragraph applies shall not be chargeable with duty by virtue of this Schedule by reason of the fact that it is constructed or adapted for use and used for the conveyance of such goods or burden as are hereinafter mentioned if they are carried in or on not more than one appliance, the appliance is fitted either to the front or to the back of the vehicle and the following conditions are satisfied :—

(a) the appliance must be removable ;

(b) the area of the horizontal plane enclosed by vertical lines passing through the outside edges of the appliance must not, when the appliance is in the position in which it is carried when the vehicle is travelling and the appliance is loaded, exceed seven square feet if it is carried at the front or fifteen square feet if it is carried at the back.

(3) The goods or burden referred to in the foregoing sub-paragraph are any goods or burden the haulage of which is permissible under paragraphs (a) to (e) of sub-paragraph (1) of paragraph 2 of the Third Schedule to this Act.

(4) The foregoing provisions of this paragraph shall not apply to the use of a vehicle on a public road more than fifteen miles from a farm in the occupation of the person in whose name the vehicle is registered under this Act.

(5) The foregoing provisions of this paragraph shall not apply to three-wheeled vehicles, or to any vehicle such that the distance between the centre of the area of contact with the road surface of—

(a) a back wheel, in a case where only one appliance is being used for the carriage of goods or burden, and is fitted to the back of the vehicle,

(b) any wheel on one side of the vehicle, in any other case, and that of the nearest wheel on the other side is less than four feet.

(6) For the purposes of this paragraph a vehicle having two wheels at the front shall, if the distance between them (measured between the centres of their respective areas of contact with the road) is less than eighteen inches, be treated as a three-wheeled vehicle.

6.—(1) The following provisions of this paragraph shall have effect in relation to any vehicle fitted with an appliance of any description prescribed for the purposes of all or any of sub-paragraphs (2) to (4) of this paragraph by regulations under this paragraph.

(2) The limitation in sub-paragraph (2) of the foregoing paragraph to one appliance shall have effect as a limitation to two

4TH SCH.

appliances of which at least one must be an appliance prescribed for the purposes of this sub-paragraph ; but if two appliances are used they must be fitted at opposite ends of the vehicle.

(3) Regulations under this paragraph may provide for all or any of the following matters where an appliance prescribed for the purposes of this paragraph is being used, that is to say, that sub-paragraph (2) of the foregoing paragraph shall not apply unless the prescribed appliance is fitted to the prescribed end of the vehicle, or unless the use of the prescribed, or any, appliance is limited to prescribed goods or burden or to use in prescribed circumstances.

(4) Regulations under this paragraph may provide that paragraph (b) of sub-paragraph (2) of the foregoing paragraph shall not have effect in relation to appliances prescribed for the purposes of this sub-paragraph, but that in relation thereto sub-paragraph (4) of the foregoing paragraph shall have effect with the substitution of such shorter distance as may be prescribed.

(5) In sub-paragraphs (2) to (4) of this paragraph references to use are references to use for the carriage of goods or burden ; and regulations under this paragraph may make different provisions in relation to different descriptions of prescribed appliances.

7.—(1) In this Schedule, unless the context otherwise requires—
“ agricultural machine ” has the same meaning as in the Third Schedule to this Act ;

“ farmer’s goods vehicle ” means a goods vehicle registered under this Act in the name of a person engaged in agriculture and used on public roads solely by him for the purpose of the conveyance of the produce of, or of articles required for the purposes of, the agricultural land which he occupies, and for no other purpose ;

“ goods vehicle ” means a mechanically propelled vehicle (including a tricycle as defined in the First Schedule to this Act and weighing more than eight hundredweight unladen) constructed or adapted for use and used for the conveyance of goods or burden of any description, whether in the course of trade or otherwise ;

“ local authority’s watering vehicle ” means a goods vehicle used solely within the area of a local authority by that local authority, or by any person acting in pursuance of a contract with that local authority, for the purpose of cleansing or watering roads or cleansing gulleys ;

“ mobile crane ” has the same meaning as in the Third Schedule to this Act ;

“ showman’s goods vehicle ” means a showman’s vehicle which is a goods vehicle and is permanently fitted with a living van or some other special type of body or superstructure, forming part of the equipment of the show of the person in whose name the vehicle is registered under this Act ;

“ showman’s trailer ” means a trailer drawn by a showman’s goods vehicle and used solely for the purposes of his business by the person in whose name the vehicle is registered as aforesaid ;

“showman’s vehicle” has the same meaning as in the Third Schedule to this Act; 4TH SCH.

“tower wagon” means a goods vehicle—

(a) into which there is built, as part of the vehicle, any expanding or extensible contrivance designed for facilitating the erection, inspection, repair or maintenance of overhead structures or equipment; and

(b) which is neither constructed nor adapted for use nor used for the conveyance of any load, except such a contrivance and articles used in connection therewith.

(2) In this Schedule “trailer” does not include—

(a) an appliance constructed and used solely for the purpose of distributing on the road loose gritting material;

(b) a snow plough;

(c) a road construction vehicle within the meaning of section six of this Act;

(d) a farming implement not constructed or adapted for the conveyance of goods or burden of any description, when drawn by a farmer’s goods vehicle;

(e) a trailer used solely for the carriage of a container for holding gas for the propulsion of the vehicle by which it is drawn, or plant and materials for producing such gas.

PART II

Tables showing annual rates of duty on goods vehicles

TABLE A

General Rates of Duty

1. Description of vehicle	Weight unladen of vehicle		Rate of Duty	
	2. Exceeding	3. Not exceeding	4. Initial	5. Additional for each $\frac{1}{4}$ ton or part of a $\frac{1}{4}$ ton in excess of the weight in column 2
			£ s. d.	£ s. d.
1. Electrically propelled goods vehicles, including tower wagons whether electrically propelled or not but not including farmers’ goods vehicles, showmen’s goods vehicles or local authorities’ watering vehicles.	—	12 cwt.	12 0 0	—
	12 cwt.	16 cwt.	15 0 0	—
	16 cwt.	1 ton	18 0 0	—
	1 ton	2 tons	18 0 0	1 10 0
	2 tons	3 tons	24 0 0	3 0 0
	3 tons	6 tons	36 0 0	1 10 0
	6 tons	—	54 0 0	3 0 0

4TH SCH.

1. Description of vehicle	Weight unladen of vehicle		Rate of Duty	
	2. Exceeding	3. Not exceeding	4. Initial	5. Additional for each $\frac{1}{4}$ ton or part of a $\frac{1}{4}$ ton in excess of the weight in column 2
2. Goods vehicles which are propelled by steam or are constructed or adapted to use gas as fuel, other than farmers' goods vehicles, showmen's goods vehicles or local authorities' watering vehicles	—	12 cwt	£ s. d. 12 0 0	£ s. d. —
	12 cwt.	16 cwt	15 0 0	—
	16 cwt.	1 ton	18 0 0	—
	1 ton	3 tons	18 0 0	3 0 0
	3 tons	4 tons	42 0 0	4 10 0
	4 tons	6 tons	60 0 0	6 0 0
3. Farmers' goods vehicles ...	—	12 cwt	12 0 0	—
	12 cwt.	1½ tons	12 0 0	15 0
	1½ tons	2 tons	14 5 0	10 0
	2 tons	2½ tons	15 15 0	15 0
	2½ tons	3½ tons	17 5 0	1 0 0
	3½ tons	—	20 5 0	10 0
4. Showmen's goods vehicles ...	—	12 cwt	12 0 0	—
	12 cwt.	16 cwt	13 5 0	—
	16 cwt.	1 ton	14 10 0	—
	1 ton	1½ tons	15 10 0	—
	1½ tons	—	15 10 0	1 5 0
5. Local authorities' watering vehicles which are electrically propelled.	—	1½ tons	7 0 0	—
	1½ tons	2 tons	7 0 0	3 0 0
	2 tons	3 tons	16 0 0	15 0
	3 tons	5 tons	19 0 0	1 0 0
	5 tons	—	29 0 0	—
6. Local authorities' watering vehicles which are not electrically propelled.	—	12 cwt.	12 0 0	—
	12 cwt.	16 cwt.	15 0 0	—
	16 cwt.	1 ton	18 0 0	—
	1 ton	2 tons	18 0 0	3 0 0
	2 tons	4 tons	30 0 0	2 0 0
	4 tons	5 tons	46 0 0	1 10 0
	5 tons	—	58 0 0	—
	—	—	—	—
7. Goods vehicles not included in any of the foregoing provisions of this Part of this Schedule.	—	12 cwt.	12 0 0	—
	12 cwt.	16 cwt.	15 0 0	—
	16 cwt.	1 ton	18 0 0	—
	1 ton	3 tons	18 0 0	3 0 0
	3 tons	4 tons	42 0 0	4 10 0
	4 tons	—	60 0 0	6 0 0

TABLE B

4TH SCH.

Rates of Duty on Goods Vehicles used for Drawing Trailers

1. Description of vehicle	Weight unladen of vehicle		4. Rate of Duty
	2. Exceeding	3. Not exceeding	
1. Showmen's goods vehicles used for drawing showmen's trailers.	—	—	£ s. d. 12 0 0
2. Local authorities' watering vehicles ...	—	—	7 0 0
3. Other goods vehicles... ..	—	2½ tons	12 0 0
	2½ tons	4 tons	18 0 0
	4 tons	—	24 0 0

FIFTH SCHEDULE

Section 1.

ANNUAL RATES OF DUTY ON VEHICLES NOT FALLING WITHIN THE FIRST FOUR SCHEDULES TO THIS ACT

PART I

The annual rate of duty applicable to a mechanically propelled vehicle of a description specified in the first column of Part II of this Schedule, being a vehicle in respect of which an annual rate is not specified in the foregoing Schedules to this Act, shall be the rate specified in relation to vehicles of that description in the second column of the said Part II.

PART II

Description of Vehicle	Rate of Duty
1. Electrically propelled vehicles	£ s. d. 9 0 0
2. Other vehicles—	
(a) vehicles not exceeding six horse-power, if registered under the Roads Act, 1920, for the first time before the first day of January, nineteen hundred and forty-seven	10 15 0
(b) vehicles exceeding six horse-power but not exceeding seven horse-power if registered as aforesaid	12 10 0
(c) vehicles not included in the foregoing sub-paragraphs	15 0 0

Section 24.

SIXTH SCHEDULE

PROVISIONS AS TO THE COMPUTATION OF THE UNLADEN WEIGHT OF VEHICLES

1. Subject to the provisions of this Schedule, the unladen weight of any mechanically propelled vehicle shall, for the purposes of this Act, be taken to be the weight of the vehicle inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle when working on a road but exclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle, and of loose tools and loose equipment.

2.—(1) In computing for the purposes of the Fourth Schedule to this Act the unladen weight of a goods vehicle, there shall be included the weight of any receptacle, being an additional body, placed on the vehicle for the purpose of the carriage of goods or burden of any description, if any goods or burden are loaded into, carried in and unloaded from the receptacle without the receptacle being removed from the vehicle:

Provided that the weight of a receptacle shall not be included in the unladen weight of a goods vehicle by virtue of this sub-paragraph—

- (a) unless the receptacle is placed on the vehicle by or on behalf of the person in whose name the vehicle is registered under this Act; or
- (b) if the receptacle is constructed or adapted for the purpose of being lifted on or off the vehicle with goods or burden contained therein and is from time to time actually used for that purpose in the ordinary course of business; or
- (c) if the receptacle is specially constructed or specially adapted for carrying livestock and is used solely for that purpose.

(2) If any question arises under paragraph (b) of the proviso to sub-paragraph (1) of this paragraph whether any receptacle is from time to time actually used for the purpose therein mentioned in the ordinary course of business, the receptacle shall be deemed not to be so used until the contrary is shown.

(3) For the purposes of paragraph (c) of the proviso to sub-paragraph (1) of this paragraph a receptacle shall not be deemed to be used otherwise than solely for carrying livestock by reason that, on a journey the main purpose of which is the carrying of livestock or on the way to the loading point or while returning from the discharging point on such a journey, the vehicle is used for carrying agricultural produce or agricultural requisites.

3. For the purposes of the Third and Fourth Schedules to this Act the unladen weight of a mechanically propelled vehicle shall not be taken to include the weight of a contrivance attached thereto, being a contrivance designed or adapted for the purpose of enabling the vehicle to tow or be towed:

Provided that in computing the unladen weight of a vehicle there shall not, by virtue of this paragraph, be excluded the weight of a contrivance attached to the rear of a vehicle chargeable with duty by virtue of the Third Schedule to this Act or of a vehicle which is chargeable with duty by virtue of the Fourth Schedule to this Act and is used for drawing a trailer, or, in any event an amount exceeding—

6TH SCH.

- (a) where a contrivance, the weight of which falls to be excluded, is attached to one end only of the vehicle, one hundredweight;
- (b) where such a contrivance is attached to each end of the vehicle, two hundredweight.

4. In computing for the purposes of the Fourth Schedule to this Act the unladen weight of a goods vehicle which carries a container for holding gas for the propulsion of the vehicle, or plant for producing such gas, the unladen weight of the vehicle shall be reduced—

- (a) where the unladen weight exceeds twelve hundredweight but does not exceed three tons, by half a ton;
- (b) where the unladen weight exceeds three tons but does not exceed six tons, by three quarters of a ton;
- (c) where the unladen weight exceeds six tons, by one ton.

SEVENTH SCHEDULE

Section 25.

CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

The Customs and Excise Act, 1952

(15 & 16 Geo. 6 & 1 Eliz. 2 c. 44)

In subsection (4) of section two hundred, for paragraph (a) there shall be substituted the following paragraph:—

- “(a) any agricultural machine, digging machine, mobile crane or mowing machine mentioned in the Third Schedule to the Vehicles (Excise) Act, 1962, or in paragraph (a), (b), (c) or (d) of subsection (2) of section four of the Vehicles (Excise) Act (Northern Ireland), 1954”.

The Road Transport Lighting Act, 1957

(5 & 6 Eliz. 2 c. 51)

For subsection (3) of section eighteen there shall be substituted the following subsection:—

- “(3) Section twenty-one of the Vehicles (Excise) Act, 1962, shall apply in relation to fines imposed in respect of offences under this Act as it applies in relation to fines imposed under or in pursuance of that Act.”

The Road Traffic Act, 1960

(8 & 9 Eliz. 2 c. 16)

(2) In subsection (2) of section two hundred and forty-seven, for the words from “in the same manner” to “under that Act” there

C*

7TH SCH. shall be substituted the words "in the manner and in accordance with the directions applicable by virtue of subsection (2) of section twenty-one of the Vehicles (Excise) Act, 1962, to the fines therein mentioned".

Section 25.

EIGHTH SCHEDULE
REPEALS AND REVOCATIONS
PART I
ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6. c. 89.	The Vehicles (Excise) Act, 1949.	The whole Act.
14 Geo. 6. c. 15	The Finance Act, 1950 ...	Section thirteen. The Third Schedule.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 33.	The Finance Act, 1952 ...	Section seven.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 39.	The Motor Vehicles (International Circulation) Act, 1952.	In section three, subsection (1) and, in subsection (3), the words "the said subsection (3) or".
15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.	The Customs and Excise Act, 1952.	In the Tenth Schedule, in Part II, paragraph 32.
1 & 2 Eliz. 2. c. 34.	The Finance Act, 1953 ...	Sections five and six.
4 & 5 Eliz. 2. c. 54.	The Finance Act, 1956 ...	Section five.
5 & 6 Eliz. 2. c. 49.	The Finance Act, 1957 ...	Section seven.
6 & 7 Eliz. 2. c. 55.	The Local Government Act, 1958.	In section four, in subsection (2), paragraph (f).
6 & 7 Eliz. 2. c. 56.	The Finance Act, 1958 ...	Sections seven to nine.
6 & 7 Eliz. 2. c. 64.	The Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958.	In section four, in subsection (2), paragraph (d).
7 & 8 Eliz. 2. c. 58.	The Finance Act, 1959 ...	In section seven, in subsection (4), the words from "and in" to the end of the subsection. Sections ten to fourteen. The Third Schedule.
8 & 9 Eliz. 2. c. 44.	The Finance Act, 1960 ...	Sections eleven to fourteen.
9 & 10 Eliz. 2. c. 15.	The Post Office Act, 1961...	In the Schedule, the amendment of section twenty-four of the Vehicles (Excise) Act, 1949.
9 & 10 Eliz. 2. c. 36.	The Finance Act, 1961 ...	Sections six to eight. The Second Schedule.

PART II

8TH SCH.

ORDERS REVOKED

The Road Vehicles (Period Licensing) Order, 1960 (S.I. 1960/1023).

The Road Vehicles (Period Licensing) (Variation) Order, 1960 (S.I. 1960/1640).

The Road Vehicles (Period Licensing) (Variation) Order, 1961 (S.I. 1961/774).

NINTH SCHEDULE

Section 25.

SAVING AND TRANSITIONAL PROVISIONS

1. In so far as any Order in Council, regulation, order, licence or other instrument made or issued, or having effect as if made or issued, under any enactment repealed by this Act or any other thing done or deemed to have been done under any such enactment, could have been made, issued or done under a corresponding provision of this Act it shall not be invalidated by the repeals effected by section twenty-five of this Act, but shall have effect as if made, issued or done under that corresponding provision :

Provided that this paragraph shall not be construed as saving any order specified in Part II of the Eighth Schedule to this Act.

2. Without prejudice to the foregoing paragraph, any provision of this Act relating to anything done or required or authorised to be done under, or by reference to, that provision or any other provision of this Act shall have effect as if any reference to that provision or to that other provision, as the case may be, included a reference to the corresponding provision of the enactments repealed by this Act.

3. Nothing in this Act shall affect the enactments repealed thereby in their operation in relation to offences committed before the commencement of this Act.

4. In relation to a vehicle for which a licence was issued before and is in force at the commencement of this Act, or the last licence issued was issued between the commencement of the Vehicles (Excise) Act, 1949, and the commencement of this Act, subsection (2) of section four of this Act shall have effect as if for the reference in paragraph (a) to the same Schedule to this Act there were substituted a reference to the Schedule to this Act corresponding to the enactment under which duty was chargeable for the licence.

5. In relation to a vehicle for which a licence was taken out before and is in force at the commencement of this Act, section ten of this Act shall have effect as if—

- (a) any reference to any rate of duty or amount payable under this Act included a reference to a rate of duty or an amount payable under the Vehicles (Excise) Act, 1949 ;

9TH SCH.

(b) for any reference to duty paid in respect of a vehicle at a rate applicable under the Fourth Schedule to this Act, there were substituted a reference to duty paid under section five of the said Act of 1949.

6. For the purposes of section fifteen of this Act a person shall be treated as having been previously convicted of an offence under that section if he has been convicted of an offence under the corresponding enactment in the Vehicles (Excise) Act, 1949.

7. Any enactment passed before the commencement of this Act referring, whether specifically or by means of a general description, to an enactment repealed by this Act shall, unless the contrary intention appears, be construed as referring to the corresponding provision of this Act, and any document made or issued (whether before or after the commencement of this Act) referring, whether specifically or by means of a general description, to an enactment repealed by this Act shall, unless the contrary intention appears, be similarly construed.

8. Nothing in this Act shall require any charge or fee to be paid which would not have been payable if this Act had not been passed.

9. Unless the context otherwise requires, references in this Schedule to enactments repealed by this Act include references to orders revoked by this Act and references to repeals shall be construed accordingly.

— ∞ —

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Roads Act, 1920	10 & 11 Geo. 5. c. 72.
Hire Purchase Act, 1938	1 & 2 Geo. 6. c. 53.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Civil Defence Act, 1948	12, 13 & 14 Geo. 6. c. 5.
Vehicles (Excise) Act, 1949	12, 13 & 14 Geo. 6. c. 89.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Customs and Excise Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.
Road Transport Lighting Act, 1957	5 & 6 Eliz. 2. c. 51.
Tribunals and Inquiries Act, 1958	6 & 7 Eliz. 2. c. 66.
Road Traffic Act, 1960	8 & 9 Eliz. 2. c. 16.

CHAPTER 14

An Act to consolidate certain enactments empowering the Postmaster General to regulate the use of telegraphs and the general conduct of telegraphic business.

[29th March, 1962]

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

1.—(1) The Postmaster General may by statutory instrument (which shall be subject to annulment in pursuance of a resolution of either House of Parliament) make regulations for determining, or providing for determining, the conditions on which, and purposes for which, the use of any telegraphs will be permitted and for the general conduct of telegraphic business and in particular, but without prejudice to the generality of the foregoing words, for fixing, or providing for fixing, the sums to be from time to time paid—

Power of Postmaster General to regulate use of telegraphs, &c.

- (a) on account of the transmission of telegrams; and
- (b) on account of services rendered in connection therewith; and
- (c) on account of the use of any telegraphs by any person.

(2) Regulations under the foregoing subsection may fix, or provide for fixing, special terms, conditions or rates on or at which telegraphs may be used by all persons in any specified manner or at any specified time or for any specified class of message, and in particular, but without prejudice to the generality of the foregoing words, may—

- (a) provide that priority over all other messages, except messages on Her Majesty's service having priority under section forty-eight of the Telegraph Act, 1863, shall be given to messages transmitted at special rates fixed by or under the regulations;
- (b) fix, or provide for fixing, special rates for the transmission of messages in connection with which special services (including the delivery of a message on a special ornamental form and in a special envelope) are rendered.

(3) The charge for the transmission of a telegram shall cover the cost of delivery within such limits and by such means as may be prescribed by or under regulations under subsection (1) of this section.

Short title, citation, interpretation, repeal, saving, extent and commencement.

2.—(1) This Act may be cited as the Telegraph Act, 1962, and the Telegraph Acts, 1863 to 1892, the Telegraph Act, 1899, the Telegraph (Construction) Act, 1908, the Telegraph (Arbitration) Act, 1909, the Telegraph (Construction) Act, 1911, the Telegraph (Construction) Act, 1916, and this Act may be cited together as the Telegraph Acts, 1863 to 1962.

(2) In this Act the expressions “ telegram ” and “ telegraph ” have the meanings assigned to them respectively by section three of the Telegraph Act, 1869.

(3) 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; but this repeal shall not invalidate any regulations under section two of the Telegraph Act, 1885, which are in force immediately before the commencement of this Act and any such regulations shall, in so far as they could be made under this Act, have effect as if they had been so made.

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

(5) This Act shall extend to the Isle of Man and the Channel Islands.

(6) This Act shall come into operation at the expiration of one month beginning with the day on which it is passed.

SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
48 & 49 Vict. c. 58.	The Telegraph Act, 1885.	The whole Act.
3 & 4 Geo. 6. c. 25.	The Post Office and Telegraph Act, 1940.	The whole Act.
2 & 3 Eliz. 2. c. 28.	The Telegraph Act, 1954.	The whole Act.
9 & 10 Eliz. 2. c. 15.	The Post Office Act, 1961.	In section sixteen, in subsection (2), the words from “ section two of the Telegraph Act, 1885 ” to “ transmission of telegrams ”. In section seventeen, the words “ or regulations under section two of the Telegraph Act, 1885 ”. In section eighteen, paragraphs (e) and (f). In the Schedule, the entries relating to the Telegraph Act, 1885, the Post Office and Telegraph Act, 1940, and the Telegraph Act, 1954.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Telegraph Act, 1863	26 & 27 Vict. c. 112.
Telegraph Act, 1869	32 & 33 Vict. c. 73.
Telegraph Act, 1885	48 & 49 Vict. c. 58.
Telegraph Act, 1899	62 & 63 Vict. c. 38.
Telegraph (Construction) Act, 1908	8 Edw. 7. c. 33.
Telegraph (Arbitration) Act, 1909	9 Edw. 7. c. 20.
Telegraph (Construction) Act, 1911	1 & 2 Geo. 5. c. 39.
Telegraph (Construction) Act, 1916... ..	6 & 7 Geo. 5. c. 40.

CHAPTER 15

Criminal Justice Administration Act, 1962

ARRANGEMENT OF SECTIONS

Courts and judicial officers

Section

1. Additional judges of High Court.
2. Assistant clerks of assize.
3. Sheriff of Hallamshire.
4. County and borough sessions.
5. Elected chairman of county sessions.
6. London sessions.
7. Appointment of deputy recorders and assistant recorders.
8. Remuneration of recorders, chairmen of county sessions and their deputies and assistants.
9. Removal of recorder and others.
10. Remuneration of certain clerks of the peace.
11. Qualifications of clerks at certain stipendiary courts.

Criminal procedure

12. Extension of jurisdiction of quarter sessions and magistrates' courts.
13. Power to discontinue summary trial of indictable offence and resume committal proceedings.
14. Committal to assizes or quarter sessions.

Section

15. Committal to more convenient court.
16. Adjournment after conviction and resumption by different or differently composed court.
17. Commencement and duration of sentence.

Miscellaneous and general

18. Contribution to costs incurred under certain provisions.
19. Financial provisions.
20. Amendments and repeals.
21. Short title, interpretation, commencement and extent.

SCHEDULES:

- First Schedule—Hallamshire.
 Second Schedule—Offences triable at quarter sessions.
 Third Schedule—Indictable offences triable summarily.
 Fourth Schedule—Enactments amended.
 Fifth Schedule—Enactments repealed.

An Act to provide for the appointment of additional puisne judges of the High Court, of assistant clerks of assize and of a sheriff for part of the West Riding of York; to amend the law relating to courts of quarter sessions and to the administration of criminal justice in England and Wales; and for purposes connected with those matters. [29th March, 1962]

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

Courts and judicial officers

1. The maximum number of puisne judges of the High Court shall be increased from forty-eight to fifty-three.

2.—(1) If it appears to the Lord Chancellor expedient, having regard to the duties to be performed by the clerk of assize on any circuit, he may appoint one or more persons to be assistant to the clerk of assize on that circuit; but a person shall not be so appointed unless he is a barrister or solicitor of not less than five years' standing or is an officer of the central office of the Supreme Court who, for not less than five years, has performed such duties under the direction of a clerk of assize as were before the day appointed under section two of the Supreme Court of Judicature (Circuit Officers) Act, 1946, performed by associates or clerks of indictments or arraigns.

(2) The Lord Chancellor may direct which of the functions of the clerk of assize on any circuit are to be performed by a person appointed under this section, but subject to any such

Additional
judges of
High Court.

Assistant
clerks of
assize.

direction a person so appointed shall perform, under the direction of the clerk of assize, such of the functions of the clerk of assize as the clerk of assize may from time to time determine.

(3) Anything done by, to or before a person appointed under this section shall be of the same effect as if done by, to or before the clerk of assize.

(4) Subsection (2) of section one of the Supreme Court of Judicature (Circuit Officers) Act, 1946, and the Administration of Justice (Pensions) Act, 1950, shall apply in relation to persons appointed under this section as they apply in relation to clerks of assize appointed under that section.

(5) A person appointed under this section shall be included among the persons who may be appointed clerk of assize under section one of the said Act of 1946.

(6) Nothing in this Act shall affect any appointment made under subsection (3) of section five of the Criminal Justice Administration Act, 1956 (which makes provision, in relation to the northern circuit, similar to the provision made by subsection (1) of this section) but any such appointment shall have effect as if made under this section.

3.—(1) For the purposes of the law relating to sheriffs, the Sheffield Division of the county of York, that is to say the area comprising the city, boroughs and districts mentioned in Part I of the First Schedule to this Act, with the exception of the parishes mentioned in Part II of that Schedule, shall on the appointed day cease to be part of the county of York and become a separate county by the name of Hallamshire. Sheriff of Hallamshire.

(2) Subsection (1) of section six of the Sheriffs Act, 1887, shall not apply to the nomination of the first person to serve as sheriff of the county created by this section ; but Her Majesty's Lieutenant for the West Riding of York shall as soon as may be after the passing of this Act nominate three persons fit to serve as sheriff of that county.

(3) Any functions exercisable by the sheriff of the county of York in relation to the attendance of jurors at the quarter sessions for the West Riding of that county shall continue to be exercisable by him as if this section had not been passed, and no such functions shall be exercised by the sheriff of Hallamshire.

(4) Nothing in this section shall affect the validity of any writ or other document issued or thing done before the appointed day.

(5) The power conferred by section seventy-two of the Supreme Court of Judicature (Consolidation) Act, 1925, to divide or alter the division of a county for the purposes of an Order in Council under that section shall include power to make such provision modifying this section or the First Schedule to this Act

as may appear to Her Majesty to be expedient in consequence of any alteration in the divisions into which the county of York is divided by such an Order for the purposes of assizes.

(6) In this section "the appointed day" means such day as the Lord Chancellor may by order made by statutory instrument appoint.

County and
borough
sessions.

4.—(1) Courts of quarter sessions for any county other than the county of London or for any borough shall be held at such times as the justices for that county or, as the case may be, the recorder, think fit or the Lord Chancellor directs, but shall be held at least four times a year; and a recorder shall have the like powers to adjourn his court, including the power to do so without fixing a date for the adjourned sessions, as are exercisable by a court of quarter sessions for a county other than the county of London.

(2) Where a court of quarter sessions is adjourned, the sessions held by adjournment may, in relation to such business and to such extent as the court directs, be treated for the purposes of any enactment as the next court of quarter sessions, but shall not be so treated unless the court so directs.

(3) Anything to be done at a court of quarter sessions which, under any enactment, is to be done at sessions held at a specified time may be done at the first sessions held after that time, in any case where either no sessions are held at that time or sessions held at that time were begun before that time.

(4) The Lord Chancellor may by rules made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, provide for such arrangements to be made for the disposal of business at courts of quarter sessions as appear to him desirable; and any such rules may prescribe the practice to be followed by clerks of the peace and governors of prisons in carrying out or facilitating those arrangements.

(5) Where at the time and place appointed for a sitting of a court of quarter sessions for any county other than the county of London no other member of the court is available than a person who for the purposes of section two of the Administration of Justice (Miscellaneous Provisions) Act, 1938, is deemed to be a legally qualified chairman in relation to the court, and it appears to him undesirable, having regard to the delay involved, to postpone dealing or further dealing with the case of a person committed to the court for trial, he may hold the sitting and deal with the case.

(6) Any functions exercisable before the commencement of this Act by an appeal committee appointed under section seven of the Summary Jurisdiction (Appeals) Act, 1933, shall after the

commencement of this Act be exercisable by the court by which the committee was appointed.

(7) Arrangements shall be made to secure, so far as practicable, that where a court of quarter sessions for a county other than the county of London deals with a case on appeal from a juvenile court not less than half the justices sitting are justices qualified to sit as members of a juvenile court, and of the justices sitting and so qualified one is a man and one a woman.

5. A person shall not be capable of being elected chairman of a court of quarter sessions for any county unless he holds or has held one of the offices mentioned in subsection (3) of section two of the Administration of Justice (Miscellaneous Provisions) Act, 1938. Elected chairman of county sessions.

6. The functions conferred on the Secretary of State by subsections (6) and (7) of section forty-two of the Local Government Act, 1888 (which relate to the regulation of quarter sessions for the county of London) shall after the commencement of this Act be exercisable by the Lord Chancellor; and the references in those subsections to a Secretary of State shall be construed accordingly. London Sessions.

7.—(1) The power under section one hundred and sixty-six of the Municipal Corporations Act, 1882, to appoint a deputy recorder shall be exercisable in relation to any sitting or number of sittings of the court or for any period not exceeding three months and may, if not exercised by the recorder, be exercised by the Lord Chancellor in any case where it appears to him that the appointment is required in the interests of the administration of justice; but, except in case of sickness or unavoidable absence, the recorder shall not exercise that power if by doing so he would hold less than four sessions a year in person (not counting sessions held by adjournment). Appointment of deputy recorders and assistant recorders.

(2) A recorder shall not appoint any person to be deputy recorder unless that person has been approved by the Lord Chancellor as fit to be appointed a deputy recorder.

(3) Paragraph (a) of subsection (6) of section one hundred and sixty-eight of the Municipal Corporations Act, 1882 (under which an assistant recorder cannot be appointed except in pursuance of a resolution of the borough council) shall cease to have effect.

8.—(1) The remuneration to be paid to a recorder, deputy recorder or assistant recorder and the remuneration (if any) to be paid to a chairman or deputy chairman of a court of quarter sessions for a county or to any person temporarily acting as such a chairman or deputy chairman shall be at such rates as may from time to time be determined by the Lord Chancellor with the approval of the Treasury. Remuneration of recorders, chairmen of county sessions and their deputies and assistants.

(2) Before determining any such rate of remuneration the Lord Chancellor shall—

- (a) if the rate is to apply to a particular borough or county, consult the council of that borough or county ;
- (b) if it is to apply generally or to any class of boroughs or counties, consult the Association of Municipal Corporations or, as the case may be, the County Councils Association.

(3) The remuneration payable to a deputy recorder in accordance with this section shall be paid by the council of the borough at whose sessions he is appointed to act.

(4) For the purposes of this section, the rate at which any such remuneration as is mentioned in subsection (1) of this section, other than the remuneration of a deputy recorder, is payable at the commencement of this Act shall be deemed to have been determined in accordance with this section.

(5) This section does not apply to the remuneration of the recorder of Liverpool or of Manchester while a judge of the Crown Court at Liverpool and the Crown Court at Manchester or to the remuneration of the recorder of London.

Removal of
recorder
and others.

9. In subsection (2) of section thirteen of the Criminal Justice Administration Act, 1956 (which enables the Lord Chancellor to remove a recorder for inability and is applied, by subsection (3) of that section, to a paid chairman or deputy chairman of London Sessions) there shall be added at the end the words " or misbehaviour "

Remuneration
of certain
clerks of
the peace.

10.—(1) The remuneration of a clerk of the peace for any borough shall, subject to the following provisions of this section, be such as may from time to time be determined by the council of the borough ; and the remuneration of the clerk of the peace for the City of London shall be such as may from time to time be determined by the court of quarter sessions for the City of London.

(2) In determining that remuneration the council or, as the case may be, the court, may direct that the clerk shall be entitled, in addition to his salary, to retain such of the fees payable to him as are specified in the direction.

(3) The clerk of the peace for any borough, unless he is also the town clerk or a deputy or assistant to the town clerk, may appeal to the Secretary of State against any determination of the council of the borough varying his remuneration and against any refusal of the council to make such a determination.

(4) On an appeal under subsection (3) of this section the Secretary of State may determine the remuneration of the clerk as from such date as he may fix, and in making the determination he may give, vary or rescind any such direction as is mentioned in subsection (2) of this section.

(5) The rate at which any such remuneration as is mentioned in subsection (1) of this section is payable at the commencement of this Act shall continue to be the rate at which it is payable until the remuneration is varied under this section.

11.—(1) A barrister may be appointed chief clerk to any metropolitan stipendiary court. Qualifications
of clerks
at certain
stipendiary
courts.

(2) The following provisions shall apply to the appointment, under section seventeen of the South Staffordshire Stipendiary Justice Act, 1899, of a clerk to the magistrate acting under that Act and of a deputy to that clerk, that is to say—

- (a) a person may be appointed clerk to that magistrate if, and only if, he would be eligible, under section twenty of the Justices of the Peace Act, 1949, to be appointed a justices' clerk, and the power under that section to prescribe age limits shall extend to the appointment of a clerk to that magistrate ;
- (b) a person may be appointed deputy to the clerk to that magistrate notwithstanding that he is not a solicitor of the Supreme Court.

Criminal procedure

12.—(1) The offences specified in the Second Schedule to this Act shall be included among those which a court of quarter sessions has jurisdiction to try under section two of the Administration of Justice (Miscellaneous Provisions) Act, 1938 (which relates to courts with legally qualified chairmen). Extension of
jurisdiction of
quarter
sessions and
magistrates'
courts.

(2) In the First Schedule to the Criminal Justice Act, 1925 (which specifies certain offences which a court of quarter sessions has jurisdiction to try) in paragraph 6 (offences under the Forgery Act, 1913) for the words "twenty pounds", in both places where they occur, there shall be substituted the words "one hundred pounds".

(3) The Magistrates' Courts Act, 1952, shall have effect as if the offences specified in Part I of the Third Schedule to this Act were included among those specified in paragraphs 1 to 18 of the First Schedule to that Act (which specifies indictable offences triable summarily with the consent of the accused) and that Schedule shall be further amended in accordance with Part II of the Third Schedule to this Act.

Power to
discontinue
summary
trial of
indictable
offence and
resume
committal
proceedings.

13. Where, under subsection (5) of section nineteen or subsection (4) of section twenty of the Magistrates' Courts Act, 1952 (which relate to the summary trial of certain indictable offences) a magistrates' court has ceased to inquire into an information as examining justices and begun to try the information summarily, the court may, at any time before the conclusion of the evidence for the prosecution, discontinue the summary trial and resume the inquiry as examining justices.

Committal
to assizes
or quarter
sessions.

14.—(1) Where a magistrates' court proposes to commit a person to the assizes or quarter sessions for any place to be tried, sentenced or dealt with, and a court of assize or quarter sessions for that place is being held at the time of the committal, the magistrates' court may, with his and the prosecutor's consent and with the agreement of the judge or other person holding or presiding over the court or, if more than one, the senior of them, commit him to that court, notwithstanding any enactment requiring his committal to the next assizes or quarter sessions.

(2) In section eleven of the Magistrates' Courts Act, 1952 (which enables a magistrates' court in certain circumstances to commit to assizes instead of quarter sessions) after the word "sessions", in the second place where it occurs, there shall be inserted the words "or that the trial is likely to be a long one".

Committal
to more
convenient
court.

15.—(1) Where a magistrates' court, in pursuance of section five of the Vagrancy Act, 1824, section twenty-eight or section twenty-nine of the Magistrates' Courts Act, 1952, or section sixty-seven of the Mental Health Act, 1959, commits a person to quarter sessions to be sentenced or dealt with, and it appears to the court, having regard to the time when and the place where that person is likely to be sentenced or dealt with, to be more convenient to commit him to other quarter sessions than those for the county or borough for which the court acts, it may commit him to those other quarter sessions (notwithstanding anything in subsection (4) of section twenty or subsection (2) of section twenty-nine of the Criminal Justice Act, 1948, or the said subsection (2) as applied by subsection (2) of the said section sixty-seven); but the court shall not do so—

- (a) unless it appears to the court unlikely that the said person would otherwise be sentenced or dealt with within one month of the committal; or
- (b) in any case where the court is satisfied that that person would thereby suffer hardship.

(2) Where a magistrates' court has power, under section ten of the Magistrates' Courts Act, 1952, or under subsection (1) of this section, to commit a person to a court to which it could not otherwise commit him, and it appears to the magistrates' court that

unless the power is exercised that person is unlikely to be tried or, as the case may be, sentenced or dealt with within eight weeks of the committal, the magistrates' court shall exercise the power unless it is satisfied that there are circumstances which would make the exercise of the power undesirable.

(3) Where a person convicted by a magistrates' court of an offence is, in pursuance of any of the enactments mentioned in subsection (1) of this section, committed to quarter sessions and the court exercises the power conferred on it by that subsection, any appeal against the conviction or against an order made on the conviction shall be made to the court to which that person is committed (instead of to the court specified in paragraph (i) of subsection (1) of section thirty-one of the Summary Jurisdiction Act, 1879).

16.—(1) Where the court before which an offender has been convicted on indictment adjourns the case to enable inquiries to be made for determining the most suitable method of dealing with it, the court may order that the case shall be resumed by such other competent court as it may specify in the order, and may commit the offender in custody or on bail to that court, and that court shall have jurisdiction to deal with the case accordingly; but the court shall not make such an order unless it appears to it likely that the case will be dealt with earlier if the order is made than if it is not made.

Adjournment
after
conviction and
resumption by
different or
differently
composed
court.

(2) Any court of assize and, except where the offence is not triable by quarter sessions, any court of quarter sessions, shall be a competent court for the purposes of the preceding subsection.

(3) Without prejudice to subsection (5) of section four of this Act, where a court of quarter sessions dealing with an offence (whether on indictment or on appeal from a magistrates' court) adjourns the case then, unless the question whether the offence has been committed is still in issue, the case may be resumed by the court notwithstanding any change in the person or persons composing it.

(4) A court of quarter sessions may resume a case in pursuance of the foregoing provisions of this section notwithstanding that the offence under consideration is one which is triable by such a court only under section two of the Administration of Justice (Miscellaneous Provisions) Act, 1938 (which relates to courts with legally qualified chairmen) and that the court is not then presided over as mentioned in that section.

(5) The Costs in Criminal Cases Act, 1952, shall apply where a person is committed to any court under subsection (1) of this section as it applies where a person is convicted by such a court.

Commence-
ment and
duration of
sentence.

17.—(1) A sentence imposed by a court of assize shall take effect from the beginning of the day on which it is imposed, unless the court otherwise directs.

(2) The length of any term of imprisonment, corrective training or preventive detention imposed by the sentence of any court shall be treated as reduced by any period during which the offender was in custody before the sentence by reason only of having been committed for trial, remanded after arraignment, or committed, under paragraph (b) of subsection (3) of section six, paragraph (b) of the proviso to subsection (3) of section eight or subsection (4) of section eight of the Criminal Justice Act, 1948, section twenty-eight or section twenty-nine of the Magistrates' Courts Act, 1952, section sixty-seven of the Mental Health Act, 1959, or the Vagrancy Act, 1824, to be sentenced or dealt with.

Miscellaneous and general

Contribution
to costs
incurred under
certain
provisions.

18.—(1) Subsections (2) to (5) of this section shall apply where a person is tried, sentenced or dealt with by or before any court of assize or quarter sessions by or before which he could not have been tried, sentenced or dealt with but for the following provisions, that is to say:—

the proviso to subsection (3) of section one of the Assizes and Quarter Sessions Act, 1908 ;

the proviso to subsection (3) of section seventy-eight of the Supreme Court of Judicature (Consolidation) Act, 1925 ;

section fourteen of the Criminal Justice Act, 1925 ;

subsections (2) and (3) of section eleven of the Administration of Justice (Miscellaneous Provisions) Act, 1938 ;

section ten of the Magistrates' Courts Act, 1952 ; and

section fifteen and subsection (1) of section sixteen of this Act.

(2) Any costs payable in the case out of local funds under the Costs in Criminal Cases Act, 1952, shall in the first instance be paid as in the case of an offence committed in the county or county borough in which the proceedings take place but shall be recoverable in accordance with subsection (5) of this section.

(3) Such sum (if any) in respect of the expenses of holding the court (including salaries and allowances) as may be determined in accordance with regulations made by the Secretary of State by statutory instrument may be recovered by the authority incurring those expenses from the authority (if

different) liable to defray the expenses of the court by or before which the said person would have been tried, sentenced or dealt with apart from the said provisions.

(4) Where justices, under section ten of the Magistrates' Courts Act, 1952, the proviso to subsection (3) of section one of the Assizes and Quarter Sessions Act, 1908, or the proviso to subsection (3) of section seventy-eight of the Supreme Court of Judicature (Consolidation) Act, 1925, commit a person to a court to which they could not otherwise commit him, the clerk to the justices shall send to the proper officer of that court a notice specifying the court to which the said person would have been committed apart from those provisions.

(5) Where a person tried, sentenced or dealt with as mentioned in subsection (1) of this section was convicted or committed by justices other than justices for the county or county borough in which the proceedings take place, the council of that county or county borough may recover any sum paid by them under subsection (2) of this section from the following council, that is to say,—

- (a) if those justices were justices for a county, from the council of that county ;
- (b) if they were justices for a non-county borough, from the council of the county in which that borough is situated ; and
- (c) if they were justices for a county borough, from the council of that borough.

(6) Where a person is committed to be tried, sentenced or dealt with by or before any court of assize or quarter sessions but is not tried, sentenced or dealt with by or before that court, subsections (2), (3) and (5) of this section shall, with the necessary modifications, apply as they apply where a person is tried, sentenced or dealt with as mentioned in subsection (1) of this section.

19. Any increase attributable to the provisions of this Act **Financial provisions.** in the sums payable under any other enactment out of the Consolidated Fund, out of moneys provided by Parliament or into the Exchequer shall be paid out of that Fund, out of moneys so provided and into the Exchequer respectively.

20.—(1) The enactments specified in the Fourth Schedule to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act. **Amendments and repeals.**

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

Short title,
interpretation,
commence-
ment and
extent.

21.—(1) This Act may be cited as the Criminal Justice Administration Act, 1962.

(2) References in this Act to any enactment are references thereto as amended, and include references thereto as applied, by any other enactment including, except where the context otherwise requires, this Act.

(3) The following provisions of this Act, that is to say, sections four and twelve to eighteen, the Second and Third Schedules and Part II of the Fourth and Part II of the Fifth Schedule, shall not come into operation until such day as the Lord Chancellor may by order made by statutory instrument appoint, and different days may be so appointed for different provisions; and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the day on which that provision comes into operation.

(4) This Act does not extend to Scotland or to Northern Ireland.

Section 3.

SCHEDULES

FIRST SCHEDULE

HALLAMSHIRE

PART I

City and boroughs

Barnsley
Doncaster

Rotherham
Sheffield

Urban districts

Adwick le Street
Bentley with Arksey
Conisbrough
Cudworth
Darfield
Darton
Dearne
Dodworth
Hoyland Nether
Maltby

Mexborough
Penistone
Rawmarsh
Royston
Stocksbridge
Swinton
Tickhill
Wath upon Dearne
Wombwell
Worsbrough

Rural districts

Doncaster
Hemsworth
Kiveton Park
Penistone

Rotherham
Thorne
Wortley

PART II

Excepted parishes of the rural district of Hemsworth

Ackworth
Badsworth
Hessle and Hill Top
Huntwick with Foulby and
Nostell
Kirk Smeaton
Little Smeaton

North Elmsall
South Elmsall
South Kirkby
Thorpe Audlin
Upton
Walden Stubbs
West Hardwick

SECOND SCHEDULE

Section 12.

OFFENCES TRIABLE AT QUARTER SESSIONS

1. Bigamy, and offences against the laws relating to marriage.
2. Offences under section nine of the Night Poaching Act, 1828 (night poaching by three or more armed persons).
3. Offences under section six of the Sexual Offences Act, 1956 (intercourse with girl between thirteen and sixteen) and attempts to commit such offences.

THIRD SCHEDULE

Section 12.

INDICTABLE OFFENCES TRIABLE SUMMARILY

PART I

*Offences added to those specified in First Schedule to
Magistrates' Courts Act, 1952*

1. Offences under section twenty-seven of the Offences against the Person Act, 1861 (abandoning or exposing child).
2. Offences under section sixty of the Offences against the Person Act, 1861 (concealing birth of a child).
3. Offences under section six of the Forgery Act, 1913 (uttering forged document) in relation to any document being an authority or request for the payment of money or for the delivery or transfer of goods and chattels, where the amount of the money or value of the goods or chattels does not exceed one hundred pounds.
4. Offences under section twenty-four of the Larceny Act, 1916 (sacrilege) where the felony alleged to have been committed in the place broken into or out of is among the offences specified in the First Schedule to the Magistrates' Courts Act, 1952 (as amended by this Schedule).
5. Offences under section twenty-six or section twenty-seven of the Larceny Act, 1916 (housebreaking and committing, or with intent to commit, felony), where the place broken into or out of is neither a dwelling-house nor a building within the curtilage of or occupied with a dwelling-house, and the felony alleged to have been committed or intended is among the offences specified in the First Schedule to the Magistrates' Courts Act, 1952 (as amended by this Schedule).
6. Offences under section twenty-eight of the Larceny Act, 1916 (being found by night armed or in possession of housebreaking implements or with intent to commit a felony) where, in the case of an offence under paragraph (1), (3) or (4) of that section, the felony alleged to have been intended is among the offences specified in the First Schedule to the Magistrates' Courts Act, 1952 (as amended by this Schedule) and, in the case of an offence under the said paragraph (4), the building is neither a dwelling-house nor a building within the curtilage of or occupied with a dwelling-house.

PART II

*Further Amendments of First Schedule to the Magistrates'
Courts Act, 1952*

7. In paragraph 10 (offences under the Forgery Act, 1913) for the words "twenty pounds", in both places where they occur, there shall be substituted the words "one hundred pounds".

3RD SCH.

8. In paragraph 11 (offences under the Larceny Act, 1916) for the words "twenty pounds" (which refer to offences under section twenty) there shall be substituted the words "one hundred pounds".

9. In paragraph 17 (indecent assault on person under sixteen) the words "who is under the age of sixteen" shall be omitted.

Section 20.

FOURTH SCHEDULE

ENACTMENTS AMENDED

PART I

AMENDMENTS TAKING EFFECT FROM PASSING OF ACT

The Metropolitan Police Courts Act, 1839

In section five, after the words "unless he shall be" there shall be inserted the words "a barrister or".

The Local Government Act, 1888

In subsection (3) of section forty-two, for the words from "such yearly salary" to the end of the subsection there shall be substituted the words "a yearly salary".

The Quarter Sessions (London) Act, 1896

In section two, for the words from "the sum" to the end of the section there shall be substituted the words "such remuneration as may be determined under section eight of the Criminal Justice Administration Act, 1962".

The South Staffordshire Stipendiary Justice Act, 1899

In section seventeen, in subsection (1), for the words "a solicitor of the Supreme Court" there shall be substituted the words "a person eligible under section eleven of the Criminal Justice Administration Act, 1962".

The Supreme Court of Judicature (Consolidation) Act, 1925

In subsection (1) of section two, for the words from "not less" to the end of the subsection there shall be substituted the words "not less than twenty-five nor more than fifty-three puisne judges of that Court".

The Lancashire Quarter Sessions Act, 1928

In section nine, for the words from "such fee" to the end of the section there shall be substituted the words "such remuneration as may be determined under section eight of the Criminal Justice Administration Act, 1962".

The Administration of Justice (Miscellaneous Provisions) Act, 1938 4TH SCH.

In subsection (1) of section four, for the words "a salary", in the first place where they occur, there shall be substituted the word "remuneration" and for the words from "a salary", in the second place where those words occur, to the end of the subsection there shall be substituted the words "such remuneration as may be determined under section eight of the Criminal Justice Administration Act, 1962".

The Supreme Court of Judicature (Amendment) Act, 1944

In subsection (2) of section one, for the words "forty-eight" there shall be substituted the words "fifty-three".

The Middlesex County Council Act, 1944

In subsection (3) of section three hundred and ninety-five, for the words from "by way of" to the end of the subsection there shall be substituted the words "such remuneration as may be determined under section eight of the Criminal Justice Administration Act, 1962".

The Supreme Court of Judicature (Circuit Officers) Act, 1946

In subsection (1) of section one, there shall be inserted at the end the words "or an assistant clerk of assize appointed under section two of the Criminal Justice Administration Act, 1962".

*The Cheshire and Lancashire County Councils
(Runcorn-Widnes Bridge, etc.) Act, 1947*

In subsection (1) of section eighty-one, for the words from "such salary" to the end of the subsection there shall be substituted the words "such remuneration as may be determined under section eight of the Criminal Justice Administration Act, 1962".

The Criminal Justice Administration Act, 1956

In subsection (3) of section fifteen, after the words "borough council" there shall be inserted the words "or the appropriate committee thereof".

The Hertfordshire County Council Act, 1960

In section forty-nine, in subsection (2), for the words from "such fee" to the end of the subsection there shall be substituted the words "such remuneration as may be determined under section eight of the Criminal Justice Administration Act, 1962"; and in subsection (4), for the words "All fees" there shall be substituted the words "Any remuneration".

4TH SCH.

The Lancashire Quarter Sessions Act, 1961

In subsection (1) of section five, for the words from "approved" to the end of the subsection there shall be substituted the words "determined under section eight of the Criminal Justice Administration Act, 1962".

PART II

AMENDMENTS TAKING EFFECT FROM APPOINTED DAY

The County of Hertford Act, 1878

In section five, for the words "at the Hertford division quarter sessions", in both places where they occur, there shall be substituted the words "within the Hertford division" and for the words "at the St. Alban division quarter sessions" and the words "at the Liberty of St. Alban division quarter sessions" there shall be substituted the words "within the St. Alban division".

The Municipal Corporations Act, 1882

In section one hundred and sixty-eight, in subsection (1), for the words from "and try" to "jurisdiction" there shall be substituted the words "and deal with such cases".

The Criminal Justice Act, 1925

For section twenty-three there shall be substituted the following section:—

"Sessions
for county
of Hertford.

23. Courts of quarter sessions for the county of Hertford shall be held both within the Hertford division and within the St. Alban division, and different persons may be elected to act as chairman or deputy chairman of the court when sitting within each of those divisions."

*The Administration of Justice (Miscellaneous
Provisions) Act, 1938*

In section two, in subsections (1), (5) and (6), after the words "First Schedule to this Act" there shall be inserted the words "or the Second Schedule to the Criminal Justice Administration Act, 1962".

The Magistrates' Courts Act, 1952

In section twenty-four, after the words "this Act" there shall be inserted the words "or section thirteen of the Criminal Justice Administration Act, 1962".

In subsection (7) of section one hundred and twenty-six, after the words "Administration of Justice (Miscellaneous Provisions) Act, 1938" there shall be inserted the words "or the Second Schedule to the Criminal Justice Administration Act, 1962".

The Sexual Offences Act, 1956

4TH SCH.

In the Second Schedule, in paragraph 10, in the second column, for the words "not triable at quarter sessions", in both places where they occur, there shall be substituted the words "triable at quarter sessions under section two of the Administration of Justice (Miscellaneous Provisions) Act, 1938 (which relates to courts with a legally qualified chairman) but not otherwise".

FIFTH SCHEDULE

Section 20.

ENACTMENTS REPEALED

PART I

REPEALS TAKING EFFECT FROM PASSING OF ACT

Session and Chapter	Short Title	Extent of Repeal
14 & 15 Vict. c. 55.	The Criminal Justice Administration Act, 1851.	Sections nine to eleven.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	In section one hundred and sixty-two, in subsection (2), the words from "and" to the end of the subsection. In section one hundred and sixty-three, subsection (7). In section one hundred and sixty-six, in subsection (1), the words "in case of sickness or unavoidable absence" and the words from "at the quarter sessions" to the end of the subsection, and subsection (2). In section one hundred and sixty-eight, paragraph (a) of subsection (6), subsection (7), and in subsection (10) the words "and certificates given".
62 & 63 Vict. c. xc.	The South Staffordshire Stipendiary Justice Act, 1899.	In section seventeen, in subsection (4), the words "being a solicitor of the Supreme Court".
18 & 19 Geo. 5. c. xxx.	The Lancashire Quarter Sessions Act, 1928.	In section three, the words "and may fix and from time to time alter the salary of". In section four, the words "and may fix and from time to time alter the salary of". In section five, the words "and may fix and from time to time alter the salary of". In section ten, subsection (2).

5TH SCH.

Session and Chapter	Short Title	Extent of Repeal
7 & 8 Geo. 6. c. xxi.	The Middlesex County Council Act, 1944.	Section three hundred and ninety-six.
12, 13 & 14 Geo. 6. c. 101.	The Justices of the Peace Act, 1949.	In section thirty-nine, in paragraph (a) of subsection (3), the words from "to approve" to "1882".
15 & 16 Geo. 6. & 1 Eliz. 2. c. 12.	The Judicial Offices (Salaries, &c.) Act, 1952.	In section one, subsections (5) and (6).
2 & 3 Eliz. 2. c. xxiv.	The London County Council (General Powers) Act, 1954.	Section fifteen.
4 & 5 Eliz. 2. c. 34.	The Criminal Justice Administration Act, 1956.	In section five, subsections (3) to (5). In section fifteen, in subsection (1), the words from "up to such number" to "under that section", in subsection (3), the words "assistant recorder", in the first place where they occur, and the words from "passed" to "Lord Chancellor"; and subsection (6).
7 & 8 Eliz. 2. c. 41.	The Criminal Justice Administration (Amendment) Act, 1959.	The whole Act.
8 & 9 Eliz. 2. c. xlix.	The Hertfordshire County Council Act, 1960.	In section forty-nine, subsection (1).
9 & 10 Eliz. 2. c. 3.	The Administration of Justice (Judges and Pensions) Act, 1960.	Subsection (1) of section one. In Part I of the Second Schedule, the entry relating to section two of the Supreme Court of Judicature (Consolidation) Act, 1925, and the entry relating to the Supreme Court of Judicature (Amendment) Act, 1944.
9 & 10 Eliz. 2. c. xiv.	The Lancashire Quarter Sessions Act, 1961.	In section seven, in subsection (2), paragraph (d).

PART II

REPEALS TAKING EFFECT FROM APPOINTED DAY

5TH SCEL.

Session and Chapter	Short Title	Extent of Repeal
12 Ric. 2. c. 10.	—	The whole Chapter, so far as unrepealed.
34 & 35 Hen. 8. c. 26.	The Laws in Wales Act, 1542.	In section twenty-one, the words from "four times" to "causes".
9 Geo. 4. c. 69.	The Night Poaching Act, 1828.	In section nine, the words from "before the justices" to "committed".
5 & 6 Vict. c. 38.	The Quarter Sessions Act, 1842.	In section one, paragraph 10.
22 & 23 Vict. c. 4.	The Middlesex Sessions Act, 1859.	Section four.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	In section one hundred and sixty-five, in subsection (1), the words from "once" to "directs".
8 Edw. 7. c. 41.	The Assizes and Quarter Sessions Act, 1908.	In section one, in subsection (3), paragraphs (a) and (b) of the proviso and the word "but" preceding those paragraphs.
15 & 16 Geo. 5. c. 49.	The Supreme Court of Judicature (Consolidation) Act, 1925.	In section seventy-eight, in subsection (3), paragraphs (a) and (b) of the proviso and the word "but" preceding those paragraphs.
15 & 16 Geo. 5. c. 86.	The Criminal Justice Act, 1925.	In section fourteen, subsection (4). Section twenty-two.
23 & 24 Geo. 5. c. 38.	The Summary Jurisdiction (Appeals) Act, 1933.	In section two, in subsection (3), the words from "In this subsection" to the end of the subsection. Section seven. In section eight, in subsection (3), the words from "and any reference" to the end of the subsection.
1 Edw. 8 & 1 Geo. 6. c. 12.	The Firearms Act, 1937.	In section nine, subsection (3). In the First Schedule, in paragraph 9, sub-paragraph (a) and the words "seven and" and the words from "and the provisions" to "the said section seven".
1 & 2 Geo. 6. c. 63.	The Administration of Justice (Miscellaneous Provisions) Act, 1938.	In section three, in subsection (1), the words "for any county or division or part of a county", the words from "under section twenty-two" to "1925" and the words "under that Act"; and in subsection (2), the words from "at a session" to the end of the subsection. In section eleven, subsection (4).

D

5TH SCH.

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act, 1948.	<p>In section twenty (including that section as set out in the Sixth Schedule to the Criminal Justice Act, 1961), in subsection (4), paragraph (a), in paragraph (b) the words "in any other case" and, in the words following the paragraphs, the words "to an appeal committee", the words "by the appeal committee" and the words after "sitting"; in subsection (5), in paragraph (a) and in paragraph (d), the words "appeal committee or"; and subsection (6).</p> <p>In section twenty-nine, in subsection (2), paragraph (a), in paragraph (b) the words "in any other case" and, in the words following the paragraphs, the words "to an appeal committee", the words "by the appeal committee" and the words after "sitting"; in subsection (3), in paragraph (a) and in paragraph (d), the words "appeal committee or"; subsection (4); and in subsection (5) the words "the appeal committee or" and the words "as the case may be".</p>
12, 13 & 14 Geo. 6. c. 101.	The Justices of the Peace Act, 1949.	Section thirty-four. In section thirty-nine, paragraph (a) of subsection (3).
15 & 16 Geo. 6. & 1 Eliz. 2. c. 48.	The Costs in Criminal Cases Act, 1952.	In section fourteen, in subsection (1), the words "or the appeal committee of quarter sessions".
15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.	The Magistrates' Courts Act, 1952.	<p>In section eighty-four, in paragraph (a) of subsection (5), the words "the appeal committee of".</p> <p>In the First Schedule, in paragraph 17, the words "who is under the age of sixteen".</p> <p>In the Fifth Schedule, the amendment of section fourteen of the Criminal Justice Act, 1925.</p>
2 & 3 Eliz. 2. c. 33.	The Pool Betting Act, 1954.	In section one, in subsection (5), the words "seven and".

5TH SCH.

Session and Chapter	Short Title	Extent of Repeal
4 & 5 Eliz. 2. c. 34.	The Criminal Justice Administration Act, 1956.	In section fifteen, subsection (5).
7 & 8 Eliz. 2. c. 25.	The Highways Act, 1959	In section two hundred and seventy-six, in paragraph (a) of subsection (9), the words "the appeal committee of".
8 & 9 Eliz. 2. c. 60.	The Betting and Gaming Act, 1960.	In the First Schedule, in subparagraph (6) of paragraph 22, the words "seven and". In the Third Schedule, in paragraph 7, the words "seven and". In the Fifth Schedule, in paragraph 7, the words "seven and".
9 & 10 Eliz. 2. c. 39.	The Criminal Justice Act, 1961.	In section thirty-nine, in subsection (1), the definition of "court".

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Table of Statutes referred to in this Act

Short Title	Session and Chapter
Vagrancy Act, 1824	5 Geo. 4. c. 83.
Night Poaching Act, 1828	9 Geo. 4. c. 69.
Metropolitan Police Courts Act, 1839	2 & 3 Vict. c. 71.
Offences against the Person Act, 1861	24 & 25 Vict. c. 100.
County of Hertford Act, 1878	41 & 42 Vict. c. 50.
Summary Jurisdiction Act, 1879	42 & 43 Vict. c. 49.
Municipal Corporations Act, 1882	45 & 46 Vict. c. 50.
Sheriffs Act, 1887	50 & 51 Vict. c. 55.
Local Government Act, 1888	51 & 52 Vict. c. 41.
Quarter Sessions (London) Act, 1896	59 & 60 Vict. c. 55.
South Staffordshire Stipendiary Justice Act, 1899	62 & 63 Vict. c. xc.
Assizes and Quarter Sessions Act, 1908	8 Edw. 7. c. 41.
Forgery Act, 1913	3 & 4 Geo. 5. c. 27.
Larceny Act, 1916	6 & 7 Geo. 5. c. 50.
Supreme Court of Judicature (Consolidation) Act, 1925.	15 & 16 Geo. 5. c. 49.
Criminal Justice Act, 1925	15 & 16 Geo. 5. c. 86.
Lancashire Quarter Sessions Act, 1928	18 & 19 Geo. 5. c. xxx.
Summary Jurisdiction (Appeals) Act, 1933	23 & 24 Geo. 5. c. 38.
Administration of Justice (Miscellaneous Provisions) Act, 1938	1 & 2 Geo. 6. c. 63.
Supreme Court of Judicature (Amendment) Act, 1944.	7 & 8 Geo. 6. c. 9.
Middlesex County Council Act, 1944	7 & 8 Geo. 6. c. xxi.
Supreme Court of Judicature (Circuit Officers) Act, 1946.	9 & 10 Geo. 6. c. 78.

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Short Title	Session and Chapter
Cheshire and Lancashire County Councils (Runcorn-Widnes Bridge, etc.) Act, 1947.	10 & 11 Geo. 6. c. xxix.
Criminal Justice Act, 1948	11 & 12 Geo. 6. c. 58.
Justices of the Peace Act, 1949	12 13 & 14 Geo. 6. c. 101.
Administration of Justice (Pensions) Act, 1950 ...	14 & 15 Geo. 6. c. 11.
Costs in Criminal Cases Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 48.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
Criminal Justice Administration Act, 1956 ...	4 & 5 Eliz. 2. c. 34.
Sexual Offences Act, 1956	4 & 5 Eliz. 2. c. 69.
Mental Health Act, 1959	7 & 8 Eliz. 2. c. 72.
Hertfordshire County Council Act, 1960 ...	8 & 9 Eliz. 2. c. xlix.
Lancashire Quarter Sessions Act, 1961	9 & 10 Eliz. 2. c. xiv.

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## CHAPTER 16

**An Act to extinguish any right of navigation on the Forth and Clyde Canal, and the obligations upon the British Transport Commission to keep that canal open and to maintain it for purposes of navigation.**

[29th March, 1962]

**W**HEREAS the waterway now known as the Forth and Clyde Canal (in this Act referred to as the Canal) was constructed in pursuance of various Acts consolidated by the Act chapter lv of the fourth and fifth years of the reign of Her late Majesty Queen Victoria, and has been kept open and maintained for the purpose of navigation between the Firth of Forth and the Firth of Clyde in accordance with the provisions of that Act and of the Caledonian Railway and Forth and Clyde Navigation Companies Act, 1867, and the Regulation of Railways Act, 1873:

And whereas the British Transport Commission (in this Act referred to as the Commission) established by the Transport Act, 1947, are the owners of the Canal by virtue of that Act:

And whereas the Commission are charged under the said Act of 1947 as amended by the Transport Act, 1953, to provide, in such places and to such extent as may appear to the Commission to be expedient, facilities for traffic on inland waterways:

And whereas freight traffic has ceased to pass along the Canal which is now used for navigation mainly by fishing boats and pleasure craft:

And whereas, owing to the increase in the volume and weight of road traffic across the Canal, new bridges are needed and existing bridges require to be strengthened or replaced:

And whereas the cost of providing, operating, maintaining and replacing opening bridges or of providing bridges with navigable headroom over the Canal greatly exceeds the like costs for fixed bridges of low level and for causeways piped for the passage of water, and the provision of such fixed bridges and causeways would be consistent with the maintenance of the Canal for purposes other than navigation:

And whereas it is expedient that the Secretary of State and other authorities responsible for the bridges should be relieved for the future of the excess cost as aforesaid:

And whereas it is expedient therefore that rights of navigation of the Canal should be extinguished, and the Commission relieved of their obligations to maintain it for navigation:

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

1. On the first day of January, nineteen hundred and sixty-three there shall be extinguished in relation to the Canal as described in the Schedule to this Act—

Extinguish-  
ment of  
rights and  
duties relating  
to navigation.

(a) any right of navigation thereon, and

(b) any obligation upon the Commission (whether statutory or otherwise) to keep it open and to maintain it for purposes of navigation, or to do anything for the furtherance of those purposes.

2. This Act may be cited as the Forth and Clyde Canal Short title. (Extinguishment of Rights of Navigation) Act, 1962.

## SCHEDULE

*Description of Forth and Clyde Canal for the purposes of this Act*

Section 1.

The Main Canal, commencing by junctions with the Old Harbour, with Junction Dock and with Carron Dock (including the timber basins on each side of Earl's Road), all in the Burgh of Grangemouth in the County of Stirling, and terminating in the parish of Old Kilpatrick in the County of Dunbarton at the foot of the two locks connecting the Canal with the River Clyde and with Bowling Harbour respectively (a length of 34 miles 1,625 yards).

The Glasgow Arm from its commencement by a junction with the main Canal 33 yards south-east of Stockingfield Aqueduct to its termination by a junction with the Monkland Canal at Castle Street Bridge, all in the City of Glasgow (a distance of 3 miles 1,137 yards).



| Short Title                                    | Session and Chapter    |
|------------------------------------------------|------------------------|
| Caledonian Railway Act, 1867 ... ..            | 30 & 31 Vict. c. lx.   |
| Forth and Clyde Navigation Companies Act, 1867 | 30 & 31 Vict. c. cvi.  |
| Regulation of Railways Act, 1873 ... ..        | 36 & 37 Vict. c. 48.   |
| Transport Act, 1947 ... ..                     | 11 & 12 Geo. 6. c. 49. |
| Transport Act, 1953 ... ..                     | 1 & 2 Eliz. 2. c. 13.  |

## CHAPTER 17

An Act to extend the period for which the Secretary of State may make contributions under schemes agreed under section one of the Empire Settlement Act, 1922.  
[29th March, 1962]

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

1 Edw. 8 & 1  
Geo. 6. c. 18.

Extension  
of period  
during which  
contributions  
may be made.

5 & 6 Eliz. 2. c. 8.  
12 & 13 Geo. 5.  
c. 13.

1.—(1) Subsection (1) of section one of the Empire Settlement Act, 1937 (which, as amended by the Commonwealth Settlement Act, 1957, prolongs until the thirty-first day of May, nineteen hundred and sixty-two the period authorised by section one of the Empire Settlement Act, 1922, for the continuance of the liability of the Secretary of State under any scheme agreed under the last-mentioned Act) shall have effect as if for the words “nineteen hundred and sixty-two” there were substituted the words “nineteen hundred and sixty-seven”.

(2) The Commonwealth Settlement Act, 1957, is hereby repealed.

Short title  
and citation.

2. This Act may be cited as the Commonwealth Settlement Act, 1962, and this Act and the Empire Settlement Acts, 1922 and 1937, may be cited together as the Commonwealth Settlement Acts, 1922 to 1962.



CHAPTER 18

An Act to enable the Trustees of the British Museum to lend certain works of art for exhibition in Vienna under the auspices of the Council of Europe.

[18th April, 1962]

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

1. The Trustees of the British Museum may lend the works of art described in the Schedule to this Act for exhibition at the Exhibition of European Art to be held in Vienna in May, June and July, nineteen hundred and sixty-two, under the auspices of the Council of Europe. Power of trustees to lend certain works for exhibition in Vienna.

2. This Act may be cited as the British Museum Act, 1962. Short title.

SCHEDULE

DESCRIPTION OF WORKS OF ART

| <i>British Museum Register No.</i> | <i>Description</i>                                                                                                                                               |
|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1892, 5-1, 1 ...                   | The gold cup made in Paris about 1380 for the Duc de Berry, known as the Royal Gold Cup.                                                                         |
| 1895-9-15-589 ...                  | Drawings by an anonymous French artist of the early fifteenth century representing,—<br>(a) a woman and young girl under an arbour, and<br>(b) the Annunciation. |
| 5236-111 ...                       | Pieta and Entombment, drawings attributed to Hans von Tübingen.                                                                                                  |
| 1883-7-14-77 ...                   | The Betrayal, drawing by an anonymous Franco-Flemish artist of the early fifteenth century.                                                                      |



## CHAPTER 19

### *West Indies Act, 1962*

#### ARRANGEMENT OF SECTIONS

##### Section

1. Power of Her Majesty to provide for secession of colonies from, and dissolution of, the West Indies.
2. Power of Her Majesty to provide for interim performance of functions heretofore performed by Federal authorities for benefit of federated colonies.
3. Compensation scheme for officers of Federal public service.
4. Power of Her Majesty to establish common courts for West Indian colonies.
5. Power of Her Majesty to provide for government of certain West Indian colonies.
6. Power of Her Majesty to establish new forms of government in place of the West Indies.
7. Supplementary provisions as to Orders in Council.
8. Grants for benefit of certain West Indian colonies.
9. Expenses.
10. Short title, interpretation and repeals.

SCHEDULE—Enactments repealed.

An Act to enable provision to be made for the cesser of the inclusion of colonies in the federation established under the British Caribbean Federation Act, 1956, and for the dissolution of that federation and for matters consequential on the happening of either of those events; to enable provision to be made for the establishment of common courts and other authorities for, and fresh provision to be made for the government of, certain West Indian colonies; to enable provision to be made for the establishment of new forms of government for combinations of such colonies; and for purposes connected with the matters aforesaid.

[18th April, 1962]

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

**1.—(1) Her Majesty may—**

- (a) by Order in Council provide for a colony's ceasing to be included in the Federation established by virtue of section one of the British Caribbean Federation Act, 1956, by the name of the West Indies (in this Act referred to as "the Federation");
- (b) by Order in Council dissolve the Federation and, with it, the authorities established by virtue of sub-paragraph (i) of paragraph (a) of subsection (1) of that section (in this Act referred to as the "Federal authorities").

Power of Her Majesty to provide for secession of colonies from, and dissolution of, the West Indies.  
4 & 5 Eliz. 2.  
c. 63.

(2) An Order in Council under paragraph (a) of the foregoing subsection may as respects the colony for the cesser of inclusion of which in the Federation provision is made by the Order, and an Order in Council under paragraph (b) of that subsection may as respects each colony included in the Federation immediately before the dissolution thereof,—

- (a) determine, or provide for the determination of, the laws which, after the cesser or, as the case may be, the dissolution, are (subject to any amendment or repeal by the legislature of the colony or other competent authority) to remain valid as respects the colony notwithstanding the cesser or, as the case may be, the dissolution;
- (b) adapt or modify, or empower any such authority as may be specified in the Order to adapt or modify, to such extent as Her Majesty in Council or that authority, as the case may be, thinks necessary or expedient in view of the cesser or, as the case may be, the dissolution, any laws having effect in the colony and any other laws relating or referring to the colony or the Federation.

2.—(1) With a view to securing that, notwithstanding the exclusion of colonies from, or the dissolution of, the Federation, the performance of functions performed by the Federal authorities for the benefit of the colonies which at the passing of this Act are included in the Federation is maintained pending the making, apart from this section, of arrangements in that behalf of a permanent nature, Her Majesty may by Order in Council provide for the establishment of an authority to be charged, or authorities to be severally charged, with the duty of performing, for the benefit of those colonies, or of such of them as may be specified in the Order, any such functions (being functions which at the passing of this Act are, for the benefit of all or any of those colonies, performed by any of the Federal authorities) as may be specified in the Order, and such other (if any) functions as may be so specified.

Power of Her Majesty to provide for interim performance of functions heretofore performed by Federal authorities for benefit of federated colonies.

(2) An Order in Council under this section may—

- (a) empower an authority established by the Order to make, for such purposes as may be specified in the Order, laws for the colonies for whose benefit it is to perform functions;
- (b) make provision, or enable provision to be made, for persons holding office in the public service of the Federation to become officers of such an authority;
- (c) vest in such an authority such of the assets and liabilities as may be specified in the Order of the government of the Federation or of any body which, for the purpose of performing functions on behalf of, or in accordance

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with directions given by, that government, is established by a law made by the legislature of the Federation;

- (d) provide for the making to such an authority by the governments of the colonies for whose benefit the authority is to perform any functions of contributions towards defraying expenses incurred by the authority in performing those functions.

Compensation scheme for officers of Federal public service.

3.—(1) Her Majesty may by Order in Council make such provision as appears to Her necessary or expedient—

- (a) for securing that the payment of a pension, gratuity, allowance or other like benefit to a person in respect of service of his, or that of another's, in the public service of the Federation is not prejudiced by reason of a colony's ceasing to be included in the Federation or of the dissolution of the Federation;
- (b) for securing the making of payments to or in respect of persons who, at the passing of this Act, are serving in that public service and, by reason of the happening of either of the events aforesaid, lose office or, by reason of being transferred to some other service, become in a worse position in respect of the conditions of their service as compared with the conditions of service formerly obtaining with respect to them;
- (c) for securing the payment to or in respect of such persons as are mentioned in the last foregoing paragraph who are transferred as therein mentioned (whether or not they become in a worse position as so mentioned) of sums in respect of disturbance suffered by them in consequence of being so transferred.

(2) An Order in Council under this section may provide for the raising of the moneys necessary to make payments falling to be made under the Order by either or both of the following means, namely,—

- (a) the appropriation of assets of the government of the Federation;
- (b) the making of contributions by all or any of the governments of the colonies included in the Federation at the passing of this Act.

Power of Her Majesty to establish common courts for West Indian colonies.

4.—(1) Her Majesty may by Order in Council provide—

- (a) for the establishment, in place of the Federal Supreme Court of the Federation, of a court constituted in such manner as may be specified in the Order and having such jurisdiction to hear and determine appeals from, and to determine questions of law reserved by judges of, the courts of the relevant colonies as may be determined by or under the Order;

- (b) confer, or provide for conferring, on the court established by the Order, jurisdiction to hear and determine appeals from, and to determine questions of law reserved by judges of, the courts of such other colonies as may be specified in the Order;
- (c) confer upon the legislature of a colony from whose courts criminal appeals lie to the court established by the Order power to make, with extra-territorial operation, laws providing for the conveyance of prisoners to and from the place where that court is sitting.

(2) Her Majesty may, by Order in Council, provide for the establishment for the relevant colonies or for any two or more of them of courts additional to that whose establishment is authorised by the foregoing subsection, being courts constituted in such manner and having such jurisdiction (whether civil or criminal, original or appellate) as may be determined by or under the Order.

(3) An Order in Council under this section may provide for the expenses of maintaining a court established by the Order to be defrayed by the governments of the colonies for which it is established.

(4) In this section—

(a) “relevant colonies” means, for the purposes of subsection (1), the colonies from whose courts appeals lie at the passing of this Act to the Federal Supreme Court of the Federation and, for the purposes of subsection (2), the colonies aforesaid with the exception of British Guiana;

(b) “appeals” include appeals by way of cases stated.

(5) The Windward Islands and Leeward Islands (Courts) Order in Council, 1959, and the Windward Islands and Leeward Islands (Courts) (Amendment) Order in Council, 1960, shall have effect as if made under subsection (2) of this section.

(6) The Court of Appeal established by the West Indian Court of Appeal Act, 1919, is hereby dissolved.

5.—(1) Her Majesty may by Order in Council make such provision as appears to Her Majesty to be expedient for the government of any of the colonies to which this section applies, and for that purpose may provide for the establishment for the colony of such authorities as She thinks expedient and may empower such of them as may be specified in the Order to make laws either generally for the peace, order and good government of the colony or for such limited purposes as may be so specified subject, however, to the reservation to Herself of power to make laws for the colony for such (if any) purposes as may be so specified.

(2) The power conferred by the foregoing subsection shall include power to provide for the establishment of an authority to be charged, or authorities to be severally charged, with the duty of performing for the benefit of the said colonies, or for a combination of any two or more of them, such functions as may be specified in the Order, and for the expenses of an authority so charged to be defrayed by the governments of the colonies for whose benefit it is to perform functions.

In this subsection "authority" does not include a legislature or court.

(3) Subsection (1) of this section shall, as regards the Cayman Islands and the Turks and Caicos Islands, have effect—

- (a) as if the reference to authorities specified in the Order included a reference to the legislature of Jamaica;
- (b) as if there were included amongst the matters for which Her Majesty in Council is thereby authorised to make provision—
  - (i) the conferring, or the making of provision for conferring, on any court of Jamaica original or other jurisdiction over matters arising in any of the said Islands; and
  - (ii) the conferring of powers and the imposition of duties on other authorities of Jamaica.

(4) An Order in Council under this section with respect to a colony may vary or revoke any enactment or Letters Patent relating to the government of the colony and any Order in Council or other instrument so relating which has effect otherwise than by virtue of this section.

(5) Any Order in Council under the Jamaica Act, 1866, the Saint Vincent and Grenada Constitution Act, 1876, the Trinidad and Tobago Act, 1887, the Dominica Act, 1938, section three of the Leeward Islands Act, 1956, or section two of the Cayman Islands and Turks and Caicos Islands Act, 1958 (except the Orders in Council mentioned in subsection (5) of the last foregoing section, so far as subsisting by virtue of any of those enactments) shall, in so far as it is in force at the passing of this Act and could be made under this section, have effect as if so made, and so shall the Windward Islands and Leeward Islands (Police Service Commission) Order in Council, 1959.

(6) The colonies to which this section applies are those included at the passing of this Act in the Federation, and the Virgin Islands.

6.—(1) Her Majesty may by Order in Council make provision for the federation of, or the establishment of any other new form of government for, all or any of the colonies to which the last foregoing section applies.

Power of Her Majesty to establish new forms of government in place of the West Indies.

(2) An Order in Council under this section making provision for the federation of colonies may include provision for any purpose for which, by virtue of the provisions of subsections (1) and (2) of section one of the British Caribbean Federation Act, 1956 (except paragraphs (d) and (e) of subsection (2)) provision might have been included in an Order in Council under that section had those provisions referred to the colonies which are federated by the first-mentioned Order instead of those specified in the Schedule to that Act.

(3) An Order in Council under this section, other than one falling within the last foregoing subsection, may include provision for any purpose for which, by virtue of sub-paragraphs (i) and (ii) of paragraph (a) of subsection (1) of the said section one and paragraphs (b) and (c) of that subsection, provision might have been included in an Order in Council under that section had those provisions referred—

- (a) to the colonies to which the first-mentioned Order in Council relates instead of those specified in the Schedule to that Act; and
- (b) to the form of government established by that Order instead of to the federation,

and had the qualification "Federal" been omitted.

7.—(1) An Order in Council under any provision of this Act may make or provide for the making of such incidental, consequential or transitional provisions as may appear to Her Majesty in Council to be necessary or expedient.

Supplementary provisions as to Orders in Council.

(2) Any power conferred by this Act to make an Order in Council shall be construed as including power to vary or revoke the Order in Council by a subsequent Order in Council.

(3) Subject to the following subsection, a statutory instrument containing an Order in Council under this Act which adapts or modifies any Act shall be subject to annulment in pursuance of a resolution of either House of Parliament, and a statutory instrument containing an Order in Council under this Act which does not adapt or modify any Act shall be laid before Parliament after being made.

(4) The last foregoing subsection shall not apply to an instrument containing an Order in Council under section six of this Act making provision for the federation of, or the establishment of any other new form of government for, any colonies, but

no recommendation shall be made to Her Majesty in Council to make an Order under the said section six making such provision unless a draft of the Order has been laid before Parliament and approved by resolution of each House of Parliament.

Grants for benefit of certain West Indian colonies.

**8. The Secretary of State may—**

- (a) from time to time make, to the government of any colony to which section five of this Act applies, being a government whose resources are, in his opinion, insufficient to enable it to defray its administrative expenses, grants of such amounts as he may, with the approval of the Treasury, determine;
- (b) from time to time make, to any federal government established by virtue of section six of this Act for any colonies, grants of such amounts as he may, with the like approval, determine, for the purpose of enabling that government to make grants to the governments of any of the colonies for which it is established whose resources are, in its opinion, insufficient to enable them to defray their administrative expenses;
- (c) from time to time make, to a government of any other form established as aforesaid for any colonies, being one whose resources are, in his opinion, insufficient to enable it to defray its administrative expenses, grants of such amounts as he may, with the like approval, determine.

Expenses.

**9.** The expenses incurred under the last foregoing section by the Secretary of State shall be defrayed out of moneys provided by Parliament, and any increase attributable to an Order in Council under this Act in sums payable under any other enactment out of moneys so provided or out of the Consolidated Fund of the United Kingdom shall be paid out of moneys so provided or out of that Fund, as the case may be.

Short title, interpretation and repeals.

**10.—(1)** This Act may be cited as the West Indies Act, 1962.

(2) Any reference in this Act to a colony shall be construed as including a reference to the dependencies (if any) thereof.

(3) The enactments mentioned in the first and second columns of the Schedule to this Act are hereby repealed to the extent respectively specified in relation thereto in the third column of that Schedule, but this repeal shall not be taken to dissolve the union of Tobago with Trinidad or to affect the status, as a separate colony, of any other colony.



## SCHEDULE

Section 10.

## ENACTMENTS REPEALED

| Session and Chapter      | Short Title                                                | Extent of Repeal                                     |
|--------------------------|------------------------------------------------------------|------------------------------------------------------|
| 29 & 30 Vict.<br>c. 12.  | The Jamaica Act, 1866 ...                                  | The whole Act.                                       |
| 39 & 40 Vict.<br>c. 47.  | The Saint Vincent and Grenada Constitution Act, 1876.      | The whole Act.                                       |
| 50 & 51 Vict.<br>c. 44.  | The Trinidad and Tobago Act, 1887.                         | The whole Act.                                       |
| 9 & 10 Geo. 5.<br>c. 47. | The West Indian Court of Appeal Act, 1919.                 | The whole Act.                                       |
| 1 & 2 Geo. 6.<br>c. 10.  | The Dominica Act, 1938                                     | The whole Act.                                       |
| 4 & 5 Eliz. 2.<br>c. 23. | The Leeward Islands Act, 1956.                             | Sections one, three, four and five and the Schedule. |
| 6 & 7 Eliz. 2.<br>c. 13. | The Cayman Islands and Turks and Caicos Islands Act, 1958. | The whole Act.                                       |



## CHAPTER 20

**An Act to enable the United Kingdom to take part in arrangements under which the International Monetary Fund may borrow supplementary resources from its members.**  
[18th April, 1962]

**WHEREAS** the International Monetary Fund has decided to make arrangements for enabling the Fund to borrow the currency of any member taking part in the arrangements, and it is proposed that the United Kingdom should take part in the arrangements:

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

1.—(1) The Treasury may issue out of the Consolidated Fund of the United Kingdom and lend to the International Monetary Fund, in accordance with the said arrangements, such sums as may be required thereunder; but the aggregate of those sums shall not, after allowing in accordance with the arrangements for repayments made thereunder, exceed three hundred and fifty-seven million, one hundred and forty-two thousand, eight hundred and fifty-seven pounds.

Loans of sterling to International Monetary Fund.

2 & 3 Geo. 6.  
c. 117.

(2) The Treasury may, for the purpose of providing any sums to be issued under this Act out of the Consolidated Fund, or of providing for the replacement of sums so issued, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939; and any securities created and issued for that purpose shall be deemed for all purposes to have been created and issued under that Act.

Short title.

2. This Act may be cited as the International Monetary Fund Act, 1962.

## CHAPTER 21

### *Commonwealth Immigrants Act, 1962*

#### ARRANGEMENT OF SECTIONS

##### PART I

##### CONTROL OF IMMIGRATION

###### Section

1. Application of Part I.
2. Refusal of admission and conditional admission.
3. Supplementary provisions as to control of immigration.
4. Offences in connection with control of immigration.
5. Duration of Part I.

##### PART II

##### DEPORTATION

6. Application of Part II.
7. Power of court to recommend for deportation.
8. Procedure and appeals in respect of recommendations.
9. Deportation orders.
10. Supplementary provisions as to deportation.
11. Offences in connection with deportation orders.

##### PART III

##### MISCELLANEOUS AND GENERAL

12. Qualifications for citizenship by registration etc.
13. General provisions as to detained persons.
14. Penalties, proceedings, etc.
15. General provisions as to Orders in Council etc.
16. Immigration officers and medical inspectors.
17. Exemptions.
18. Provisions relating to Channel Islands and Isle of Man.
19. Expenses.
20. Consequential amendments and repeals.
21. Short title, interpretation and commencement.

## SCHEDULES:

First Schedule—Supplementary provisions as to control of immigration.

Part I—General provisions.

Part II—Special provisions as to crews of ships and aircraft and stowaways.

Part III—Interpretation.

Second Schedule—Supplementary provisions as to deportation.

Third Schedule—Effect in United Kingdom of action taken in Channel Islands or Isle of Man.

An Act to make temporary provision for controlling the immigration into the United Kingdom of Commonwealth citizens; to authorise the deportation from the United Kingdom of certain Commonwealth citizens convicted of offences and recommended by the court for deportation; to amend the qualifications required of Commonwealth citizens applying for citizenship under the British Nationality Act, 1948; to make corresponding provisions in respect of British protected persons and citizens of the Republic of Ireland; and for purposes connected with the matters aforesaid.

[18th April, 1962]

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

## PART I

## CONTROL OF IMMIGRATION

1.—(1) The provisions of this Part of this Act shall have Application effect for controlling the immigration into the United Kingdom of Part I. of Commonwealth citizens to whom this section applies.

(2) This section applies to any Commonwealth citizen not being—

- (a) a person born in the United Kingdom ;
- (b) a person who holds a United Kingdom passport and is a citizen of the United Kingdom and Colonies, or who holds such a passport issued in the United Kingdom or the Republic of Ireland ; or

## PART I

(c) a person included in the passport of another person who is excepted under paragraph (a) or paragraph (b) of this subsection.

(3) In this section "passport" means a current passport; and "United Kingdom passport" means a passport issued to the holder by the Government of the United Kingdom, not being a passport so issued on behalf of the Government of any part of the Commonwealth outside the United Kingdom.

(4) This Part of this Act applies to British protected persons and citizens of the Republic of Ireland as it applies to Commonwealth citizens, and references therein to Commonwealth citizens, and to Commonwealth citizens to whom this section applies, shall be construed accordingly.

Refusal of admission and conditional admission.

2.—(1) Subject to the following provisions of this section, an immigration officer may, on the examination under this Part of this Act of any Commonwealth citizen to whom section one of this Act applies who enters or seeks to enter the United Kingdom,—

- (a) refuse him admission into the United Kingdom; or
- (b) admit him into the United Kingdom subject to a condition restricting the period for which he may remain there, with or without conditions for restricting his employment or occupation there.

(2) The power to refuse admission or admit subject to conditions under this section shall not be exercised, except as provided by subsection (5), in the case of any person who satisfies an immigration officer that he or she—

- (a) is ordinarily resident in the United Kingdom or was so resident at any time within the past two years; or
- (b) is the wife, or a child under sixteen years of age, of a Commonwealth citizen who is resident in the United Kingdom or of a Commonwealth citizen (not being a person who is on that occasion refused admission into the United Kingdom) with whom she or he enters or seeks to enter the United Kingdom.

(3) Without prejudice to subsection (2) of this section, the power to refuse admission under this section shall not be exercised, except as provided by subsections (4) and (5), in the case of a Commonwealth citizen who satisfies an immigration officer either—

- (a) that he wishes to enter the United Kingdom for the purposes of employment there, and is the person described in a current voucher issued for the purposes of this section by or on behalf of the Minister of Labour or the Ministry of Labour and National Insurance for Northern Ireland; or

## PART I

- (b) that he wishes to enter the United Kingdom for the purpose of attending a course of study at any university, college, school or other institution in the United Kingdom, being a course which will occupy the whole or a substantial part of his time ; or
- (c) that he is in a position to support himself and his dependants, if any, in the United Kingdom otherwise than by taking employment or engaging for reward in any business, profession or other occupation ;

and the power to admit subject to conditions under this section shall not be exercised in the case of any person who satisfies such an officer of the matters described in paragraph (a) of this subsection.

(4) Nothing in subsection (3) of this section shall prevent an immigration officer from refusing admission into the United Kingdom in the case of any Commonwealth citizen to whom section one of this Act applies—

- (a) if it appears to the immigration officer on the advice of a medical inspector or, if no such inspector is available, of any other duly qualified medical practitioner, that he is a person suffering from mental disorder, or that it is otherwise undesirable for medical reasons that he should be admitted ; or
- (b) if the immigration officer has reason to believe that he has been convicted in any country of any crime, wherever committed, which is an extradition crime within the meaning of the Extradition Acts, 1870 to 1935 ; or
- (c) if his admission would, in the opinion of the Secretary of State, be contrary to the interests of national security.

(5) Nothing in this section shall prevent an immigration officer from refusing admission into the United Kingdom in the case of any person in respect of whom a deportation order under Part II of this Act is in force.

(6) In this section “child” includes a step-child and an adopted child and, in relation to the mother, an illegitimate child ; and for the purposes of this section a person shall be deemed not to be ordinarily resident in the United Kingdom at any time when a condition restricting the period for which he may remain there is in force under this section, whether that period has expired or not.

3.—(1) The provisions of Part I of the First Schedule to this Act shall have effect with respect to—

- (a) the examination of persons landing or seeking to land in the United Kingdom from ships and aircraft ;
- (b) the exercise by immigration officers of their powers of refusal of admission or admission subject to conditions

Supplementary provisions as to control of immigration.

## PART I

under section two of this Act, and the cancellation, variation and duration of such refusals and conditions ;

- (c) the removal from the United Kingdom of Commonwealth citizens to whom admission is refused under that section ;
- (d) the detention of any such persons or citizens as aforesaid pending further examination or pending removal from the United Kingdom,

and for other purposes supplementary to the foregoing provisions of this Act.

(2) The special provisions contained in Part II of the said First Schedule shall have effect for the purposes of the control under this Part of this Act of immigration by Commonwealth citizens who arrive in the United Kingdom as members of the crews of, or as stowaways in, ships and aircraft.

(3) Part III of the said First Schedule shall have effect for the interpretation of Parts I and II of that Schedule.

(4) Her Majesty may by Order in Council direct that the provisions of Part I of the said Schedule relating to persons who land or seek to land in the United Kingdom from ships and aircraft shall extend to persons entering or seeking to enter the United Kingdom by land ; and any such Order may make such adaptations or modifications of the said Schedule, and such provisions supplementary thereto, as appear to Her Majesty to be necessary or expedient for the purposes of the Order.

(5) No recommendation shall be made to Her Majesty to make an Order in Council under this section unless a draft of the Order has been laid before Parliament and approved by a resolution of each House of Parliament.

Offences in  
connection  
with control of  
immigration.

4.—(1) If any person being a Commonwealth citizen to whom section one of this Act applies—

- (a) enters or remains within the United Kingdom, otherwise than in accordance with the directions or under the authority of an immigration officer, while a refusal of admission under section two of this Act is in force in relation to him ; or
- (b) contravenes or fails to comply with any condition imposed on him under that section or under Part II of the First Schedule to this Act,

he shall be guilty of an offence ; and any offence under this subsection, being an offence committed by entering or remaining in the United Kingdom, shall be deemed to continue throughout any period during which the offender is in the United Kingdom thereafter.

(2) If any person knowingly harbours any person whom he knows or has reasonable grounds for believing to have committed an offence under subsection (1) of this section, being an offence

committed by entering or remaining within the United Kingdom, he shall be guilty of an offence.

PART I

(3) If any person—

- (a) makes or causes to be made to any immigration officer or other person lawfully acting in the execution of this Part of this Act, any return, statement or representation which he knows to be false or does not believe to be true ; or
- (b) refuses or fails to produce or furnish to any such officer or person any document or information which he is required to produce or furnish to that officer or person under this Part of this Act, or otherwise obstructs any such officer or person in the exercise of his functions thereunder ; or
- (c) without lawful authority, alters any voucher or other document issued or made under or for the purposes of this Part of this Act, or uses for the purposes of this Part of this Act, or has in his possession for such use, any forged or altered voucher, passport or other document,

he shall be guilty of an offence.

(4) If any person acts in contravention of, or fails to comply with, any provision of the First Schedule to this Act, or of any order made, directions given or requirement imposed thereunder (not being a requirement comprised in conditions so imposed), he shall be guilty of an offence.

5.—(1) This Part of this Act shall continue in force until the thirty-first day of December, nineteen hundred and sixty-three, and shall then expire unless Parliament otherwise determines.

Duration of  
Part I.

(2) Upon the expiration of this Part of this Act, subsection (2) of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals) shall apply as if this Part of this Act had been repealed by another Act.

## PART II

### DEPORTATION

6.—(1) This Part of this Act shall have effect for authorising the deportation from the United Kingdom of Commonwealth citizens to whom this section applies who are convicted of offences punishable with imprisonment and recommended by the court for deportation.

Application  
of Part II.

(2) This section applies to any Commonwealth citizen not being—

- (a) a person born in the United Kingdom, or whose father was born in the United Kingdom, or whose parents (or either of them) were ordinarily resident in the United Kingdom at the time of his birth ;

## PART II

(b) a citizen of the United Kingdom and Colonies who became such—

(i) by virtue of being naturalised in the United Kingdom ; or

(ii) by being adopted in the United Kingdom ; or

(iii) by being registered under Part II of the British Nationality Act, 1948, either in the United Kingdom or in any country mentioned in subsection (3) of section one of that Act as originally enacted or as amended by any subsequent enactment ; or

(c) the wife of a person of a description specified in paragraph (a) or paragraph (b) of this subsection.

(3) This Part of this Act applies to British protected persons and citizens of the Republic of Ireland as it applies to Commonwealth citizens, and references therein to Commonwealth citizens, and to Commonwealth citizens to whom this section applies, shall be construed accordingly.

(4) If any question arises whether a person is a Commonwealth citizen to whom this section applies, it shall lie on him to prove that he is not such a citizen.

Power of court to recommend for deportation.

7.—(1) Subject to the provisions of this section, where a Commonwealth citizen to whom section six of this Act applies, and who has attained the age of seventeen years, is convicted of an offence punishable with imprisonment, the court by or before which he is convicted, or any court to which his case is brought by way of appeal against conviction or sentence, may recommend that a deportation order be made in respect of him.

(2) No recommendation under this section (in this Part of this Act referred to as a recommendation for deportation) shall be made upon the conviction of an offender who satisfies the court—

(a) that he is or was ordinarily resident in the United Kingdom on the date of his conviction ; and

(b) that he has been continuously so resident for a period of at least five years ending with that date :

Provided that for the purpose of calculating the period for which any person has been so resident (but not of determining whether he has been continuously so resident) no account shall be taken of any continuous period of six months or more during which he has been detained under a sentence or order passed or made by any court on a conviction of an offence.

(3) In this section “ offence punishable with imprisonment ” includes an offence which would be so punishable apart from any enactment restricting the imprisonment of young offenders or of first offenders ; and for the purposes of this section the age of an offender at the time of his conviction shall be deemed to be or to have been that which appears to the court, after considering any available evidence, to be or to have been his age at that time.



(4) The power to make a recommendation for deportation under this section shall, in Scotland, be exercisable only by the sheriff, or by the High Court of Justiciary, or by the latter Court on appeal against a conviction on indictment or a sentence upon such a conviction.

(5) No recommendation for deportation shall be made upon a conviction of an offence committed before the commencement of this section.

8.—(1) No recommendation for deportation shall be made in respect of an offender unless a notice has been given to him at least seven days before the recommendation is made—

Procedure  
and appeals  
in respect of  
recommendations.

(a) describing the classes of persons in respect of whom such a recommendation may and may not be made ;  
and

(b) containing a statement of the effect of subsection (4) of section six of this Act.

(2) The powers of adjournment conferred by subsection (3) of section fourteen of the Magistrates' Courts Act, 1952, section twenty-six of the Criminal Justice (Scotland) Act, 1949, and any corresponding enactment in force in Northern Ireland, shall include power to adjourn, after convicting an offender, for the purpose of enabling a notice to be given to him under subsection (1) of this section or, if such a notice was given to him less than seven days previously, for the purpose of enabling the necessary seven days to elapse.

(3) Where a person convicted of an offence by any court is committed for sentence to another court, any power to make a recommendation for deportation in respect of him shall be exercisable by the court to which he is committed and not by the court by which he is convicted.

(4) For the purposes of any enactment relating to appeals in criminal cases, a recommendation for deportation shall be treated as an order made on conviction and, in Northern Ireland, on conviction and sentence of imprisonment ; and the validity of such a recommendation shall not be called in question except on an appeal against the recommendation or against the conviction upon which it is made.

(5) So much of subsection (4) of this section as confers a right of appeal against a recommendation for deportation shall not apply to Scotland ; but any person in respect of whom such a recommendation is made by a court in Scotland may, without prejudice to any other form of appeal under any rule of law, appeal against the recommendation in the same manner as against a conviction.

(6) For the purposes of giving effect to any of the provisions of section seven of this Act or of this section, the High Court of Justiciary shall have power to make rules by Act of

## PART II

Adjournal; and any such Act of Adjournal shall be treated for the purposes of the Statutory Instruments Act, 1946, as a statutory instrument within the meaning of that Act.

Deportation  
orders.

9.—(1) Where a recommendation for deportation is in force in respect of a person to whom section six of this Act applies, the Secretary of State may, if he thinks fit, make an order requiring him to leave the United Kingdom and prohibiting him from returning there so long as the order is in force.

(2) An order under this section (in this Act referred to as a deportation order) shall not be made in pursuance of a recommendation for deportation unless either—

- (a) the time for bringing an appeal against the recommendation, or against the conviction upon which it was made, has expired without such an appeal having been brought; or
- (b) such an appeal has been brought and abandoned, or finally determined otherwise than by the quashing of the recommendation or the conviction; or
- (c) the recommendation was made on appeal and no further appeal lies.

(3) The Secretary of State may, if he thinks fit, revoke a deportation order at any time, whether before or after the person to whom it relates has left or been removed from the United Kingdom, but the revocation of a deportation order shall not affect the validity of anything previously done thereunder.

(4) In relation to a recommendation for deportation made by a court in Scotland, subsection (2) of this section shall have effect as if the following were substituted for paragraph (a), that is to say:—

“(a) a period of fourteen days from the date on which the recommendation was made has expired without an appeal having been brought against the recommendation or the conviction upon which it was made; or”  
and in paragraph (b), after “abandoned” there were inserted the words “or deemed to be abandoned”.

Supplementary  
provisions as to  
deportation.

10. The provisions of the Second Schedule to this Act shall have effect with respect to the removal from the United Kingdom of persons in respect of whom deportation orders are made, and with respect to the detention or control of persons in respect of whom recommendations for deportation or deportation orders are in force.

Offences in  
connection  
with deporta-  
tion orders.

11.—(1) If any person in respect of whom a deportation order is in force—

- (a) having left the United Kingdom after notice of the making of the order has been given to him on behalf of the Secretary of State, subsequently returns to the United Kingdom; or

(b) having been placed on board a ship or aircraft under the Second Schedule to this Act, lands from that ship or aircraft before it has left the United Kingdom, he shall be guilty of an offence; and any offence under this subsection shall be deemed to continue throughout any period during which the offender is in the United Kingdom after its commission.

PART II

(2) If any person upon whom any restriction or requirement is imposed under paragraph 2 of the Second Schedule to this Act fails to comply with that restriction or requirement, he shall be guilty of an offence.

(3) Where a person in respect of whom a deportation order is in force is convicted of an offence under subsection (1) of this section, the deportation order shall cease to have effect, but without prejudice to the power to make a recommendation for deportation upon that conviction.

(4) If any person knowingly harbours any person whom he knows or has reasonable grounds for believing to have committed an offence under subsection (1) of this section, he shall be guilty of an offence.

## PART III

## MISCELLANEOUS AND GENERAL

12.—(1) A person in respect of whom a recommendation for deportation or a deportation order is in force under Part II of this Act shall not be entitled to be registered as a citizen of the United Kingdom and Colonies under subsection (1) of section six of the British Nationality Act, 1948 (which provides for the registration of certain Commonwealth citizens and citizens of the Republic of Ireland); but the Secretary of State may, if he thinks fit, register under that subsection any person who would be entitled or qualified to be so registered but for this subsection.

Qualifications  
for citizenship  
by registration  
etc.

(2) Subject to the following provisions of this section, a person shall not be entitled to be registered under subsection (1) of the said section six, and a British protected person shall not be qualified for naturalisation under section ten of the said Act, unless he satisfies the Secretary of State that he has been—

- (a) ordinarily resident in the United Kingdom; or
- (b) in Crown service under Her Majesty's Government in the United Kingdom; or
- (c) partly the one and partly the other,

throughout the period of five years ending with the date of his application, or such shorter period so ending as the Secretary of State may in the special circumstances of any particular case accept.

(3) Notwithstanding anything in subsection (2) of this section, any person who would have been entitled to be registered under

**PART III**

subsection (1) of the said section six (apart from the power of the Secretary of State to accept for that purpose a period of ordinary residence in the United Kingdom of less than twelve months) if he had made an application for such registration immediately before the commencement of this section shall (unless disqualified under subsection (1) of this section) be entitled to be so registered if he makes such an application within the period of six months beginning with the commencement of this section.

(4) This section shall be construed as one with the British Nationality Act, 1948.

**General provisions as to detained persons.**

13.—(1) Any persons required or authorised to be detained under this Act may be detained in such places as the Secretary of State may direct.

(2) Where a person is detained by virtue of this Act, any immigration officer, constable or prison officer, or any other person authorised by the Secretary of State, may take all such steps as may be reasonably necessary for photographing, measuring or otherwise identifying him.

(3) Any person detained by virtue of this Act, and any person who, being detained in pursuance of the sentence or order of a court, would otherwise be liable to be so detained, may be taken in the custody of a constable to and from any place where his attendance is required for the purpose of ascertaining his citizenship or of making arrangements for his admission to any country or territory.

(4) Any person required or authorised by this Act to be detained may be arrested without warrant by a constable or an immigration officer; and any person who is detained by virtue of this Act, or is being removed in pursuance of this section, shall be deemed to be in legal custody.

**Penalties, proceedings, etc.**

14.—(1) A person guilty of an offence under this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both.

(2) For the purposes of the trial of a person for any offence under this Act, the offence shall be deemed to have been committed either at the place at which it actually was committed or at any place at which the offender may be.

(3) A constable or immigration officer may arrest without warrant any person whom he has reasonable grounds to believe to have committed an offence under subsection (1) of section four or subsection (1) or subsection (2) of section eleven of this Act.

(4) Any powers exercisable under this Act in the case of any person may be exercised notwithstanding that proceedings for an offence under this Act have been taken against him.

15.—(1) Any power conferred by this Act to make an Order in Council or order or to give any directions includes power to revoke or vary the Order in Council, order or directions, as the case may be.

**PART III**  
General provisions  
as to Orders  
in Council etc.

(2) Any document purporting to be an order, notice or direction made or given by the Secretary of State for the purposes of this Act, and to be signed by him or on his behalf, shall be received in evidence, and shall, until the contrary is proved, be deemed to be made or issued by him.

(3) Prima facie evidence of any such order, notice or direction as aforesaid may, in any legal proceedings, be given by the production of a document bearing a certificate purporting to be signed by or on behalf of the Secretary of State and stating that the document is a true copy of the order, notice or direction.

(4) Where any such order applies to persons specified in a schedule thereto, prima facie evidence of the provisions of the order other than the schedule and of any entry contained in the schedule may, in any legal proceedings, be given by the production of a document purporting to be signed as aforesaid and stating that the document is a true copy of the said provisions and of the relevant entry.

16.—(1) Immigration officers for the purposes of this Act shall be appointed by the Secretary of State, and the Secretary of State may arrange with the Commissioners of Customs and Excise for the employment of officers of customs and excise as immigration officers under this Act.

Immigration  
officers and  
medical  
inspectors.

(2) Medical inspectors for the purposes of Part I of this Act, being duly qualified medical practitioners, may be appointed by the Minister of Health in pursuance of arrangements made between that Minister and the Secretary of State.

(3) In the exercise of their functions under this Act, immigration officers shall act in accordance with such instructions as may be given by the Secretary of State, and medical inspectors shall act in accordance with such instructions as may be given by the Minister of Health in pursuance of such arrangements as aforesaid.

(4) An immigration officer or medical inspector may board any ship for the purpose of exercising any of his functions under this Act.

(5) In the application of this section to Scotland, for references to the Minister of Health there shall be substituted references to the Secretary of State, and references to arrangements between that Minister and the Secretary of State shall be omitted.

(6) In the application of this section to Northern Ireland, for references to the Minister of Health there shall be substituted references to the Ministry of Health and Local Government for Northern Ireland.

**PART III**  
**Exemptions.**

**17.—(1)** All persons who, whether under any rule of law or under or by virtue of any enactment, are entitled to immunity from suit and legal process, not being immunity in respect only of things done or omitted to be done in the course of their duties, shall be exempt from control under Part I of this Act and exempt from deportation under Part II of this Act.

(2) Without prejudice to the foregoing subsection, the following persons shall be exempt from control under Part I of this Act, that is to say any person who—

- (a) is subject, as a member of the home forces, to the Naval Discipline Act, 1957, or to military or air force law ; or
- (b) being a member of any Commonwealth force or of any force raised under the law of any colony, protectorate or protected state, arrives in the United Kingdom for the purpose of serving there as a member of that force or undergoing training with any body, contingent or detachment of the home forces ; or
- (c) being a member of the forces of any country designated for the purposes of any provision of the Visiting Forces Act, 1952, by Order in Council under section one of that Act, arrives in the United Kingdom for the purpose of serving there as a member of a visiting force of that country.

(3) The Secretary of State may by order extend any exemption conferred by subsection (1) or subsection (2) of this section to persons of such additional classes as may be specified in the order.

(4) The power of the Secretary of State to make orders under subsection (3) of this section shall be exercisable by statutory instrument, and any statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) In this section “the home forces” means any of Her Majesty’s forces, not being a Commonwealth force or a force raised under the law of any colony, protectorate or protected state ; “Commonwealth force” means any of the forces of any Commonwealth country mentioned in paragraph (a) of subsection (1) of section one of the Visiting Forces Act, 1952 ; and “visiting force” has the meaning which it would have in accordance with section twelve of that Act if subsection (2) of this section were a provision in Part I of that Act applying to any such country as is referred to in paragraph (c) of that subsection.

18.—(1) The following provisions of this Act, that is to say— PART III

(a) subsections (2) and (3) of section one ;

(b) subsection (2) of section six ;

(c) subsection (2) of section seven ; and

(d) sub-paragraph (2) of paragraph 10 of the First Schedule,

Provisions  
relating to  
Channel  
Islands  
and Isle of  
Man.

shall have effect as if the Channel Islands and the Isle of Man (in this section collectively referred to as the Islands) were included in the United Kingdom ; and the reference in subsection (3) of section one to the Government of the United Kingdom shall be construed as including a reference to the Lieutenant Governor of any of the Islands.

(2) Her Majesty may by Order in Council direct that all or any of the provisions of this Act shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, to any of the Islands.

(3) The provisions of the Third Schedule to this Act shall have effect for the purpose of giving effect under the law of the United Kingdom to things done in any of the Islands under provisions of this Act extended thereto by virtue of this section.

(4) The Secretary of State may defray or contribute towards expenses incurred by the Governments of the Islands in connection with the removal of persons under Part I or Part II of this Act as extended under this section.

19. There shall be defrayed out of moneys provided by Parliament any expenses incurred for the purposes of this Act by the Secretary of State, the Minister of Labour or the Minister of Health. Expenses.

20.—(1) In subsection (1) of section eighteen of the Matrimonial Causes Act, 1950, and in section twenty-six of the Matrimonial Causes Act (Northern Ireland), 1939, for the words “the deportation of aliens” there shall be substituted the word “deportation”. Consequential  
amendments  
and repeals.

(2) The following provisions of the British Nationality Act, 1948, are hereby repealed, that is to say :—

(a) in subsection (1) of section six, the words from “if he satisfies” to the end ;

(b) in paragraph 3 of the Second Schedule, the words from “(a) that he is ordinarily resident” to “government in the United Kingdom, and”.

(3) So much of this section as relates to the said Act of 1939 shall be treated for the purposes of section six of the Government of Ireland Act, 1920, as a provision of an Act passed before the appointed day within the meaning of that section.

PART III  
Short title,  
interpretation  
and com-  
mencement.

21.—(1) This Act may be cited as the Commonwealth Immigrants Act, 1962.

(2) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say,—

“enactment” includes an enactment of the Parliament of Northern Ireland ;

“immigration officer” means an officer appointed or employed as such under section sixteen of this Act ;

“the United Kingdom”, throughout this Act, has the meaning assigned by the Royal and Parliamentary Titles Act, 1927 ;

and subsection (5) of section thirty-two of the British Nationality Act, 1948 (which relates to persons born aboard ships or aircraft) shall apply for the purposes of this Act as it applies for the purposes of that Act.

(3) References in this Act to Part I and Part II of this Act include respectively references to the First and the Second Schedule to this Act.

(4) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any other enactment, including this Act.

(5) This Act shall come into operation on such date as the Secretary of State may by order appoint ; and different dates may be appointed by order under this section for different purposes of this Act.

Section 3.

## SCHEDULES

### FIRST SCHEDULE

#### SUPPLEMENTARY PROVISIONS AS TO CONTROL OF IMMIGRATION

##### PART I

##### GENERAL PROVISIONS

##### *Examination of persons landing in the United Kingdom*

1.—(1) Subject to the provisions of this paragraph, an immigration officer may examine any person who lands or seeks to land in the United Kingdom for the purpose of ascertaining whether that person is or is not a Commonwealth citizen subject to control under Part I of this Act, and if so for the purpose of determining what action, if any, should be taken in his case under the said Part I ; and it shall be the duty of every such person to furnish to an immigration officer such information in his possession as that officer may reasonably require for the purpose of his functions under this paragraph.

(2) A person shall not be required to submit to examination under this paragraph after the expiration of the period of twenty-four hours from the time when he lands in the United Kingdom unless, upon being examined within that period, he is required in writing by an immigration officer to submit to further examination.



(3) Any person liable to be examined by an immigration officer under the foregoing provisions of this paragraph shall, if directed to do so by such an officer in the course of his examination—

- (a) declare whether or not he is carrying or conveying any documents of any description specified by that officer, being a description appearing to that officer to be relevant for the purposes of the examination ;
- (b) produce to the officer any documents of any such description which he is carrying or conveying ;

and the power to examine any such person shall include power to search him and any baggage belonging to him or under his control with a view to ascertaining whether he is carrying or conveying any such documents :

Provided that no woman or girl shall be searched by virtue of this sub-paragraph except by a woman.

(4) An immigration officer may examine, and may detain for such time as he thinks proper for the purposes of examination (not exceeding seven days), any documents produced pursuant to or found on a search under sub-paragraph (3) of this paragraph.

(5) The powers of an immigration officer under this paragraph may be exercised also—

- (a) in the case of the powers conferred by sub-paragraphs (1) and (2), by a medical inspector or by any qualified person carrying out any test or examination required by a medical inspector ; and
- (b) in the case of the powers of search conferred by sub-paragraph (3), by any person acting under the directions of an immigration officer.

*General provisions as to refusal of admission and  
admission subject to conditions*

2.—(1) The power of an immigration officer under section two of this Act to refuse admission into the United Kingdom or to admit into the United Kingdom subject to conditions shall be exercised by notice in writing ; and subject to sub-paragraph (2) of this paragraph, any such notice shall be given by being delivered by the immigration officer to the person to whom it relates.

(2) Where an immigrant who is to be admitted into the United Kingdom subject to conditions is a member of a party in the charge of a person appearing to the immigration officer to be a responsible person, the notice under this paragraph shall be duly given if delivered to the person in charge of the party.

(3) Subject to the following provisions of this Schedule, a notice under this paragraph shall not be given to any person unless he has been examined in pursuance of paragraph 1 of this Schedule, and shall not be given to any person later than twelve hours after the conclusion of his examination (including any further examination) in pursuance of that paragraph.

(4) A notice refusing a person admission into the United Kingdom may at any time be cancelled by a subsequent notice in writing given to him by an immigration officer ; and where a notice under this

## 1st SCH.

sub-paragraph cancelling such a notice is given to any person at any time, the immigration officer may, notwithstanding anything in sub-paragraph (3) of this paragraph, at the same time give to that person a notice admitting him into the United Kingdom subject to conditions under section two of this Act.

(5) Any conditions specified in a notice under this paragraph may at any time be revoked or varied by the Secretary of State, either by notice in writing given to the immigrant to whom those conditions apply or by order applying to immigrants of any class to whom such conditions for the time being apply.

(6) Any notice under this paragraph and any condition specified in such a notice, shall, unless previously cancelled or revoked under the provisions of this Schedule, cease to have effect if the person to whom the notice was given again lands or seeks to land in the United Kingdom and is on that occasion examined in pursuance of paragraph 1 of this Schedule.

*Removal of immigrants on refusal of admission*

3.—(1) Where an immigrant is refused admission into the United Kingdom an immigration officer may, subject to sub-paragraph (3) of this paragraph, give directions—

- (a) to the master of the ship or commander of the aircraft in which the immigrant arrived in the United Kingdom, requiring him to remove the immigrant from the United Kingdom in that ship or aircraft ; or
- (b) to the owners or agents of the said ship or aircraft, requiring them to remove the immigrant from the United Kingdom in any ship or aircraft specified in the directions, being a ship or aircraft of which they are the owners or agents ; or
- (c) to the said owners or agents, requiring them to make arrangements for the removal of the immigrant from the United Kingdom in any ship or aircraft bound for a country or territory specified in the directions, being either—
  - (i) a country of which the immigrant is a citizen ; or
  - (ii) a country or territory in which he has obtained a passport or other document of identity ; or
  - (iii) a country or territory in which he embarked for the United Kingdom ; or
  - (iv) a country or territory to which there is reason to believe that the immigrant will be admitted, and for securing him a passage to that country or territory.

(2) If it appears to the Secretary of State that in the circumstances it is not practicable for directions to be given under sub-paragraph (1) of this paragraph in respect of an immigrant, or that directions so given would be ineffective, the Secretary of State, or any person acting under his authority, may give to the owners or agents of any ship or aircraft the like directions as could be given under paragraph (c) of the said sub-paragraph (1) to the owners or agents of the ship or aircraft in which the immigrant arrived in the United Kingdom ; but in any such case the costs of complying with the directions shall be defrayed by the Secretary of State.

(3) No directions shall be given under this paragraph in respect of an immigrant after the expiration of two months beginning with the date on which he was refused admission into the United Kingdom.

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(4) An immigrant in respect of whom directions are given under this paragraph may be placed, under the authority of an immigration officer, on board any ship or aircraft in which he is to be removed in accordance with the directions.

*Detention of immigrants pending further examination or removal*

4.—(1) An immigrant who is required to submit to further examination under this Schedule, or who is refused admission into the United Kingdom under section two of this Act, may be detained under the authority of an immigration officer or constable pending that further examination, or pending the giving of directions under paragraph 3 of this Schedule and pending removal in pursuance of such directions, as the case may be ; and where any such immigrant is on board a ship or aircraft, he may, under the like authority, be removed therefrom for detention under this paragraph.

(2) The master of a ship shall, if so required by an immigration officer, take such steps as may be necessary for preventing—

- (a) an immigrant who arrived in the ship and to whom admission into the United Kingdom has been refused ; or
- (b) an immigrant who has been placed on board the ship under paragraph 3 of this Schedule,

from landing from the ship before it leaves the United Kingdom ; and for that purpose the master may detain the immigrant in custody on board the ship.

(3) The commander of an aircraft shall, if so required by an immigration officer, take such steps as may be necessary for preventing an immigrant who has been placed on board the aircraft under paragraph 3 of this Schedule from landing from the aircraft before it leaves the United Kingdom ; and for that purpose the commander may detain the immigrant in custody on board the aircraft.

*Landing and embarkation cards*

5.—(1) The Secretary of State may by order make provision for requiring passengers landing or embarking in the United Kingdom, or any class of such passengers, to produce to an immigration officer, if so required, landing or embarkation cards in such form as the Secretary of State may direct, and for requiring the owners or agents of ships and aircraft to supply such cards to those passengers.

(2) The power of the Secretary of State to make orders under this paragraph shall be exercisable by statutory instrument.

**PART II**

**SPECIAL PROVISIONS AS TO CREWS OF SHIPS AND AIRCRAFT  
AND STOWAWAYS**

*British seaman's cards*

6.—(1) If a Commonwealth citizen who holds a British seaman's card arrives in the United Kingdom as a member of the crew of a

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ship, that card shall be treated for the purposes of section one of this Act as a United Kingdom passport within the meaning of that section.

(2) In this paragraph "British seaman's card" means a card issued under any order in force under section four of the Emergency Laws (Miscellaneous Provisions) Act, 1953, or any card having effect as a card so issued.

*Examination of crews*

7.—(1) An immigration officer may examine under paragraph 1 of this Schedule any person who arrives at a port in the United Kingdom as a member of the crew of a ship, whether or not he lands or seeks to land in the United Kingdom; and the provisions of that paragraph shall apply to any such person accordingly, except that he may be required to submit to examination at any time before the ship has left the port.

(2) The Secretary of State may by order make provision for requiring the masters of ships and commanders of aircraft arriving at ports in the United Kingdom, or so arriving from or by way of countries or places specified in the order, to furnish to immigration officers particulars of the members of the crews of those ships or aircraft, and for enabling an immigration officer to dispense with the furnishing of such particulars.

(3) The power of the Secretary of State to make orders under sub-paragraph (2) of this paragraph shall be exercisable by statutory instrument.

*Control over seamen*

8.—(1) An immigration officer may, by notice given at any time to any Commonwealth citizen to whom section one of this Act applies who—

- (a) has arrived at a port in the United Kingdom as a member of the crew of a ship; and
- (b) is for the time being on board the ship on which he arrived at the port,

prohibit him from landing from that ship while it remains at the port unless authorised to do so by an immigration officer.

(2) If any such Commonwealth citizen who has arrived as aforesaid—

- (a) lands from a ship in contravention of a prohibition imposed on him under sub-paragraph (1) of this paragraph; or
- (b) remains in the United Kingdom after his ship has left the port and without having been examined by an immigration officer under paragraph 1 of this Schedule; or
- (c) having been admitted into the United Kingdom subject to a condition restricting the period for which he may remain there, remains in the United Kingdom in contravention of that condition,

he shall, subject to the following provisions of this paragraph, be treated for the purposes of this Act as if he had been refused admission into the United Kingdom.

(3) An immigration officer may, by notice in writing given at any time to any Commonwealth citizen who has landed or remained in the United Kingdom as mentioned in sub-paragraph (2) of this

paragraph, authorise him to remain in the United Kingdom either without conditions or subject to any such conditions as could be imposed under section two of this Act, including in particular conditions requiring him—

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(a) to leave the United Kingdom in a specified ship or aircraft ; or

(b) to leave the United Kingdom within a specified period in accordance with arrangements for his repatriation ;

and where such a notice is given to any person, he shall not be treated as a person to whom admission to the United Kingdom has been refused unless, in the case where he is subject to conditions requiring him to leave the United Kingdom as aforesaid, he fails to comply or is reasonably suspected of intending to fail to comply with those conditions.

(4) In relation to any person to whom it applies by virtue of this paragraph, paragraph 3 of this Schedule shall have effect as if sub-paragraph (3) of that paragraph were omitted.

(5) Sub-paragraphs (5) and (6) of paragraph 2 of this Schedule shall apply in relation to any notice under sub-paragraph (3) of this paragraph, and any conditions imposed thereby, as they apply in relation to a notice under the said paragraph 2, and to conditions specified in such a notice.

#### *Stowaways*

9.—(1) If any Commonwealth citizen to whom section one of this Act applies arrives at a port in the United Kingdom as a stowaway in a ship or aircraft, he shall, subject to the provisions of the following sub-paragraph, be treated for the purposes of this Act as if he had been refused admission into the United Kingdom.

(2) Sub-paragraphs (3), (4) and (5) of paragraph 8 of this Schedule shall apply in relation to any such Commonwealth citizen as aforesaid as they apply in relation to any Commonwealth citizen who has landed or remained in the United Kingdom as mentioned in sub-paragraph (2) of the said paragraph 8, and the reference in the said sub-paragraph (4) to the said paragraph 8 shall accordingly be construed as including a reference to this paragraph.

### PART III

#### INTERPRETATION

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

“ crew ”, in relation to a ship or aircraft, means all persons actually employed in the working or service of the ship or aircraft, including the master of the ship and the commander of the aircraft, and “ member of the crew ” shall be construed accordingly ;

“ immigrant ” means a Commonwealth citizen to whom section one of this Act applies who lands or seeks to land in the United Kingdom ;

“ land ” means (subject to sub-paragraph (2) of this paragraph) land from a ship or aircraft, and “ embark ” shall be construed accordingly ;

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“port” includes any place where a person lands or embarks in the United Kingdom ;

“ship” includes every description of vessel used in navigation.

(2) References in this Schedule to persons landing in the United Kingdom from, or arriving at ports in the United Kingdom as members of the crews of, ships or aircraft do not include references to persons landing from a ship or aircraft which began its voyage at a place in, and has not during the voyage called at any place outside, the United Kingdom, or arriving as members of the crew of such a ship or aircraft.

Section 10.

## SECOND SCHEDULE

### SUPPLEMENTARY PROVISIONS AS TO DEPORTATION

#### *Removal of persons subject to deportation orders*

1.—(1) The Secretary of State, or any person acting under his authority, may give directions to the master of any ship or commander of any aircraft which is about to leave the United Kingdom, requiring him to afford to any person against whom a deportation order is in force, and to any dependants of his specified in the directions, a passage to any port so specified (being a port in a country of which that person is a citizen or a country or territory to which the Secretary of State has reason to believe that he will be admitted, and at which the ship or aircraft is to call or land in the course of the voyage) and proper accommodation and maintenance during the passage.

(2) A person in respect of whom directions are given under subparagraph (1) of this paragraph may be placed, under the authority of the Secretary of State, on board any ship or aircraft in which he is to be removed in accordance with the directions.

(3) The Secretary of State may, if he thinks fit, apply in or towards payment of the expenses of or incidental to the voyage from the United Kingdom of a person against whom a deportation order is in force, or the maintenance until departure of such a person and his dependants, if any, any money belonging to that person ; and except so far as they are paid as aforesaid, those expenses shall be defrayed by the Secretary of State.

#### *Detention and control of persons subject to deportation*

2.—(1) Where a recommendation for deportation is in force in respect of an offender and the offender is neither detained in pursuance of the sentence or order of any court nor for the time being released on bail by any court having power so to release him, he shall, unless the court by which the recommendation is made otherwise directs, be detained until the Secretary of State either—

- (a) makes a deportation order in respect of him ; or
- (b) notifies him that no such order is to be made ; or
- (c) directs him to be released pending further consideration of his case.

(2) Where a deportation order is in force in respect of an offender, the offender may be detained under the authority of the Secretary of State until he is removed from the United Kingdom pursuant to this Schedule.

(3) Where a person is released from detention by direction of the Secretary of State under sub-paragraph (1) of this paragraph pending further consideration of his case, or, being liable to be detained under sub-paragraph (2) of this paragraph, is not for the time being so detained, the Secretary of State may by order impose on him such restrictions as to his place of residence, and such requirements as to reporting to the police, as the Secretary of State thinks fit.

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(4) The master of a ship or commander of an aircraft shall, if so required by an immigration officer, take such steps as may be necessary for preventing any person placed on board the ship or aircraft under paragraph 1 of this Schedule from landing from the ship or aircraft before it leaves the United Kingdom; and for that purpose the master or commander may detain the said person in custody on board the ship or aircraft.

### THIRD SCHEDULE

Section 18.

#### EFFECT IN UNITED KINGDOM OF ACTION TAKEN IN CHANNEL ISLANDS OR ISLE OF MAN

##### *Refusal of admission*

1.—(1) Where a Commonwealth citizen who has been refused admission into any of the Islands under section two of this Act, as extended under section eighteen, enters the United Kingdom without being examined in pursuance of Part I of the First Schedule to this Act, the notice under the said Part I as so extended refusing him such admission shall, unless previously cancelled under this Act as so extended, have effect as if it were a notice under the said Part I refusing him admission into the United Kingdom, and had been given to him when he landed in the United Kingdom; and the provisions of this Act with respect to such refusals of admission and notices (including in particular sub-paragraph (4) of paragraph 2 of the said First Schedule) shall apply accordingly.

(2) Where a notice refusing any person admission into any of the Islands is cancelled under Part I of the First Schedule to this Act as applied by this paragraph, the cancellation shall have effect at any time thereafter when the notice would, apart from the cancellation, have effect by virtue of this paragraph as a notice refusing that person admission into the United Kingdom.

##### *Conditional admission*

2.—(1) Where a Commonwealth citizen who has been admitted into any of the Islands subject to conditions under section two of this Act, as extended under section eighteen, enters the United Kingdom without being examined in pursuance of Part I of the First Schedule to this Act, those conditions shall, unless they have previously been revoked or ceased to have effect under this Act as so extended, apply to him while in the United Kingdom as if they were specified in a notice under the said Part I admitting him into the United Kingdom subject to those conditions; and the provisions of this Act with respect to such conditions and notices shall apply accordingly.

(2) In the application by virtue of this paragraph of any condition limiting the period for which a Commonwealth citizen may remain

3RD SCH. in any of the Islands, the condition shall be treated as if it provided that he shall not remain in the United Kingdom after the expiration of the period specified therein.

(3) Where a condition imposed upon any person in any of the Islands is revoked or varied by the Secretary of State under Part I of the First Schedule to this Act as applied by this paragraph, the revocation or variation shall have effect at any time thereafter when the condition would, apart from the revocation or variation, apply to that person by virtue of this paragraph while in the United Kingdom.

*Cesser of United Kingdom notices and conditions  
on landing in Islands*

3. Any notice under paragraph 2 of the First Schedule to this Act refusing a person admission into the United Kingdom or admitting him there subject to conditions, and any condition specified in such a notice, shall, unless previously cancelled or revoked under that Schedule, cease to have effect if that person lands or seeks to land in any of the Islands and is on that occasion examined in pursuance of Part I of that Schedule as extended under section eighteen of this Act.

*Deportation*

4.—(1) Subject to the provisions of this paragraph, a deportation order made in any of the Islands under Part II of this Act as extended under section eighteen shall have effect, in the United Kingdom, as if it were a deportation order made by the Secretary of State requiring the person to whom it relates to leave the United Kingdom and prohibiting him from returning there; and section ten of this Act shall apply accordingly with the necessary modifications.

(2) The Secretary of State may in any particular case direct that sub-paragraph (1) of this paragraph shall not apply in relation to a deportation order made in any of the Islands; and nothing in this paragraph shall render it unlawful for a person in respect of whom a deportation order made in any of the Islands is in force to enter the United Kingdom on his way from that Island to a place outside the United Kingdom.

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*Table of Statutes referred to in this Act*

| Short Title                                                   | Session and Chapter                   |
|---------------------------------------------------------------|---------------------------------------|
| Interpretation Act, 1889 ... ..                               | 52 & 53 Vict. c. 63.                  |
| Government of Ireland Act, 1920 ... ..                        | 10 & 11 Geo. 5. c. 67.                |
| Royal and Parliamentary Titles Act, 1927 ... ..               | 17 & 18 Geo. 5. c. 4.                 |
| Statutory Instruments Act, 1946 ... ..                        | 9 & 10 Geo. 6. c. 36.                 |
| British Nationality Act, 1948 ... ..                          | 11 & 12 Geo. 6. c. 56.                |
| Criminal Justice (Scotland) Act, 1949 ... ..                  | 12, 13 & 14 Geo. 6. c. 94.            |
| Matrimonial Causes Act, 1950 ... ..                           | 14 Geo. 6. c. 25.                     |
| Magistrates' Courts Act, 1952 ... ..                          | 15 & 16 Geo. 6 & 1 Eliz. 2.<br>c. 55. |
| Visiting Forces Act, 1952 ... ..                              | 15 & 16 Geo. 6 & 1 Eliz. 2.<br>c. 67. |
| Emergency Laws (Miscellaneous Provisions)<br>Act, 1953 ... .. | 1 & 2 Eliz. 2. c. 47.                 |
| Naval Discipline Act, 1957 ... ..                             | 5 & 6 Eliz. 2. c. 53.                 |
| British Nationality Act, 1958 ... ..                          | 6 & 7 Eliz. 2. c. 10.                 |



## CHAPTER 22

An Act to provide for the appointment to the Industrial Coal Consumers' Council and the Domestic Coal Consumers' Council of persons to represent Northern Irish interests. [24th May, 1962]

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

1.—(1) The persons who may be appointed by the Minister of Power to the Consumers' Councils established under section four of the Coal Industry Nationalisation Act, 1946 (hereafter in this Act referred to as "the principal Act") shall include—

Representation of Northern Irish interests on Coal Consumers' Councils. 9 & 10 Geo. 6. c. 59.

(a) in the case of the Industrial Coal Consumers' Council, persons appointed by him to represent consumers of coal, coke and manufactured fuel respectively in Northern Ireland for industrial purposes or other purposes involving supply in bulk, and to represent persons engaged in organising or effecting the sale or supply of coal, coke and manufactured fuel respectively in Northern Ireland for those purposes;

(b) in the case of the Domestic Coal Consumers' Council, persons appointed by him to represent consumers of coal, coke and manufactured fuel respectively in Northern Ireland for domestic purposes and other purposes not falling within the foregoing paragraph, and to represent persons engaged in organising or effecting the sale or supply of coal, coke or manufactured fuel respectively in Northern Ireland for those purposes.

(2) In subsection (3) of the said section four (which provides that the duties of the Industrial Coal Consumers' Council shall include consideration of the matters therein mentioned which are the subject of representations made by consumers of coal, coke or manufactured fuel) the reference to consumers shall include a reference to consumers in Northern Ireland, and subsection (4) of the said section (which relates to the duties of the Domestic Coal Consumers' Council) shall be construed accordingly.

2. There shall be paid out of moneys provided by Parliament any increase attributable to the provisions of the foregoing section in the sums payable out of such moneys by way of remuneration, allowances and expenses payable by the Minister of Power under subsection (6) of section four of the principal Act.

Expenses.

3.—(1) This Act may be cited as the Coal Consumers' Councils (Northern Irish Interests) Act, 1962, and this Act and the Coal Industry Acts, 1946 to 1961, may be cited together as the Coal Industry Acts, 1946 to 1962.

Citation and construction.

(2) This Act shall be construed as one with the principal Act.

## CHAPTER 23

An Act to make final provision as to the operation of the law in consequence of the Union of South Africa having become a republic outside the Commonwealth.

[24th May, 1962]

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

Nationality,  
etc.

1.—(1) In subsection (3) of section one of the British Nationality Act, 1948 (which specifies the countries whose citizens are by virtue of that citizenship British subjects or Commonwealth citizens) the reference to South Africa shall be omitted; and accordingly any person who, immediately before the commencement of this Act, was a British subject by virtue only of his citizenship of the Republic shall cease to be a British subject at the commencement of this Act.

(2) The provisions of the First Schedule to this Act shall have effect for continuing, for the benefit of citizens of the Republic who make application, or give notice of intention to make application, before the end of the year nineteen hundred and sixty-five, certain provisions of the said Act of 1948 with respect to the acquisition by registration of citizenship of the United Kingdom and Colonies; and in relation to an application for registration as a citizen of the United Kingdom and Colonies made before the end of that year by a woman who is a citizen of the Republic, subsection (2) of section six of that Act shall apply as if she were a British subject.

(3) Until the end of the year nineteen hundred and sixty-five, a citizen of the Republic shall not be subject, in respect of any office, place or employment held by him at the commencement of this Act, or any qualification to act in any capacity in which he was acting at the commencement of this Act, to any disability imposed in the case of aliens by or by virtue of any of the following enactments, that is to say—

- (a) section three of the Act of Settlement;
- (b) sections four to six of the Aliens Restriction (Amendment) Act, 1919;
- (c) section eighty-eight of the Patents Act, 1949, or any rules made for the purposes of that section; or
- (d) any Act of the Parliament of Northern Ireland, or any regulations in force under any such Act.

(4) For the purposes of subsection (3) of this section a person who at the commencement of this Act was on leave from or otherwise temporarily absent from employment in any capacity

mentioned in subsection (1) of section five of the Aliens Restriction (Amendment) Act, 1919 (master, etc., of British merchant ship) shall be treated as if he were employed in such employment at the commencement of this Act; and where the said subsection (3) applies to any person in respect of any office, place or employment held by him at the commencement of this Act, it shall apply to him also in respect of any office, place or employment to or in which he may be appointed or employed thereafter by way of re-engagement or transfer.

2.—(1) The enactments mentioned in the Second Schedule to this Act shall continue to apply in relation to the Republic as provided by that Schedule. Other provisions as to existing law.

(2) The provisions of the Third Schedule to this Act (being transitional provisions and savings) shall have effect with respect to the enactments referred to in that Schedule.

(3) The enactments described in the Fourth Schedule to this Act shall have effect subject to the amendments specified in the second column of that Schedule; and the enactments and instruments described in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(4) Without prejudice to subsection (2) of this section, the provisions of the Interpretation Act, 1889, and any rule of law with respect to the effect of repeals shall apply in relation to any enactment which ceases to apply in relation to the Republic, or persons or things belonging thereto or connected therewith, otherwise than by virtue of the repeals effected by this section, as if it were repealed by this section to the extent that it ceases so to apply.

3.—(1) In this Act “the Republic” means the Republic of South Africa; and references to the Republic, in relation to any time before the thirty-first day of May, nineteen hundred and sixty-one, include references to the Union of South Africa. Interpretation etc.

(2) Any reference in this Act to an enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any other enactment; and any such reference to any enactment which extends to the Isle of Man, any of the Channel Islands or any colony or other territory, includes a reference thereto as it so extends.

(3) For the purposes of section six of the Government of Ireland Act, 1920, this Act, so far as it relates to any enactment of the Parliament of Northern Ireland or any enactment which that Parliament has power to amend, shall be deemed to be an Act passed before the appointed day within the meaning of that section.

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mencement.

- 4.—(1) This Act may be cited as the South Africa Act, 1962.  
(2) This Act shall come into operation on the thirty-first day of May, nineteen hundred and sixty-two.

## SCHEDULES

### FIRST SCHEDULE

#### TEMPORARY CONTINUANCE OF CERTAIN PROVISIONS OF BRITISH NATIONALITY ACT, 1948, WITH RESPECT TO CITIZENSHIP BY REGISTRATION.

1. Subsection (1) of section six of the British Nationality Act, 1948, and subsection (2) of section three of the British Nationality Act, 1958, shall apply in relation to citizens of the Republic as they apply in relation to citizens of countries mentioned in subsection (3) of section one of the said Act of 1948; but no person shall by virtue of this paragraph be registered as a citizen of the United Kingdom and Colonies under the said subsection (1) unless either—

- (a) he makes application under that subsection before the end of the year nineteen hundred and sixty-five; or
- (b) he gives notice under paragraph 2 below before the end of that year of his intention to make such an application, and makes the application within five years after giving that notice.

2. A notice of intention to make such an application shall be given to such person and in such manner as may be prescribed by regulations under section twenty-nine of the said Act of 1948; and such a notice may be given only by a citizen of the Republic who, at the time when the notice is given, is—

- (a) ordinarily resident in the United Kingdom or in any colony or protectorate residence in which may qualify for registration under the said subsection (1); or
- (b) in Crown service under Her Majesty's Government in the United Kingdom; or
- (c) serving either under an international organisation of which Her Majesty's said Government is a member or in the employment of a society, company or body of persons established in the United Kingdom or in any such colony or protectorate.

3. A person who would be entitled or qualified to be registered as a citizen of the United Kingdom and Colonies under subsection (1) of the said section six as extended by this Schedule if he were a citizen of the Republic may, with the approval of the Secretary of State, be so registered notwithstanding that he has ceased to be such a citizen if he was such a citizen immediately before making his application or giving notice under paragraph 2 above.

4. In relation to any application for registration made under subsection (6) of section twelve of the said Act of 1948 by a citizen of the Republic, paragraph (a) of subsection (1) of section three of the British Nationality Act, 1958 (which prescribes the time within which such applications may be made) shall have effect as if for

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the words "nineteen hundred and sixty-two" there were substituted the words "nineteen hundred and sixty-five"; and for the purposes of any such application the references in the said subsection (6) to the United Kingdom and Colonies (other than references to citizenship of the United Kingdom and Colonies) shall be construed as including references to the protectorates of Bechuanaland and Swaziland.

5. No person shall, by virtue of this Schedule, be entitled to be registered as a citizen of the United Kingdom and Colonies if a deportation order, or a recommendation for the making of a deportation order, is in force in respect of him under any Order in Council made in pursuance of the Aliens Restriction Act, 1914; but the Secretary of State may, if he thinks fit, register as such a citizen any person who would be entitled or qualified to be so registered but for this paragraph.

6. In relation to any application for registration made before the end of the year nineteen hundred and sixty-five, the following provisions of the British Nationality Act, 1948, that is to say subsection (2) of section eight, subsection (7) of section twelve and section twenty-six, shall have effect as if—

- (a) references to any country mentioned in subsection (3) of section one of that Act included references to the Republic; and
- (b) references to the High Commissioner for Her Majesty's government in the United Kingdom included references to Her Majesty's Ambassador for the United Kingdom to the Republic or the person appointed to act as *chargé d'affaires* during the absence or incapacity of such an Ambassador.

7. This Schedule shall be construed as one with the British Nationality Act, 1948.

## SECOND SCHEDULE

### PROVISIONS FOR CONTINUING OPERATION OF CERTAIN ENACTMENTS IN RELATION TO REPUBLIC

#### *Colonial probates*

1. The Colonial Probates Act, 1892, shall apply in relation to the Republic as it applies in relation to a British possession; and any Order in Council in force under that Act in relation to the Republic immediately before the commencement of this Act shall continue in force accordingly.

#### *Maintenance orders*

2.—(1) The Maintenance Orders (Facilities for Enforcement) Act, 1920, shall apply in relation to the Republic as it applies in relation to a part of Her Majesty's dominions; and any Order in Council in force under that Act in relation to the Republic immediately before the commencement of this Act shall continue in force accordingly.

(2) For the purposes of the application of the said Act in relation to the Republic in accordance with the foregoing subparagraph, references in that Act to the governor of a part of Her Majesty's dominions shall, in the case of the Republic, be construed as references to the Minister of Justice.

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3. In subsection (1) of section one of the Naval Forces (Enforcement of Maintenance Liabilities) Act, 1947 (deductions from pay in respect of liabilities for maintenance, etc.) the reference to an order or decree of any court in Her Majesty's dominions shall be construed as including a reference to an order or decree (whenever made) of any court in the Republic; and any Order in Council made under section three of the Naval and Marine Pay and Pensions Act, 1865, before the commencement of this Act shall be construed accordingly.

*Companies' registers*

4.—(1) Sections one hundred and nineteen to one hundred and twenty-one of the Companies Act, 1948, and sections one hundred and sixteen to one hundred and eighteen of the Companies Act (Northern Ireland), 1960 ("dominion registers") and section one hundred and twenty-three of the Companies Act, 1948 (branch registers of "dominion" companies kept in Great Britain) shall apply in relation to the Republic as they apply in relation to a part of Her Majesty's dominions.

(2) The references in the foregoing sub-paragraph to provisions of the said Act of 1948 and of the said Act of 1960 shall be construed as including references to any corresponding provisions in force at the commencement of this Act which are contained in any enactment, royal charter or other instrument constituting or regulating any body corporate incorporated in, and having its principal office or a principal place of business in, Great Britain or Northern Ireland.

*Sugar*

5.—(1) Paragraph (b) of subsection (2) of section one of the Sugar Act, 1956 (establishment and principal functions of Sugar Board) shall apply to sugar exported or to be exported from the territories of the Republic as it applies in relation to Commonwealth sugar.

(2) Any profit or loss realised by the Minister of Agriculture, Fisheries and Food in connection with sugar purchased by the Sugar Board, as agents for him, in pursuance of any agreement made before the commencement of this Act between that Minister and the South African Sugar Association shall be paid over to or made good by the Board; and any payments made to or by the Board by virtue of this provision shall be credited or debited to its revenue account.

*Commonwealth preference*

6. For the purposes of the Import Duties Act, 1958, the Republic shall, subject to the general power of exclusion conferred by subsection (5) of section two of that Act, continue to form part of the Commonwealth preference area; and accordingly in the said section two—

(a) in subsection (4), the words "and the Union of South Africa" shall be omitted, and for the words "and the Republic of Ireland" there shall be substituted the words "the Republic of Ireland and the Republic of South Africa"; and

- (b) in subsection (9), for the words "the Union of South Africa" there shall be substituted the words "the Republic of South Africa".

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### THIRD SCHEDULE

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### *Fugitive offenders*

1. Where, in the case of a person accused of having committed an offence within the territory of the Republic, a warrant or provisional warrant for his apprehension has been endorsed or issued outside the Republic under Part I or Part II of the Fugitive Offenders Act, 1881, and has been executed before the commencement of this Act, the provisions of that Act shall apply in relation to the warrant and any proceedings thereon as if the Republic were a part of Her Majesty's dominions:

Provided that no person shall be returned to the Republic by virtue of this paragraph—

- (a) if the offence of which he is accused is an offence of a political character or an offence which is not an offence under the law of the country or territory in which the warrant was endorsed or issued as aforesaid; or
- (b) if he proves to the satisfaction of a magistrate, court or authority having jurisdiction under the said Act to order his return or discharge that his return is in fact sought with a view to trying or punishing him for such an offence as aforesaid.

##### *Veterinary surgeons*

2.—(1) In the case of a person registered before the commencement of this Act as a colonial practitioner in the register of veterinary surgeons kept in pursuance of the Veterinary Surgeons Act, 1881, his continued registration as such a practitioner shall not be affected by the fact that the Republic is not part of Her Majesty's dominions.

(2) For the purposes of the registration of any person in the said register of veterinary surgeons after the commencement of this Act, the Republic shall be deemed never to have been a British possession.

(3) During the period beginning with the commencement of this Act and ending with the thirty-first day of December, nineteen hundred and sixty-five, subsection (2) of section thirteen of the said Act of 1881 (which entitles persons satisfying certain conditions to be registered as foreign practitioners in the said register) shall have effect in relation to any British subject who shows that he holds some recognised veterinary diploma granted at any time in the Republic as if the condition relating to the practising of veterinary surgery (which applies only to British subjects) were omitted.

##### *Medical practitioners*

3.—(1) In the case of a person registered before the commencement of this Act as a Commonwealth practitioner under any of the provisions of Part III of the Medical Act, 1956, or of any enactment

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repealed by that Act, his continued registration as such a practitioner shall not be affected by the fact that the Republic is not a Commonwealth country.

(2) For the purposes of the registration of any person under any of the provisions of the said Part III after the commencement of this Act, the Republic shall be deemed never to have been a Commonwealth country.

*Dentists*

4.—(1) In the case of a person registered before the commencement of this Act in the Commonwealth list contained in the dentists register kept under the Dentists Act, 1957, his continued registration in that list shall not be affected by the fact that the Republic is not a country within the Commonwealth.

(2) For the purposes of the registration of any person in the said dentists register after the commencement of this Act, the Republic shall be deemed never to have been a country within the Commonwealth.

*Solicitors*

5.—(1) Where any person being an attorney of the Supreme Court of South Africa or of any local division thereof (within the meaning of the Order of 1919)—

(a) has before the commencement of this Act complied with the requirements of clause (2) of that Order as to the leaving of documents; or

(b) is at the commencement of this Act serving bona fide as a clerk to a solicitor in England in pursuance of subsection (1) of section four of the Solicitors Act, 1957,

the provisions of the said subsection (1) or of section one of the Colonial Solicitors Act, 1900 (as the case may require) and of the said Order shall continue to apply to him as if the Republic were a part of Her Majesty's dominions.

(2) In this paragraph "the Order of 1919" means the Order in Council made under the Colonial Solicitors Act, 1900, and dated the 14th day of January, 1919 (S.R. & O. 1919 No. 67) as amended (in its application to England) by Orders in Council dated the 16th day of April, 1923 (S.R. & O. 1923 No. 480) and the 6th day of May, 1938 (S.R. & O. 1938 No. 495); and the power of Her Majesty to revoke or vary Orders in Council under the said Act and under section four of the Solicitors' Act, 1957, shall include power to revoke or vary the Order of 1919 so far as continued in force by this paragraph.

*Merchant shipping—certificates of competency*

6.—(1) A certificate of competency as—

(a) master, first mate or second mate of a foreign-going ship within the meaning of the Merchant Shipping Act, 1894; or

(b) first-class or second-class engineer; or

(c) first-class or second-class motor engineer,

granted under the Merchant Shipping (Certificates of Competency) Act, 1925 (an enactment of the legislature of the Republic) and any equivalent certificate of competency granted under the Merchant



Shipping Act, 1951 (an enactment of the said legislature), being a certificate granted by the appropriate authority on or after the first day of July, nineteen hundred and twenty-eight, but before the commencement of this Act, shall be of the same force as if it had been granted in the United Kingdom under the said Act of 1894.

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(2) The provisions of the said Act of 1894 which relate to certificates of competency granted under that Act (except those relating to certificates for a home-trade passenger ship, and section one hundred and one) shall apply to any such certificate as is described in the foregoing paragraph, and to any certificate certified by the Registrar-General of Shipping and Seamen to have been issued by the proper authority after the commencement of this Act in place of such a certificate.

(3) In this paragraph "the proper authority" means the authority for the time being empowered by the legislature of the Republic to grant certificates of competency under the enactments of that legislature relating to merchant shipping.

*Indication of origin of goods*

7.—(1) For the purposes of the following provisions of the Merchandise Marks Acts, 1887 to 1953, that is to say—

- (a) subsection (1) (d) of section two of the Merchandise Marks Act, 1887 (application of false trade description to goods);
- (b) subsection (2) of the said section two (sale of goods bearing false trade description); and
- (c) subsection (1) of section one of the Merchandise Marks Act, 1926, and any Order in Council made under subsection (1) of section two of that Act (sale of goods lacking indication of origin),

so far as those provisions apply to anything done before the relevant date prescribed by this paragraph, the word "Empire", when used in relation to goods or things manufactured or produced in the Republic or in the mandated territory of South West Africa, shall be deemed not to constitute a false trade description, or shall be deemed to constitute a sufficient indication of origin, as the case may be.

(2) For the purposes of this paragraph the relevant date—

- (a) in relation to subsection (1) (d) of section two of the Merchandise Marks Act, 1887, is the thirty-first day of October, nineteen hundred and sixty-two;
- (b) in relation to the other provisions referred to in sub-paragraph (1), is the thirty-first day of October, nineteen hundred and sixty-three;

Provided that for the purposes of section sixteen of the said Act of 1887 (prohibition on importation), the question whether any goods are goods which, if sold, would be liable to forfeiture under that Act shall be determined as if the thirty-first day of October, nineteen hundred and sixty-two, were the relevant date in relation to all the provisions referred to in sub-paragraph (1).

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*Old age pensions*

8.—(1) In relation to any person to whom this paragraph applies, subsection (1) of section two of the Old Age Pensions Act, 1936 (statutory conditions for receipt of old age pension) shall (without prejudice to the restrictions imposed on the payment of such pensions by subsection (3) of section seventy-four of the National Insurance Act, 1946) have effect as if for paragraph (b) there were substituted the following paragraph:—

“(b) the person shall satisfy the pension authorities that for at least ten years up to the date of the receipt of any sum on account of a pension he has been a British subject, or a citizen of the Republic of South Africa, or partly the one and partly the other, and that he has been resident in the United Kingdom, if he was born a British subject, for an aggregate period of not less than twelve years since attaining the age of fifty years or, in the case of a blind person, twenty years and, if he was not born a British subject, for an aggregate period of twenty years;”.

(2) This paragraph applies to any person who satisfies the pension authorities (within the meaning of the said section two) that he was, immediately before the commencement of this Act, a British subject by virtue of being a citizen of the Republic, but ceased to be a British subject at the commencement of this Act (whether or not he has subsequently become a British subject again).

(3) References in the foregoing provisions of this paragraph to section two of the Old Age Pensions Act, 1936, and section seventy-four of the National Insurance Act, 1946, include respectively references to section two of the Old Age Pensions Act (Northern Ireland), 1936, and section seventy-one of the National Insurance Act (Northern Ireland), 1946.

*Recognition of matrimonial decrees and orders*

9. Any decree or order made before the commencement of this Act by virtue of a law of the Republic, being a decree or order of which the validity was required to be recognised in any British court by virtue of section four of the Matrimonial Causes (War Marriages) Act, 1944, shall continue to be so recognised as valid in all British courts as respects which that section has effect, notwithstanding that the Republic is not a part of Her Majesty's dominions.

*Teachers*

10.—(1) Section eleven of the Superannuation (Miscellaneous Provisions) Act, 1948 and section twenty-two of the Teachers (Superannuation) (Amendment) Act (Northern Ireland), 1956 (power to make rules for treating certain overseas employments as approved external service in relation to teachers) and any rules made thereunder (whether before or after the commencement of this Act) shall have effect in relation to any person to whom this paragraph applies as if the Republic were a part of Her Majesty's dominions.

(2) This paragraph applies to any teacher who at any time during the three months immediately preceding the commencement of this Act was employed in the Republic or in the mandated

territory of South West Africa in approved external service (within the meaning of section thirteen of the Teachers (Superannuation) Act, 1925, or section thirteen of the Teachers (Superannuation) Act (Northern Ireland), 1950, as the case may be).

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## FOURTH SCHEDULE

## CONSEQUENTIAL AMENDMENTS

*Enactment**Amendment*

|                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>The Imperial War Museum Act, 1920. 10 &amp; 11 Geo. 5. c. 16.</p>              | <p>In the Schedule, in paragraph (1), for the words "twenty-five other members" there shall be substituted the words "twenty-four other members", and, in the Table set out in that paragraph, the words "The Government of the Union of South Africa" and the corresponding figure "1" in the first column shall be omitted; but these amendments shall not affect the power to vary the said paragraph (1) conferred by section one of the Imperial War Museum Act, 1955.</p> |
| <p>The Prevention of Fraud (Investments) Act, 1958. 6 &amp; 7 Eliz. 2. c. 45.</p> | <p>In section twenty-six, in subsection (5), after the word "Burma" there shall be inserted the words "and the Republic of South Africa".</p>                                                                                                                                                                                                                                                                                                                                   |

## FIFTH SCHEDULE

## REPEALS

*Acts*

| Session and Chapter  | Short Title                                         | Extent of Repeal                                                           |
|----------------------|-----------------------------------------------------|----------------------------------------------------------------------------|
| 54 & 55 Vict. c. 31. | The Mail Ships Act, 1891                            | In the Schedule, the words "Cape of Good Hope" and "Natal".                |
| 57 & 58 Vict. c. 17. | The Colonial Officers (Leave of Absence) Act, 1894. | In the Schedule, the words "The Cape of Good Hope" and "Natal".            |
| 8 Edw. 7. c. 51.     | The Appellate Jurisdiction Act, 1908.               | In the Schedule, the words "The Union of South Africa".                    |
| 1 & 2 Geo. 5. c. 57. | The Maritime Conventions Act, 1911.                 | In section nine, in subsection (1), the words "the Union of South Africa". |
| 2 & 3 Geo. 5. c. 10. | The Seal Fisheries (North Pacific) Act, 1912.       | In section five, in subsection (2), the words "the Union of South Africa". |
| 3 & 4 Geo. 5. c. 21. | The Appellate Jurisdiction Act, 1913.               | Section three.                                                             |

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| Session and Chapter                      | Short Title                                                                           | Extent of Repeal                                                                                                                                                                                 |
|------------------------------------------|---------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5 & 6 Geo. 5.<br>c. 57.                  | The Prize Courts Act, 1915.                                                           | In section four, the words "the Union of South Africa".                                                                                                                                          |
| 10 & 11 Geo. 5.<br>c. 3.                 | The Coinage Act, 1920...                                                              | In section three, in subsection (2), the words "the Union of South Africa".                                                                                                                      |
| 10 & 11 Geo. 5.<br>c. 75.                | The Official Secrets Act, 1920.                                                       | In section eleven, in subsection (1), in proviso (a), the words "the Union of South Africa".                                                                                                     |
| 15 & 16 Geo. 5.<br>c. 42.                | The Merchant Shipping (International Labour Conventions) Act, 1925.                   | In the Second Schedule, the words "The Union of South Africa".                                                                                                                                   |
| 15 & 16 Geo. 5.<br>c. xvii.              | The Imperial Institute Act, 1925.                                                     | In section eight, in subsection (2), the words "the Union of South Africa".                                                                                                                      |
| 16 & 17 Geo. 5.<br>c. 40.                | The Indian and Colonial Divorce Jurisdiction Act, 1926.                               | In section two, in subsection (2), the words "the Union of South Africa".                                                                                                                        |
| 18 & 19 Geo. 5.<br>c. 35.                | The Easter Act, 1928 ...                                                              | In the Schedule, the words "The Union of South Africa" and the words "South West Africa."                                                                                                        |
| 22 & 23 Geo. 5.<br>c. 4.                 | The Statute of Westminster, 1931.                                                     | In section one, the words "the Union of South Africa".                                                                                                                                           |
| 23 & 24 Geo. 5.<br>c. 6.                 | The Visiting Forces (British Commonwealth) Act, 1933.                                 | In section four, in subsection (1), the words "the Union of South Africa".<br>In section eight, in subsection (1), in the definition of "Visiting force", the words "the Union of South Africa". |
| 24 & 25 Geo. 5.<br>c. 49.                | The Whaling Industry (Regulation) Act, 1934.                                          | In section seventeen, in subsection (1), in the definition of "British ship to which this Act applies", the words "the Union of South Africa".                                                   |
| 11 & 12 Geo. 6.<br>c. 56.                | The British Nationality Act, 1948.                                                    | In section one, in subsection (3), the words "the Union of South Africa".                                                                                                                        |
| 14 Geo. 6. c. 32                         | The Army Reserve Act, 1950.                                                           | In the Second Schedule, the words "Union of South Africa".                                                                                                                                       |
| 14 Geo. 6. c. 33                         | The Air Force Reserve Act, 1950.                                                      | In the Second Schedule, the words "Union of South Africa".                                                                                                                                       |
| 15 & 16 Geo. 6<br>& 1 Eliz. 2.<br>c. 10. | The Income Tax Act, 1952                                                              | In section four hundred and sixty-one, the words "South Africa" in both places where they occur.                                                                                                 |
| 15 & 16 Geo. 6<br>& 1 Eliz. 2.<br>c. 18. | The Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952. | In section one, in subsection (6), the words "the Union of South Africa".                                                                                                                        |
| 15 & 16 Geo. 6<br>& 1 Eliz. 2.<br>c. 67. | The Visiting Forces Act, 1952.                                                        | In section one, in subsection (1), the words "the Union of South Africa".                                                                                                                        |

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| Session and Chapter       | Short Title                                                                                            | Extent of Repeal                                                                                                                                                                  |
|---------------------------|--------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3 & 4 Eliz. 2.<br>c. 18.  | The Army Act, 1955 ...                                                                                 | In section two hundred and twenty-five, in subsection (1), in the definition of "Commonwealth force", the words "the Union of South Africa".                                      |
| 3 & 4 Eliz. 2.<br>c. 19.  | The Air Force Act, 1955                                                                                | In section two hundred and twenty-three, in subsection (1), in the definition of "Commonwealth force", the words "the Union of South Africa".                                     |
| 5 & 6 Eliz. 2.<br>c. 53.  | The Naval Discipline Act, 1957.                                                                        | In section one hundred and thirty-five, in subsection (1), in the definition of "Commonwealth country", the words "the Union of South Africa".                                    |
| 6 & 7 Eliz. 2.<br>c. 16.  | The Commonwealth Institute Act, 1958.                                                                  | In the Second Schedule, in the entry relating to section eight of the Imperial Institute Act, 1925, the words "the Union of South Africa".                                        |
| 7 & 8 Eliz. 2.<br>c. 19.  | The Emergency Laws (Repeal) Act, 1959.                                                                 | In the Third Schedule, in paragraph 3, in the definition of "excepted ship or aircraft", the words "the Union of South Africa".                                                   |
| 8 & 9 Eliz. 2.<br>c. 57.  | The Films Act, 1960 ...                                                                                | In section fifty, in subsection (1), in the definition of "Commonwealth country", the words "the Union of South Africa", and in subsection (5), the words "or South-West Africa". |
| 9 & 10 Eliz. 2.<br>c. 11. | The Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act, 1961. | In section one, in subsection (5), the words "the Union of South Africa".                                                                                                         |

*Instruments*

| Year and Number | Title                                                                                                                        | Extent of Repeal                                                                      |
|-----------------|------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1911 No. 144    | The Order in Council made under the Colonial Officers (Leave of Absence) Act, 1894, and dated the 4th day of February, 1911. | The whole Order.                                                                      |
| 1928 No. 249    | The Merchandise Marks (Mandated Territories) Order, 1928.                                                                    | The whole Order, so far as it relates to the mandated territory of South West Africa. |
| 1954 No. 635    | The Visiting Forces (Application of Law) Order, 1954.                                                                        | In Article 3, in paragraph (1), the words "the Union of South Africa".                |
| 1956 No. 2042   | The Visiting Forces (Application of Law) Order, 1956.                                                                        | In Article 3, the words "the Union of South Africa".                                  |

Table of Statutes referred to in this Act

| Short Title                                                               | Session and Chapter              |
|---------------------------------------------------------------------------|----------------------------------|
| Act of Settlement ... ..                                                  | 12 & 13 Will. 3. c. 2.           |
| Naval and Marine Pay and Pensions Act, 1865 ...                           | 28 & 29 Vict. c. 73.             |
| Veterinary Surgeons Act, 1881 ... ..                                      | 44 & 45 Vict. c. 62.             |
| Fugitive Offenders Act, 1881 ... ..                                       | 44 & 45 Vict. c. 69.             |
| Merchandise Marks Act, 1887 ... ..                                        | 50 & 51 Vict. c. 28.             |
| Interpretation Act, 1889 ... ..                                           | 52 & 53 Vict. c. 63.             |
| Colonial Probates Act, 1892 ... ..                                        | 55 & 56 Vict. c. 6.              |
| Merchant Shipping Act, 1894 ... ..                                        | 57 & 58 Vict. c. 60.             |
| Colonial Solicitors Act, 1900 ... ..                                      | 63 & 64 Vict. c. 14.             |
| Aliens Restriction Act, 1914 ... ..                                       | 4 & 5 Geo. 5. c. 12.             |
| Aliens Restriction (Amendment) Act, 1919 ...                              | 9 & 10 Geo. 5. c. 92.            |
| Imperial War Museum Act, 1920... ..                                       | 10 & 11 Geo. 5. c. 16.           |
| Maintenance Orders (Facilities for Enforcement)<br>Act, 1920 ... ..       | 10 & 11 Geo. 5. c. 33.           |
| Government of Ireland Act, 1920 ... ..                                    | 10 & 11 Geo. 5. c. 67.           |
| Teachers (Superannuation) Act, 1925 ... ..                                | 15 & 16 Geo. 5. c. 59.           |
| Merchandise Marks Act, 1926 ... ..                                        | 16 & 17 Geo. 5. c. 53.           |
| Old Age Pensions Act, 1936 ... ..                                         | 26 Geo. 5. & 1 Edw. 8.<br>c. 31. |
| Matrimonial Causes (War Marriages) Act, 1944...                           | 7 & 8 Geo. 6. c. 43.             |
| National Insurance Act, 1946 ... ..                                       | 9 & 10 Geo. 6. c. 67.            |
| Naval Forces (Enforcement of Maintenance<br>Liabilities) Act, 1947 ... .. | 10 & 11 Geo. 6. c. 24.           |
| Superannuation (Miscellaneous Provisions) Act,<br>1948 ... ..             | 11 & 12 Geo. 6. c. 33.           |
| Companies Act, 1948 ... ..                                                | 11 & 12 Geo. 6. c. 38.           |
| British Nationality Act, 1948 ... ..                                      | 11 & 12 Geo. 6. c. 56.           |
| Patents Act, 1949 ... ..                                                  | 12, 13 & 14 Geo. 6. c. 87.       |
| Imperial War Museum Act, 1955... ..                                       | 3 & 4 Eliz. 2. c. 14.            |
| Sugar Act, 1956 ... ..                                                    | 4 & 5 Eliz. 2. c. 48.            |
| Medical Act, 1956 ... ..                                                  | 4 & 5 Eliz. 2. c. 76.            |
| Solicitors Act, 1957 ... ..                                               | 5 & 6 Eliz. 2. c. 27.            |
| Dentists Act, 1957 ... ..                                                 | 5 & 6 Eliz. 2. c. 28.            |
| Import Duties Act, 1958 ... ..                                            | 6 & 7 Eliz. 2. c. 6.             |
| British Nationality Act, 1958 ... ..                                      | 6 & 7 Eliz. 2. c. 10.            |
| Prevention of Fraud (Investments) Act, 1958 ...                           | 6 & 7 Eliz. 2. c. 45.            |

## CHAPTER 24

An Act to amend section thirty-one of the National Assistance Act, 1948, and to empower local authorities to provide meals and recreation for old people; and for purposes connected therewith. [24th May, 1962]

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

1.—(1) The following section shall be substituted for section thirty-one of the National Assistance Act, 1948 (which relates to contributions by local authorities to the funds of voluntary organisations):—

“Provision of meals and recreation for old people.

31.—(1) A local authority shall have power to make such arrangements as the authority may from time to time determine for providing meals and recreation for old people in their homes or elsewhere, and may employ as their agent for the purposes of this subsection any voluntary organisation whose activities consist in or include the provision of meals or recreation for old people.

(2) A local authority may recover from persons availing themselves of any service provided under subsection (1) of this section such charges (if any) as, having regard to the cost of the service, the authority may determine, whether generally or in the circumstances of any particular case.

(3) A local authority may assist any such organisation as is referred to in subsection (1) of this section to provide meals or recreation for old people by contributing to the funds of the organisation, by permitting them to use premises belonging to the local authority on such terms as may be agreed, and by making available furniture, vehicles or equipment (whether by way of gift or loan or otherwise) and the services of any staff who are employed by the local authority in connection with the premises or other things which they permit the organisation to use.

(4) Subsection (2) of section thirty-three of this Act (which relates to the establishment of committees and joint boards for the purposes of this Part of this Act) shall not apply for the purposes of this section.”

(2) In subsection (1) of section thirty-three of the said Act of 1948 (which defines “local authority” for the purposes of Part III of that Act), the proviso shall be amended by inserting before the words “as respects Scotland” the words “in subsection (3) of the said section thirty-one the said expression means”.

2. This Act may be cited as the National Assistance Act, 1948 Short title. (Amendment) Act, 1962.



## CHAPTER 25

An Act to amend the law relating to the constitution and proceedings of the Police Federations.

[24th May, 1962]

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

Power to prescribe constitution and proceedings of Federations.  
9 & 10 Geo. 5.  
c. 46.

1.—(1) Subject to this section, the Secretary of State may by regulations prescribe the constitution and proceedings of the Police Federations established under section one of the Police Act, 1919, for England and Wales and for Scotland, and those regulations shall have effect in place of the provisions governing the Federations contained in the Schedule to that Act.

(2) Before making any regulations under this section the Secretary of State shall consult the three Central Committees of the Police Federation to which the regulations will relate, sitting together as a Joint Committee; and any such regulations, which shall be made by statutory instrument, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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

- (a) with respect to the membership of the Federations;
- (b) with respect to the raising of funds by the Federations by voluntary subscription and the use and management of funds derived from such subscriptions;
- (c) for the treatment of attendance at meetings of committees and other bodies of the Federations as an occasion of police duty for the purpose of allowances and expenses; and
- (d) for the payment by the Secretary of State of expenses incurred in connection with the Federations;

and any provision under paragraph (a) of this subsection shall have effect notwithstanding anything in subsection (1) of section one of the said Act of 1919.

(4) Regulations under this section may contain such transitional and consequential provisions as the Secretary of State thinks fit, including provisions adapting references in any enactment (including this Act) to committees or other bodies of the Federations.

(5) As from the date on which regulations under this section first come into force, references in subsection (1) of section one of the said Act of 1919 to the Schedule to that Act shall include references to regulations under this section.



(6) So much of subsection (1) of section thirteen of the said Act of 1919 as enables the Secretary of State to adapt the Schedule to that Act to the circumstances of Scotland shall cease to have effect, but this subsection shall not affect any orders under that section made before the passing of this Act.

(7) There shall be paid out of money provided by Parliament any expenditure of the Secretary of State, and any increase in the sums so payable under any other Act, which is attributable to this Act.

2.—(1) This Act may be cited as the Police Federations Act, 1962. Short title,  
repeal,  
and extent.

(2) The enactments specified in Part I of the Schedule to this Act shall to the extent specified in the third column of that Schedule be repealed—

(a) for England on the date on which regulations relating to the Police Federation established for England and Wales first come into force under this Act, and

(b) for Scotland on the date on which regulations relating to the Police Federation established for Scotland first come into force under this Act,

and on the date on which those enactments are repealed for Scotland the instruments specified in Part II of that Schedule (which make Scottish adaptations in the Schedule to the said Act of 1919) shall be repealed to the extent specified in the third column of that Schedule.

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

## SCHEDULE

Section 2.

### REPEALS PART I

| Session and Chapter       | Short Title                      | Extent of Repeal                     |
|---------------------------|----------------------------------|--------------------------------------|
| 9 & 10 Geo. 5.<br>c. 46.  | The Police Act, 1919.            | The Schedule, except paragraph 18.   |
| 9 & 10 Geo. 6.<br>c. 46.  | The Police Act, 1946.            | In the Second Schedule, paragraph 9. |
| 7 & 8 Eliz. 2.<br>c. 38.  | The Police Federation Act, 1959. | The whole Act.                       |
| 9 & 10 Eliz. 2.<br>c. 51. | The Police Federation Act, 1961. | The whole Act.                       |

### PART II

| Reference number            | Title                                  | Extent of Repeal                       |
|-----------------------------|----------------------------------------|----------------------------------------|
| S.R. & O. 1919<br>No. 2235. | The Police Act, 1919 (Scotland) Order. | In article one, paragraphs (1) to (5). |
| S.R. & O. 1923<br>No. 957.  | The Police Act, 1919 (Scotland) Order. | The whole Order.                       |
| S.I. 1950 No.<br>1436.      | The Police Act, 1919 (Scotland) Order. | The whole Order.                       |

## CHAPTER 26

An Act to prohibit the killing of animals by cruel poisons; and for purposes connected therewith. [3rd July, 1962]

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

**Offences and penalties.**

1. Where the use of any poison for the purpose of destroying any animal has been prohibited or restricted by regulations under this Act—

(a) the fact that the poison was used as mentioned in the proviso to section eight of the Protection of Animals Act, 1911, or the proviso to section seven of the Protection of Animals (Scotland) Act, 1912, shall not be a defence in proceedings under paragraph (b) of either section if the poison was used in contravention of the regulations; and

(b) any person convicted in such proceedings of an offence committed by or in connection with the use of the poison in contravention of the regulations shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both.

1 & 2 Geo. 5.  
c. 27.

2 & 3 Geo. 5.  
c. 14.

**Prohibition or restriction of use of poisons.**

2.—(1) Where the Secretary of State is satisfied that a poison cannot be used for destroying animals or animals of any description without causing undue suffering and that other suitable methods of destroying them exist and are or would in certain circumstances be adequate, he may by regulations made by statutory instrument prohibit or restrict the use of that poison for destroying animals or, as the case may be, animals of that description.

(2) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Interpretation.**

3. In this Act "animal" means any mammal.

**Short title, citation, extent and commencement.**

4.—(1) This Act may be cited as the *Animals (Cruel Poisons) Act, 1962*.

(2) This Act and the Protection of Animals Acts, 1911 to 1960, may be cited together as the Protection of Animals Acts, 1911 to 1962, and this Act and the Protection of Animals (Scotland) Acts, 1912 to 1960, may be cited together as the Protection of Animals (Scotland) Acts, 1912 to 1962.

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

(4) This Act shall come into operation on the first day of January, nineteen hundred and sixty-three.

## CHAPTER 27

An Act to authorise the sending by the recorded delivery service of certain documents and other things required or authorised to be sent by registered post; and for purposes connected therewith. [3rd July, 1962]

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

1.—(1) Any enactment which requires or authorises a document or other thing to be sent by registered post (whether or not it makes any other provision in relation thereto) shall have effect as if it required or, as the case may be, authorised that thing to be sent by registered post or the recorded delivery service; and any enactment which makes any other provision in relation to the sending of a document or other thing by registered post or to a thing so sent shall have effect as if it made the like provision in relation to the sending of that thing by the recorded delivery service or, as the case may be, to a thing sent by that service.

Recorded delivery service to be an alternative to registered post.

(2) The Schedule to this Act shall have effect for the purpose of making consequential adaptations of the enactments therein mentioned.

(3) Subject to the following subsection the Postmaster General may by order make such amendments of any enactment contained in a local or private Act (being an enactment to which this Act applies) as appear to him to be necessary or expedient in consequence of subsection (1) of this section.

(4) Before making an order under this section, the Postmaster General shall, unless it appears to him to be impracticable to do so, consult with the person who promoted the Bill for the Act to which the order relates, or where it appears to the Postmaster General that some other person has succeeded to the promoter's interest in that Act, that other person.

(5) Any order under this section may be varied or revoked by a subsequent order thereunder, and the power to make any such order shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) This section shall not be construed as authorising the sending by the recorded delivery service of anything which under the Post Office Act, 1953, or any instrument thereunder is not allowed to be sent by that service.

1 & 2 Eliz. 2.  
c. 36.

Application  
and interpre-  
tation.

2.—(1) Subject to the next following subsection, this Act applies to the following enactments, that is to say,—

- (a) the provisions of any Act (whether public general, local or private) passed before or in the same Session as this Act ;
- (b) the provisions of any Church Assembly Measure so passed ;
- (c) the provisions of any agricultural marketing scheme made under the Agricultural Marketing Act, 1958, before the passing of this Act or having effect as if made under that Act ;

6 & 7 Eliz. 2.  
c. 47.

and, in the case of a provision which has been applied by or under any other enactment passed, or any instrument made under any enactment passed, before or in the same Session as this Act, applies to that provision as so applied, subject, however, in the case of an instrument made after the passing of this Act to any contrary intention appearing therein ; and references in this Act (except this section) to any enactment shall be construed accordingly.

(2) This Act does not apply—

10 & 11 Geo. 6.  
c. 44.

- (a) to subsection (2) of section nine of the Crown Proceedings Act, 1947 (which enables proceedings to be brought against the Crown for loss of or damage to registered inland postal packets) ;
- (b) to any enactment which, either as originally enacted or as amended by any subsequent enactment, requires or authorises a thing to be sent by the recorded delivery service as an alternative to registered post or makes provision in relation to a thing sent by that service ;
- (c) to the provisions of any Act of the Parliament of Northern Ireland or of any local or private Act which extends only to Northern Ireland.

(3) In this Act—

references to sending a document or other thing include references to serving, executing, giving or delivering it or doing any similar thing ;

references to sending any thing by registered post include references to sending it by or in a registered letter or packet, whether the references are expressed in those terms or terms having the like effect and whether or not there is any mention of the post or pre-payment ;

references to any thing sent by registered post or the recorded delivery service shall be construed accordingly ; and

references to a local Act include references to any Act confirming a provisional order or scheme.

3.—(1) It is hereby declared that (subject to subsection (2) of Extent. the foregoing section) this Act extends to Northern Ireland.

(2) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall, so far as it relates to matters within the power of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section. 10 & 11 Geo. 5. c. 67.

(3) This Act, so far as it amends any enactment which extends to the Isle of Man or to any of the Channel Islands, or which applies in relation to persons of or belonging to any such island, shall extend to that island or, as the case may be, shall apply in like manner in relation to those persons.

4. This Act may be cited as the Recorded Delivery Service Act, 1962. Short title.

## SCHEDULE

### ADAPTATION OF ENACTMENTS

1. Any reference, however worded,—

(a) in any enactment the provisions of which apply to, or operate in consequence of the operation of, any enactment amended by section one of this Act ; or

(b) in any enactment relating to the sending of documents or other things otherwise than by registered post or to documents or other things so sent ;

to the registered post or to a registered letter or packet, shall be construed as including a reference to the recorded delivery service or to a letter or packet sent by that service ; and any reference, however worded, in any such enactment to a Post Office receipt for a registered letter or to an acknowledgment of or certificate of delivery of a registered letter shall be construed accordingly.

2. The foregoing paragraph shall not be taken to prejudice the generality of subsection (1) of section one of this Act.

3. In the Citation Amendment (Scotland) Act, 1882, the references in the Second Schedule to the post office charge for registration shall include references to the post office charge for sending by the recorded delivery service. 45 & 46 Vict. c. 77.

4. The power conferred by subsection (1) of section two hundred and twenty of the Supreme Court of Judicature (Consolidation) Act, 1925, to make rules for providing that any document mentioned in that subsection may be produced to a court or tribunal by sending it by registered post shall include power to make rules for providing that any such document may be so produced by sending it by the recorded delivery service. 15 & 16 Geo. 5. c. 49.

5. The requirement imposed by subsection (4) of section nine of the Agricultural Marketing Act, 1958, that every scheme under that Act shall be so framed as to secure that the notice mentioned in paragraph (b) of that subsection shall be served by registered post shall have effect as a requirement that that notice shall be served by registered post or by the recorded delivery service.

## CHAPTER 28

*Housing (Scotland) Act, 1962*

## ARRANGEMENT OF SECTIONS

## PART I

EXCHEQUER SUBSIDIES FOR NEW HOUSES PROVIDED BY LOCAL  
AUTHORITIES AND OTHER BODIES

## Section

1. Payment of subsidies.
2. Amounts of subsidies—approved houses provided by local authorities for special purposes and houses provided by other bodies.
3. Amounts of subsidies—other approved houses provided by local authorities.
4. Additional subsidy for approved houses provided for the agricultural population.
5. Additional subsidy for approved houses provided in blocks of flats.
6. Additional subsidy for approved houses where cost is enhanced in respect of rights of support or measures to preserve character of surroundings.
7. Additional subsidy for approved houses on expensive sites.
8. Power to abolish or reduce subsidies.
9. Supplementary powers with respect to subsidies for houses provided by housing associations and development corporations under authorised, or special, arrangements.
10. Interpretation of Part I.

## PART II

OTHER FINANCIAL PROVISIONS RELATING TO HOUSING  
ACCOMMODATION*Housing accommodation provided for letting*

11. Advances to registered housing associations providing housing accommodation for letting.

*Hostels*

12. Extension of s. 89 of Act of 1950.

*Building experiments by housing associations*

13. Application of s. 90 of Act of 1950 to housing associations (other than Scottish Special Housing Association).

*Improvement of housing accommodation*

14. Assistance towards improvement of houses by housing associations under arrangements made with Secretary of State.
15. Provisions relating to Part VII of the Act of 1950.
16. Amendment of s. 2 of Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, and s. 118 of Act of 1950.
17. Amendment of s. 19 of the House Purchase and Housing Act, 1959.

*Special provisions for financial assistance to  
Scottish Special Housing Association*

## Section

18. Advances to Scottish Special Housing Association for provision of housing accommodation.
19. Payments towards certain deficits of the Scottish Special Housing Association.
20. Amendment of s. 23 of Act of 1957.

## PART III

## HOUSES UNFIT FOR HUMAN HABITATION

21. Amendment of s. 9 of Act of 1950.
22. Power of local authorities to purchase sites of demolished buildings where expenses cannot be recovered.
23. Security for expenditure of local authority in demolishing building under s. 14 of Act of 1950.
24. Determination of unfitness for human habitation.

## PART IV

## REPAIRS PROVISIONS IN LEASES

25. Repairing obligations in short leases of houses.
26. Application of s. 25.
27. Restriction of contracting out.
28. Interpretation of Part IV.

## PART V

## MISCELLANEOUS AND SUPPLEMENTAL

29. Default powers of Secretary of State in relation to rents.
30. Extension of s. 62 of Act of 1950.
31. Amendment of s. 82 of Act of 1950.
32. Amendment of s. 101 of Act of 1950.
33. Power of Secretary of State to acquire shares in certain housing societies.
34. Financial provisions.
35. Modifications of other enactments and repeals.
36. Interpretation.
37. Citation and extent.

## SCHEDULES:

## First Schedule—

Part I—Ascertainment of total housing valuation for purposes of section 3.

Part II—Ascertainment of total number of houses for purposes of section 3.

Second Schedule—Supplements to certain subsidies.

Third Schedule—Provisions for ascertaining the cost of certain sites.

## Fourth Schedule—

Part I—Modifications consequential on the provisions of Parts I and II of this Act.

Part II—Modifications relating to houses unfit for human habitation.

Part III—Modifications relating to other matters.

Fifth Schedule—Repeals.

An Act to make further arrangements for the giving of financial assistance for the provision and improvement of housing accommodation in Scotland and for building experiments in connection therewith; to amend as respects Scotland the law relating to the permitted increase of rent in respect of improvements, to houses unfit for human habitation, and to the obligations of lessors and lessees as to repairs under short leases of houses; to make further provision for default of Scottish local authorities in their duties as to the fixing of rents; to amend in minor particulars the Housing (Scotland) Act, 1950; to enable the Secretary of State to acquire shares of authorised societies within the meaning of the Housing Act, 1914, and to dispose of moneys accruing to him from those and other shares; and for purposes connected with any of those matters. [3rd July, 1962]

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

#### PART I

#### EXCHEQUER SUBSIDIES FOR NEW HOUSES PROVIDED BY LOCAL AUTHORITIES AND OTHER BODIES

Payment of  
subsidies.

1.—(1) The Secretary of State may approve for the purposes of this Part of this Act proposals received by him on or after the first day of November, nineteen hundred and sixty-one, for the provision of new houses—

- (a) by a local authority in the exercise of their powers to provide housing accommodation, or
- (b) by a development corporation otherwise than in pursuance of authorised arrangements made with a local authority, or
- (c) by a development corporation in pursuance of authorised arrangements made with a local authority, or
- (d) by a housing association in pursuance of authorised arrangements made with a local authority or special arrangements made with the Secretary of State, or
- (e) by the Scottish Special Housing Association in the circumstances specified in paragraph (a) or paragraph (b) of subsection (1) of section twenty-three of the Act of 1957;

and in respect of each such house so provided in accordance with proposals so approved (in this Act referred to as an



## PART I

“ approved house ”) the Secretary of State shall, subject to section eight of this Act, pay for a period of sixty years an annual exchequer subsidy determined for that house in accordance with this Part of this Act.

(2) An exchequer subsidy payable under this Part of this Act in respect of an approved house shall be paid to the local authority or other body by whom the house was provided, except that an exchequer subsidy payable in respect of an approved house provided in pursuance of authorised arrangements made with a local authority shall be paid to the local authority, who shall pay to the development corporation or housing association, as the case may be, by way of annual grant an amount not less than the exchequer subsidy.

(3) No exchequer contribution or other payment shall be payable under any of the following enactments—

- (a) sections eighty-four, eighty-six, eighty-seven, and eighty-eight of the Act of 1950 ;
- (b) sections two and three, and subsection (1) of section twenty-three, of the Act of 1957,

in respect of any house proposals for the provision of which were or are received by the Secretary of State on or after the first day of November, nineteen hundred and sixty-one.

2.—(1) In respect of each approved house—

- (a) provided by a local authority in pursuance of any over-spill agreement within the meaning of Part II of the Act of 1957, or
- (b) provided by a local authority, being an exporting authority within the meaning of the said Part II, in the district of another local authority (being an approved house in respect of which the Secretary of State is of the opinion that an exchequer subsidy under this paragraph should be paid), or
- (c) provided by a development corporation otherwise than in pursuance of authorised arrangements made with a local authority, or
- (d) provided by the Scottish Special Housing Association in the circumstances specified in paragraph (a) or paragraph (b) of subsection (1) of section twenty-three of the Act of 1957,

Amounts of subsidies— approved houses provided by local authorities for special purposes and houses provided by other bodies.

the amount of the annual exchequer subsidy shall (subject to the following provisions of this Part of this Act) be forty-two pounds.

(2) In respect of each approved house—

- (a) provided by a local authority in accordance with arrangements made with the approval of the Secretary of State as being desirable by reason of special circumstances for the provision of housing accommodation in

**PART I**

any area for persons coming to that area in order to meet the urgent needs of industry, and so coming wholly, or, in the case of the council of a county (other than a county of a city) wholly or partly, from outside the district of the authority, or

(b) provided by a development corporation in pursuance of authorised arrangements made with a local authority, or

(c) provided by a housing association in pursuance of authorised arrangements made with a local authority or special arrangements made with the Secretary of State,

the amount of the annual exchequer subsidy shall (subject to the following provisions of this Part of this Act) be thirty-two pounds.

Amounts of subsidies—other approved houses provided by local authorities.

3.—(1) In respect of each approved house provided by a local authority and completed in any financial year, not being a house to which the last foregoing section applies, the amount of the annual exchequer subsidy shall (subject to the following provisions of this Part of this Act) be determined in accordance with this section.

(2) A comparison shall be made between—

(a) the total of the amounts carried to the credit of the local authority's housing revenue account, as adjusted in accordance with this section, for the relevant financial year (in this section referred to as the "credits"), and

(b) the total of the amounts carried to the debit of that account (adjusted as aforesaid) for that year (in this section referred to as the "debits").

(3) For the purposes of the comparison required by the last foregoing subsection—

(a) it shall be assumed that in the credits, for the income for the relevant financial year from rents in respect of the houses to which the said account relates and any amounts carried to the credit of the account for that year under paragraph (c) or paragraph (d) of subsection (1) of section one hundred and thirty-eight of the Act of 1950 and under subsection (1) of section five of the Act of 1957 there has been substituted an amount equal to the aggregate of—

(i) the local authority's total housing valuation for the relevant financial year (ascertained in accordance with Part I of the First Schedule to this Act) and

(ii) if the total housing valuation is less than the amount arrived at by multiplying sixty pounds, or

## PART I

such other sum as the Secretary of State, after consultation with the Treasury, may by order prescribe, by the total number of houses for the relevant financial year (ascertained in accordance with Part II of the said Schedule), an amount equal to half the difference ;

- (b) there shall be excluded from the debits any expenditure by way of rebates from rents ;
- (c) there shall be excluded from the debits any surplus shown in the account at the end of the relevant financial year and from the credits any surplus brought forward from the account for the immediately preceding financial year ;
- (d) there shall be excluded from the debits such amount, if any, as the Secretary of State may under subsection (6) of this section direct to be so excluded.

(4) For the purposes of subsection (1) of this section the amount of the exchequer subsidy in respect of each house shall be—

- (a) if on the comparison required by subsection (2) of this section being made there is a deficit, thirty-two pounds plus the sum, if any, required by the Second Schedule to this Act to be added ;
- (b) if on that comparison being made there is no deficit and the next following subsection applies, thirty-two pounds ;
- (c) if on that comparison being made there is no deficit and the next following subsection does not apply, twelve pounds.

(5) This subsection shall apply (and accordingly paragraph (b) of the last foregoing subsection shall have effect) if on the comparison required by subsection (2) of this section being made the credits do not exceed the debits by more than the difference between—

- (a) thirty-two pounds multiplied by the estimated number of approved houses to be provided by the local authority and completed in the financial year in which the approved house in question was completed (excluding houses to which the last foregoing section applies), and
- (b) twelve pounds multiplied by that number.

(6) If it appears to the Secretary of State that in the accounts of the local authority for the relevant financial year the total amount carried to the credit of the local authority's housing repairs account from their housing revenue account in accordance with subsection (1) of section one hundred and forty of the Act of 1950 (which requires a local authority to make a

F

## PART I

transfer to their housing repairs account of a minimum amount equal to eight pounds for every house to which the housing revenue account relates) is, to the extent that it exceeds that minimum amount, excessive having regard to the previous practice of the local authority and to any other circumstances, he may, after consulting the local authority, direct that for the purposes of the comparison required by subsection (2) of this section some part of the total amount, so far as it exceeds that minimum amount, shall be excluded from the debits.

(7) Any order for the purposes of paragraph (a) of subsection (3) of this section shall be made by statutory instrument; and no order for those purposes shall be made unless a draft thereof has been laid before Parliament and approved by resolution of the Commons House thereof.

(8) For the purposes of the calculations required by this section to be made in relation to any local authority for any financial year there shall be used such accounts, whether provisional or final, of the local authority (being accounts for that financial year) as the Secretary of State may direct; and if provisional accounts are used nothing in this section shall be taken to require the making of any recalculation on the final accounts becoming available.

(9) Notwithstanding anything in this section the Secretary of State may direct that the subsidy payable under this section in respect of an approved house to which this section applies shall be of the same amount as if the house had been completed in the financial year immediately preceding that in which it was in fact completed:

Provided that no direction shall be given under this subsection unless—

- (a) the local authority request the Secretary of State to give such a direction, and
- (b) the Secretary of State is satisfied that it is reasonable to comply with the request.

(10) In this section and in the First and Second Schedules to this Act—

- (a) “ financial year ” has the same meaning as in section one hundred and seventy-four of the Local Government (Scotland) Act, 1947; and “ relevant financial year ” in relation to any house means the financial year preceding that in which the house was completed, except that if in the opinion of the Secretary of State adequate information as to the local authority’s housing revenue account for that year will not be available within a reasonable time after the completion of any house, the relevant financial year in relation to that house shall be such earlier financial year as the Secretary of State may determine, having regard to the availability of

information about the local authority's housing revenue account for that earlier year ; and

PART I

- (b) any reference to an estimated number is a reference to the number as estimated by the local authority with the approval of the Secretary of State.

4. In respect of an approved house provided towards the provision of housing accommodation for the agricultural population (being an approved house in respect of which the Secretary of State considers that this section should apply) the amount of the annual exchequer subsidy payable under this Part of this Act shall be the amount determined therefor apart from this section plus twelve pounds.

Additional  
subsidy for  
approved  
houses  
provided for  
the agricultural  
population.

5. In respect of an approved house provided in a block of flats the major part of which, as determined by the Secretary of State, is of six or more storeys (inclusive of any storey constructed for use for purposes other than those of a dwelling) the amount of the annual exchequer subsidy payable under this Part of this Act shall be the amount determined therefor apart from this section plus forty pounds.

Additional  
subsidy for  
approved  
houses  
provided in  
blocks of  
flats.

6. Where the Secretary of State is satisfied, on an application made to him by a local authority or other body by whom an approved house is, or is to be, provided, that the cost of providing the house has been or will be substantially enhanced by expenses attributable—

Additional  
subsidy for  
approved  
houses where  
cost is  
enhanced in  
respect of  
rights of  
support or  
measures to  
preserve  
character of  
surroundings.

- (a) to the acquisition of rights of support, or otherwise attributable to measures taken by them for securing protection against the consequences of a subsidence of the site, or
- (b) to measures taken, with his consent, by them in the construction of the house (whether by the use of stone or other special material or otherwise howsoever) in order to preserve the character of the surroundings,

then the amount of the annual exchequer subsidy payable under this Part of this Act in respect of that house shall be the amount determined therefor apart from this section plus—

in the case of a house to which paragraph (a) of this section applies, such sum (if any) not exceeding two pounds as the Secretary of State may direct ;

in the case of a house to which paragraph (b) of this section applies, such sum (if any) not exceeding five pounds as the Secretary of State may direct.

7.—(1) If an approved house consists of or is comprised in a building erected on a site the cost of which as developed (ascertained in accordance with the provisions of the Third Schedule to this Act and expressed as a cost per acre) exceeds four thousand pounds, then in respect of that house the amount

Additional  
subsidy for  
approved  
houses on  
expensive sites.

**PART I**

of the annual exchequer subsidy payable under this Part of this Act shall be the amount determined therefor apart from this section plus the amount determined in respect of the house under this section.

(2) There shall be calculated a sum (in this section referred to as "the total site subsidy") in respect of the whole site at the rate of sixty pounds per acre, increased at the rate of thirty-four pounds per acre for every thousand pounds or part of a thousand pounds by which the said cost exceeds five thousand pounds:

Provided that—

(a) if none of the buildings erected or to be erected on the site is a block of flats the major part of which, as determined by the Secretary of State, is of six or more storeys (inclusive of any storey constructed for use for purposes other than those of a dwelling) any amount by which the said cost exceeds ten thousand pounds shall be disregarded:

(b) if any building or part of a building erected or to be erected on the site is designed for use for purposes other than those of a dwelling, then, for the purpose of calculating any total site subsidy in respect of that site, the said cost shall be deemed to be reduced by so much thereof as, in the opinion of the Secretary of State, may fairly be apportioned to that building or part of a building.

(3) The total site subsidy shall be allocated in such proportions as the Secretary of State may determine among all the approved houses consisting of or comprised in buildings erected on the site; and the amount so allocated to any approved house shall be the amount to be included by virtue of subsection (1) of this section in the annual exchequer subsidy payable under this Part of this Act in respect of that house.

**Power to  
abolish or  
reduce  
subsidies.**

**8.—**(1) The Secretary of State may from time to time by order direct that, in respect of approved houses of any description specified in the order, or such houses in any area so specified, exchequer subsidies under this Part of this Act—

(a) shall cease to be payable, or

(b) shall be reduced to such amount as may be specified in the order, or

(c) shall be payable for such reduced number of years as may be so specified.

(2) An order made under this section shall be so expressed as to apply only to approved houses the proposals in respect

of which were or are received by the Secretary of State after such day as may be specified in the order ; and an order may specify for the purposes of this subsection a day earlier than the day of the making of the order :

PART I

Provided that in the case of any order made within ten years from the passing of this Act, the order shall not specify for the purposes of this subsection a day earlier than the day on which the draft of the order is laid before Parliament under the next following subsection.

(3) Any order for the purposes of this section shall be made by statutory instrument and no order for those purposes shall be made unless a draft thereof has been laid before Parliament and approved by resolution of the Commons House thereof.

(4) Before laying before Parliament the draft of an order for the purposes of this section the Secretary of State shall consult with such associations of local authorities as appear to him to be concerned, and with any particular local authority with whom consultation appears to him to be desirable.

9.—(1) If the Secretary of State is satisfied that a housing association or a development corporation have made default in giving effect to the terms of any authorised arrangements made with a local authority—

Supplementary powers with respect to subsidies for houses provided by housing associations and development corporations under authorised, or special, arrangements.

- (a) he may reduce the amount of any subsidy payable to the local authority under this Part of this Act in respect of houses provided under those authorised arrangements by the housing association or development corporation, or suspend or discontinue the payment of any such subsidy, as he thinks just, and
- (b) if the Secretary of State so reduces or suspends or discontinues the payment of the subsidy, the local authority may reduce to a proportionate or any less extent the annual grant payable by them to the housing association or development corporation, or may suspend the payment thereof for a corresponding period, or may discontinue the payment thereof, as the case may be.

(2) Where a house which has been provided by a housing association or a development corporation under authorised arrangements with a local authority becomes vested in that local authority—

- (a) no further subsidy or annual grant shall, after the time of the vesting, become payable under this Part of this Act by the Secretary of State, or, as the case may be, by the local authority, in respect of the house, but
- (b) the Secretary of State may, if he thinks fit, pay to the local authority a sum equivalent to any subsidy which

## PART I

would, after the said time, have become payable to them under this Part of this Act in respect of the house if all conditions precedent to the payment of the subsidy had been at all material times observed.

(3) If the Secretary of State is satisfied that a housing association have made default in giving effect to the terms of special arrangements made with the Secretary of State for the provision of houses he may reduce the amount of any subsidy payable under this Part of this Act in respect of the houses or suspend or discontinue the payment thereof, as he thinks just.

(4) Where any house provided by a housing association under special arrangements made with the Secretary of State becomes vested in a local authority—

- (a) no further subsidy shall, after the time of the vesting, become payable by the Secretary of State under this Part of this Act in respect of the house, but
- (b) the Secretary of State may, if he thinks fit, pay to the local authority a sum equivalent to any subsidy which would, after the said time, have become payable to the housing association under this Part of this Act in respect of the house if all conditions precedent to the payment of the subsidy had been at all material times observed.

Interpretation  
of Part I.

10.—(1) In this Part of this Act—

“ authorised arrangements made with a local authority ”, in relation to a housing association or a development corporation, means arrangements made between the association or corporation and a local authority, with the approval of the Secretary of State, under section eighty of the Act of 1950 ;

“ special arrangements made with the Secretary of State ”, in relation to a housing association, means arrangements made between the Secretary of State and the association for the provision of houses with a view to the approval of proposals for the houses by the Secretary of State under section one of this Act, being arrangements so made after consultation by the Secretary of State with the local authority in whose district the houses are to be provided.

(2) Any reference in this Part of this Act to a house shall be construed as including a reference to any residential accommodation provided for occupation by not more than two persons and equipped with cooking facilities for the exclusive use of those persons, notwithstanding that it is not equipped with facilities of other kinds for such exclusive use.



In this subsection the expression "cooking facilities" in relation to any residential accommodation means facilities suitable for the preparation of food for the number of persons for which the accommodation is provided, and if any question arises whether any particular facilities fall within that description it shall be decided by the Secretary of State.

PART I

## PART II

OTHER FINANCIAL PROVISIONS RELATING TO HOUSING  
ACCOMMODATION*Housing accommodation provided for letting*

11.—(1) If a housing association registered under the Industrial and Provident Societies Act, 1893, submit to the Secretary of State a scheme under which they will provide housing accommodation, and satisfy the Secretary of State that under the scheme the housing accommodation so provided will be let or kept available for letting except at such times and in such cases as the Secretary of State may approve, the Secretary of State may make advances to the housing association in accordance with this section.

Advances to registered housing associations providing housing accommodation for letting.

(2) The Secretary of State may, in accordance with an agreement made by him with the housing association, make on such terms and conditions as he may approve advances to the housing association to meet the whole or any part of the expenditure incurred by the housing association in connection with the scheme, and the advances—

- (a) shall carry interest at the rate fixed by the Treasury under section one of the Public Works Loans Act, 1897, in respect of loans to local authorities made on the same date and for the same period, and
- (b) shall be repayable over such a period, not exceeding sixty years, and on such terms, as may, with the approval of the Treasury, be provided in the agreement.

(3) It shall be the duty of a housing association who have entered into an agreement under this section to comply with any directions which the Secretary of State may give to them with respect to the administration of the scheme and the disposal of assets provided under the scheme.

(4) Advances made under this section shall not exceed the aggregate sum of three million pounds.

(5) The Treasury may issue to the Secretary of State, out of the Consolidated Fund, such sums as are necessary to enable him to make advances under this section and, for the purpose of providing sums to be so issued or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939;

**PART II**

and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(6) Any sums received by the Secretary of State under subsection (2) of this section shall be paid into the Exchequer and shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say—

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

(b) so much thereof as represents interest shall be applied towards meeting such part of the annual charges for the national debt as represents interest.

(7) The Secretary of State shall, in respect of each financial year, prepare in such form and manner as the Treasury may direct an account of sums issued to him for advances under this section, and of sums received by him under this section, and of the disposal by him of those sums respectively, and send it to the Comptroller and Auditor-General not later than the end of November in the following financial year; and the Comptroller and Auditor-General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

(8) In this section references to the provision of housing accommodation are references to the provision of housing accommodation whether by building new houses or by the conversion or improvement of existing houses or by the conversion of other buildings.

*Hostels*

**Extension of  
s. 89 of Act  
of 1950.**

12.—(1) Section eighty-nine of the Act of 1950 (under which contributions may be made by the Secretary of State in respect of a hostel provided by a local authority, housing association or development corporation) shall apply to any building provided or converted after the commencement of this Act for use as part of a hostel as it applies to a building provided or converted for use as a hostel.

(2) Subsection (1) of the said section eighty-nine shall apply to a building provided or converted by a housing association for use as a hostel under any arrangements made with them by the Secretary of State after consultation with the local authority in whose district the building is, or will be, situated as it applies to a building provided or converted for such use by a local authority:

Provided that, if the Secretary of State is satisfied that the housing association have made default in giving effect to the

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terms of the arrangements, he may reduce the amount of the contribution payable to the housing association under the said subsection (1), or suspend or discontinue the payment thereof, as he thinks just.

(3) Where a building which has been provided or converted by a housing association for use as a hostel becomes vested in a local authority, and at the time of the vesting the building is one in respect of which a contribution is payable under the said subsection (1) as applied by the last foregoing subsection—

- (a) no further contributions shall, after the time of the vesting, become payable under the said subsection (1), but
- (b) the Secretary of State may, if he thinks fit, pay to the local authority sums not exceeding any sums which would after that time have become payable by him under the said subsection (1) in respect of the building if all conditions precedent to the payment of the sums had been at all material times observed.

(4) In subsection (7) of the said section eighty-nine (which subsection defines the expression "hostel" for the purposes of that section) in its application to any building provided or converted after the commencement of this Act, any reference to a separate and self-contained dwelling shall be construed as a reference to a house within the meaning of Part I of this Act, and for the words "and board" there shall be substituted the words "and either board or common facilities for the preparation of food adequate to the needs of those persons, or both".

*Building experiments by housing associations*

13. Section ninety of the Act of 1950 (which provides for payments by the Secretary of State to local authorities, development corporations and the Scottish Special Housing Association of contributions in respect of building experiments) shall apply to a housing association (other than the Scottish Special Housing Association) as it applies to local authorities and the other bodies therein mentioned.

Application of s. 90 of Act of 1950 to housing associations (other than Scottish Special Housing Association).

*Improvement of housing accommodation*

14.—(1) The Secretary of State may make arrangements with a housing association for the provision of housing accommodation by the conversion or improvement of existing houses or by the conversion of other buildings:

Provided that before making arrangements under this subsection in respect of any housing accommodation the Secretary of State shall consult with the local authority in whose district the housing accommodation is, or will be, situated.

Assistance towards improvement of houses by housing associations under arrangements made with Secretary of State.

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(2) Where arrangements are made under this section the Secretary of State shall make to the housing association annually for the period of twenty financial years beginning with the year in which the carrying out of the arrangements is completed, or for such period, not exceeding sixty financial years, beginning as aforesaid as may be determined by the Secretary of State, a payment equal to three-quarters of the annual loss determined by the Secretary of State to be likely to be incurred by the association in carrying out the arrangements:

Provided that if the Secretary of State is satisfied that the association have made default in giving effect to the terms of the arrangements he may reduce the amount of any payment payable to the association under this subsection, or suspend or discontinue the payments, as he thinks just.

(3) Subsection (2) of section one hundred and seven of the Act of 1950 shall have effect in relation to a determination under the last foregoing subsection of the amount of the annual loss likely to be incurred by a housing association in carrying out arrangements made under this section as it has effect in relation to a determination of the annual loss likely to be incurred by a local authority as a result of giving effect to approved improvement proposals with the substitution, for references to the local authority, of references to the association and, for references to the proposals, of references to the arrangements.

(4) Subsection (2) of this section shall in relation to any housing accommodation situated in the Highlands and Islands have effect with the substitution for the words "three-quarters" of the words "seven-eighths".

(5) An order made under section one hundred and twenty-seven of the Act of 1950 may include provision for this section to have effect, as from such date as may be specified in the order, as if, for the proportion referred to in subsection (2) of this section and in that subsection as extended by subsection (4) of this section, there were substituted such smaller proportion, not being smaller than two-thirds, as may be specified in the order.

Provisions relating to Part VII of the Act of 1950.

**15.**—(1) A local authority, in fixing under section one hundred and thirteen of the Act of 1950 the rent for a dwelling in respect of which an improvement grant or a standard grant is to be made, shall have regard (in addition to any other matter to which it is their duty to have regard) to the rents payable in their district for similar dwellings not let under a controlled tenancy.

(2) In paragraph (b) of subsection (1) of section one hundred and fourteen of the Act of 1950 (which requires a dwelling in

## PART II

respect of the provision or improvement of which an improvement grant or a standard grant has been made to be let or kept available for letting when it is not occupied by a person of a class defined in sub-paragraphs (i) to (iv) of that paragraph) the following sub-paragraph shall be inserted after sub-paragraph (i):—

“ (ia) where the applicant is a trustee within the meaning of the Trusts (Scotland) Act, 1921, by a person who under the trust is interested in the dwelling or the proceeds of sale thereof, or by a member of the family of such a person ;  
or ”

(3) The said paragraph (b) shall not apply to a dwelling held upon trust for any charitable purpose within the meaning of the Income Tax Act, 1952, so long as it is occupied or kept available for occupation for that purpose.

(4) Sub-paragraph (ii) of paragraph (c) of the said subsection (1) (under which the maximum rent payable for a dwelling in respect of which an improvement grant or a standard grant has been made is, in certain cases, determined by reference to a percentage of so much of the cost of improvement as is not set off by the grant) shall have effect in relation to works in respect of which the application for a grant is made after the commencement of this Act (being works to which the said sub-paragraph applies) as if the percentage therein referred to were twelve and one half per cent.

(5) Where, after the commencement of this Act, an application is made to a local authority for an improvement grant or a standard grant in respect of the improvement of a dwelling which is not subject to a controlled tenancy, the application may contain a request to fix for the purposes of the said paragraph (c) a rent higher than the limit imposed by sub-paragraph (ii) of that paragraph ; and if it appears to the local authority reasonable to do so, having regard to all the circumstances and, in particular, to the rents payable in their district for similar dwellings not let under a controlled tenancy they may, on approving the application, fix such higher rent for those purposes as they think reasonable ; and a rent so fixed shall be substituted in the condition set out in the said paragraph (c) for the limit imposed by the said sub-paragraph (ii).

(6) In this section “ controlled tenancy ” has the same meaning as in the Rent Act, 1957 ; “ improvement grant ” means a grant under section one hundred and eleven of the Act of 1950 ; and “ standard grant ” means a grant under section nineteen of the House Purchase and Housing Act, 1959.

## PART II

Amendment of s. 2 of Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, and s. 118 of Act of 1950.

16. The following provisions, that is to say—

paragraph (a) of subsection (1) of section two of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920 (which relates to permitted increases in rent under that Act), and

section one hundred and eighteen of the Act of 1950 (which relates to the increase of rent under Part VII of that Act in certain cases),

shall, in relation to any expenditure or costs incurred after the passing of this Act, have effect as if for any reference to eight per cent. there were substituted a reference to twelve and one half per cent.

Amendment of s. 19 of the House Purchase and Housing Act, 1959.

17.—(1) For paragraph (c) of subsection (1) of section nineteen of the House Purchase and Housing Act, 1959 (which subsection lists certain improvements in respect of which local authorities are to make standard grants under that section) there shall be substituted the following paragraph—

“(c) a hot water supply at a fixed bath or shower in a bathroom, and at a wash hand basin, and at a sink.”

(2) Subsection (5) of the said section nineteen shall cease to have effect.

*Special provisions for financial assistance to Scottish Special Housing Association*

Advances to Scottish Special Housing Association for provision of housing accommodation.

18.—(1) The Secretary of State may make advances, of such amounts, on such terms and repayable over such periods as may be approved by the Treasury, to the Scottish Special Housing Association for the purpose of—

- (a) enabling or assisting the provision by the Association (whether as principals or as agents for a local authority or for any other person) of housing accommodation ;
- (b) meeting the whole or any part of the expenditure incurred by the Association in connection with any scheme submitted to him by the Association under which the Association will provide housing accommodation, and as to which the Secretary of State is satisfied that the housing accommodation so provided will be let or kept available for letting except at such times and in such cases as the Secretary of State may approve ;
- (c) enabling or assisting the Association to purchase, on terms approved by the Secretary of State, all or any of the assets of any authorised society within the meaning of the Housing Act, 1914, or any housing trust to which section one hundred and nineteen of the Housing (Scotland) Act, 1925. applied :

Provided that—

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- (i) the aggregate amount of the advances made under this subsection, together with any advances made under subsection (1) of section ninety-four of the Act of 1950, shall not exceed one hundred and ten million pounds ;
- (ii) the aggregate amount of the advances made under paragraph (a) of this subsection in respect of the provision of housing accommodation by the conversion or improvement of existing houses or by the conversion of other buildings shall not exceed one million pounds ;
- (iii) the aggregate amount of the advances made under paragraph (b) of this subsection shall not exceed one million pounds.

(2) It shall be the duty of the Scottish Special Housing Association, if they accept any advances under paragraph (b) of the foregoing subsection in connection with a scheme, to comply with any directions which the Secretary of State may give to them with respect to the administration of the scheme and the disposal of the assets provided under the scheme.

(3) Subsections (5) to (7) of section eleven of this Act shall apply in relation to advances made under this section and sums received in repayment thereof as they apply in relation to advances made under that section and sums received in repayment thereof.

(4) In this section references to the provision of housing accommodation are references to the provision of housing accommodation whether by building new houses or by the conversion or improvement of existing houses or by the conversion of other buildings or by the acquisition of houses.

(5) Subsection (2) of section ten of this Act shall apply to references in this section to a house as it applies to such references in Part I of this Act.

19.—(1) Where the Secretary of State is satisfied that the total net annual expenditure (as calculated in accordance with rules made by the Secretary of State) necessarily incurred in the year beginning on the first day of April, nineteen hundred and sixty-two or in any subsequent year by the Scottish Special Housing Association—

Payments towards certain deficits of the Scottish Special Housing Association.

- (a) in providing new houses in respect of which payments fall to be made under section ninety-three of the Act of 1950, section twenty-three of the Act of 1957 or section one of this Act,

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- (b) in providing otherwise than as agents housing accommodation by the conversion or improvement of existing houses or by the conversion of other buildings, and
- (c) in providing housing accommodation, being accommodation acquired by them from any such body as is mentioned in paragraph (c) of subsection (1) of the last foregoing section,

is greater than the sum of—

- (i) the payments referred to in paragraph (a) of this subsection for the year in question, and
- (ii) any payments made to them for the year in question under section fourteen of this Act,

the Secretary of State may, with the approval of the Treasury, make such further payment in respect of the excess as he may determine.

(2) No payments shall be made by the Secretary of State under subsection (4) of section twenty-three of the Act of 1957 for the year beginning on the first day of April, nineteen hundred and sixty-two, or any subsequent year.

Amendment  
of s. 23 of  
Act of 1957.

20. Subsection (3) of section twenty-three of the Act of 1957 (which relates to grants and advances to the Scottish Special Housing Association) shall have effect, and shall be deemed always to have had effect, as if there were added at the end thereof the words “and which is completed after the commencement of this Act.”

## PART III

## HOUSES UNFIT FOR HUMAN HABITATION

Amendment  
of s. 9 of Act  
of 1950.

21.—(1) For section nine of the Act of 1950 (which relates to the power of a local authority to order the demolition or closing of an insanitary house) there shall be substituted the following section :—

“Power of  
a local  
authority  
to make  
closing and  
demolition  
orders.

9.—(1) Where a local authority, on consideration of an official representation or a report by their sanitary inspector or other information in their possession, are satisfied that any house is unfit for human habitation and incapable at a reasonable expense of being rendered so fit, and—

- (a) the house forms only part of a building, and
- (b) the building does not comprise only houses which are unfit for human habitation and incapable at a reasonable expense of being rendered so fit,



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the local authority shall make an order (in this Act referred to as a "closing order") prohibiting the use of the house for human habitation as from such date as may be specified in the order, not being less than twenty-eight days from the date on which the order becomes operative.

(2) Where a local authority, on consideration of an official representation or a report by their sanitary inspector or other information in their possession, are satisfied that any building comprises only a house which is, or houses which are, unfit for human habitation and incapable at a reasonable expense of being rendered so fit, they shall make an order (in this Act referred to as a "demolition order") requiring that the building shall be vacated within such period as may be specified in the order, not being less than twenty-eight days from the date on which the order becomes operative, and that it shall be demolished within three months after the expiration of that period or, if the building is not vacated before the expiration of that period, within three months after the date on which it is vacated.

(3) If in the case of a house in respect of which a closing order has been made or a building in respect of which a demolition order has been made the local authority are satisfied, on an application made by any owner of the house or building, or any person appearing to the local authority to have reasonable cause for making the application, that the house has, or, as the case may be, the house or houses comprised in the building have, been rendered fit for human habitation, they shall make an order determining the closing, or, as the case may be, the demolition, order.

(4) Where a closing or demolition order has been made in respect of a house or building and not determined any owner of the house or building, or any person holding a heritable security over it, may give to the local authority, within a period of twenty-one days from the date of service of the order or such longer period therefrom as the local authority may, either during or after the expiry of the twenty-one days, determine to be appropriate, an undertaking in writing—

- (a) that he will within a specified period carry out such works as will, in the opinion of the local authority, render the house or,

## PART III

as the case may be, all the houses in the building, fit for human habitation, or

(b) in the case of a building in respect of which a demolition order has been made, that no house in the building will be used for human habitation (unless at any time all the houses therein are rendered fit for human habitation and the local authority agree that they have been so rendered); and if an undertaking is so given the local authority shall as soon as may be either—

(i) accept the undertaking and make in respect thereof an order (in this Act referred to as a “suspension order”) suspending the closing, or, as the case may be, the demolition, order, or

(ii) reject the undertaking and serve on the person who gave the undertaking notice that they have done so:

Provided that a suspension order made in respect of an undertaking such as is mentioned in paragraph (b) of this subsection shall cease to have effect on the expiration of one year from the date of its making unless renewed, at the discretion of the local authority, at the expiration of the said year; and this proviso shall apply to any suspension order so renewed as it applies to the original order with the substitution for the reference to the making of the order of a reference to the renewal thereof.

(5) A suspension order made or renewed by a local authority may be determined by them at any time by order if they have reasonable cause to believe that there has been a breach of the undertaking in respect of which it was made or renewed.

(6) Any period—

(a) between the service of the closing or demolition order and the service of a suspension order or a notice of rejection under subsection (4) of this section, and

(b) while a suspension order is in force,

shall be left out of account in reckoning in relation to the closing or demolition order in question the period of twenty-one days referred to in subsections (1) and (3) of section sixteen of this Act.

(7) Any order made or notice issued under this section in respect of a house or building shall be served—

- (a) upon the person having the control of the house or, as the case may be, the house or houses comprised in the building ;
- (b) upon any other person who is an owner of the house, or, as the case may be, any of those houses ;
- (c) upon any person holding a heritable security over the house, or, as the case may be, any of those houses, unless it appears to the local authority, after exercising their powers under section one hundred and sixty-eight of this Act, that there is no such person ; and
- (d) where an application has been made in relation to the house, or, as the case may be, those houses, under subsection (3) of this section, by a person upon whom the order or notice is not required to be served apart from this paragraph, upon that person.

(8) Section one hundred and sixty-eight of this Act shall apply in relation to an order required by the last foregoing subsection to be served as it applies in relation to the notices mentioned in the said section.

(9) In this section references to an owner of, and any person holding a heritable security over, a building shall be construed as including respectively references to an owner of, and to any person holding a heritable security over, any part of the building."

(2) This section shall not affect any order made, or proceedings begun, under section nine of the Act of 1950 before the commencement of this Act.

22.—(1) Where a local authority have demolished a building in exercise of the powers conferred on them by section fourteen of the Act of 1950 and the expenses thereby incurred by them cannot be recovered by reason of the fact that the owner of the building cannot be found, the local authority may be authorised by the Secretary of State to purchase compulsorily the site of the building, including the area of any yard, garden or pertinent belonging to the building or usually enjoyed therewith.

Power of local authorities to purchase sites of demolished buildings where expenses cannot be recovered.

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(2) The provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply in relation to a compulsory purchase of land under the foregoing subsection as if that subsection had been in force immediately before the commencement of that Act.

(3) The local authority shall be entitled to deduct from the compensation payable on the compulsory purchase of the site of a building under this section the amount of the expenses referred to in subsection (1) of this section so far as not otherwise recovered.

(4) This section shall be included among the enactments to which section twenty-two of the Housing and Town Development (Scotland) Act, 1957 (which provides a special procedure for completion of compulsory acquisition of land under certain enactments), applies; and accordingly subsection (1) of that section shall have effect as if after the words "Housing (Repairs and Rents) (Scotland) Act, 1954" there were inserted the words "or section twenty-two of the Housing (Scotland) Act, 1962".

(5) A local authority shall deal with any land purchased by them under this section by sale, letting or appropriation in accordance with the provisions of section thirty of the Act of 1950.

**Security for expenditure of local authority in demolishing buildings under s. 14 of Act of 1950.**

**23.** Where in exercise of the power conferred on them by section fourteen of the Act of 1950 a local authority have themselves incurred expenses in the demolition of a building, it shall be competent for them to make, in relation to the site of the building, including the area of any yard, garden or pertinent belonging to the building or usually enjoyed therewith, a charging order in favour of themselves in respect of such expenses, and the provisions of sections twenty and twenty-one of the Act of 1950 shall, subject to any necessary modifications, apply to a charging order so made in like manner as they apply to a charging order made under the said section twenty.

**Determination of unfitness for human habitation.**

**24.—(1)** In determining for any of the purposes of the Act of 1950 whether a house is unfit for human habitation regard shall be had to its condition in respect of the following matters:—

- (a) general state of repair ;
- (b) structural stability ;
- (c) freedom from dampness ;
- (d) natural lighting ;
- (e) air space ;
- (f) ventilation ;
- (g) adequacy and accessibility of water supply ;

- (h) adequacy and accessibility of sanitary and other conveniences ;
- (i) drainage ;
- (j) condition of paving and drainage of courts, yards or passages ;
- (k) facilities for storage, preparation and cooking of food and for the disposal of waste water ;

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and the house shall be determined to be unfit for human habitation if, and only if, it is so far defective in one or more of the said matters that it is not reasonably suitable for occupation in that condition.

(2) The foregoing subsection shall be without prejudice to sections eleven and twenty-three of the Act of 1950.

(3) Subsection (2) of section one hundred and eighty-four of the Act of 1950 shall cease to have effect, and any reference in any enactment to that subsection shall be construed as a reference to this section.

## PART IV

## REPAIRS PROVISIONS IN LEASES

**25.**—(1) In any lease of a house, being a lease to which this section applies, there shall be implied a provision that the lessor will—

Repairing obligations in short leases of houses.

- (a) keep in repair the structure and exterior of the house (including drains, gutters and external pipes) ; and
- (b) keep in repair and proper working order the installations in the house—

(i) for the supply of water, gas and electricity, and for sanitation (including basins, sinks, baths and sanitary conveniences but not, except as aforesaid, fixtures, fittings and appliances for making use of the supply of water, gas or electricity), and

(ii) for space heating or heating water,

and any provision that the lessee will repair the premises (including any that he will put in repair or deliver up in repair, or will paint, point or render the premises, or pay money in lieu of repairs by the lessee or on account of repairs by the lessor) shall be of no effect so far as it relates to any of the matters mentioned in paragraphs (a) and (b) of this subsection.

(2) The provision implied by this section (hereinafter referred to as “ the implied repairs provision ”) shall not be construed as requiring the lessor—

- (a) to carry out any works or repairs for which the lessee is liable by virtue of his duty to use the premises in a proper manner, or would be so liable apart from any express undertaking on his part ;

**PART IV**

- (b) to rebuild or reinstate the premises in the case of destruction or damage by fire, or by tempest, flood or other inevitable accident ; or
- (c) to keep in repair or maintain anything which the lessee is entitled to remove from the house ;

and subsection (1) of this section shall not avoid so much of any provision as imposes on the lessee any of the requirements mentioned in paragraph (a) or paragraph (c) of this subsection.

(3) In determining the standard of repair required by the implied repairs provision in relation to any house, regard shall be had to the age, character and prospective life of the house and the locality in which it is situated.

(4) In any lease in which the implied repairs provision is implied there shall also be implied a provision that the lessor, or any person authorised by him in writing, may at reasonable times of the day, on giving twenty-four hours notice in writing to the occupier, enter the premises comprised in the lease for the purpose of viewing their condition and state of repair.

**Application of s. 25.**

**26.**—(1) Subject to the provisions of this section, the last foregoing section applies to any lease of a house granted after the passing of this Act, being a lease for a period of less than seven years.

(2) For the purposes of this section a lease—

- (a) shall be treated as a lease for a period of less than seven years if it is determinable at the option of the lessor before the expiration of seven years from the commencement of the period of the lease, and
- (b) shall be treated as a lease for a period of seven years or more if it confers on the lessee an option for renewal for a period which, together with the original period, amounts to seven years or more, and it is not determinable as mentioned in the foregoing paragraph.

(3) Where a lease (hereinafter referred to as “ the new lease ”) of a house is granted—

- (a) to a person who, when or immediately before the new lease is granted, is or was the lessee of the house under another lease, or
- (b) to a person who was the lessee of the house under another lease which terminated at some time before the new lease is granted and who, between the termination of that other lease and the grant of the new lease was continuously in possession of the house or entitled to the rents or profits thereof,

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the last foregoing section shall not apply to the new lease unless the other lease, if granted after the passing of this Act, was a lease to which the last foregoing section applies, or, if granted before the passing of this Act, would have been such a lease if it had been granted after that date.

(4) The last foregoing section shall not apply to any lease of a house which is a tenancy of an agricultural holding within the meaning of the Agricultural Holdings (Scotland) Act, 1949.

(5) In the application of this section to a lease for a period part of which falls before the date of the granting of the lease, that part shall be left out of account and the lease shall be treated as a lease for a period commencing with the date of the granting.

**27.**—(1) The sheriff may, on the application of either party to a lease, by order made with the consent of the other party concerned, authorise the inclusion in the lease, or in any agreement collateral to the lease, of provisions excluding or modifying in relation to the lease the provisions of section twenty-five of this Act with respect to the repairing obligations of the parties if it appears to him, having regard to the other terms and conditions of the lease and to all the circumstances of the case, that it is reasonable to do so, and any provision so authorised shall have effect accordingly.

**Restriction of contracting out.**

(2) Subject to the last foregoing subsection, any provision, whether contained in a lease to which the said section twenty-five applies or in any agreement collateral to such a lease, shall be void so far as it purports to exclude or limit the obligations of the lessor or the immunities of the lessee under that section, or to provide for an irritancy of the lease or impose on the lessee any penalty, disability or obligation, in the event of his enforcing or relying upon those obligations or immunities.

(3) Applications under this 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.

**28.** 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 IV.**

“lease” includes a sublease, and “lessor” and “lessee”, in relation to a lease, include respectively any person for the time being holding the interest of the lessor, and any person for the time being holding the interest of the lessee, under the lease ;

**PART IV**

“lease of a house” means a lease whereby a building or part of a building is let wholly or mainly as a private dwelling and “house”, in relation to such a lease, means that building or part of a building.

**PART V****MISCELLANEOUS AND SUPPLEMENTAL**

**Default powers of Secretary of State in relation to rents.**

**29.—(1)** Where after the holding of a local inquiry under section three hundred and fifty-six of the Local Government (Scotland) Act, 1947 (which provides for defaults of local authorities), the Secretary of State is satisfied that there has been a failure on the part of a local authority to do what is required of them by subsection (5) of section seventy-three of the Act of 1950 (which relates to review and changes of rents of houses under the management of a local authority) he may make a rents scheme for all or any of the houses under the management of that local authority, and if he makes an order under subsection (2) of the said section three hundred and fifty-six declaring the local authority to be in default in respect of the failure (in this section referred to as a “default order”) he may include in the directions which, under that subsection, he may make in the default order a direction that the local authority shall in managing the houses in question comply with the scheme so long as the direction is in force.

(2) If—

- (a) by a default order, whether made before or after the commencement of this Act, the Secretary of State has declared a local authority to be in default in respect of a failure such as is mentioned in subsection (1) of this section, and directed the local authority to take within a specified time steps to remedy the default, but has not directed them to comply with a rents scheme, and
- (b) the local authority fail to comply with any requirement of the default order within the time limited thereby for compliance with that requirement,

then, without prejudice to subsection (3) of the said section three hundred and fifty-six, the Secretary of State may make a rents scheme for all or any of the houses under the management of that local authority, and may by order (in this section referred to as a “supplementary order”) direct the local authority in managing the houses to comply with the scheme so long as the direction is in force.



(3) In this section "rents scheme" in relation to any houses means a scheme making such provision as the Secretary of State after consultation with the local authority concerned thinks fit—

- (a) for fixing the rents to be charged for those houses, subject to such variation as may be provided for in the scheme, and
- (b) if the Secretary of State thinks fit, for granting, in such cases and subject to such conditions as may be specified in the scheme, rebates from those rents ;

and a rents scheme may provide as aforesaid in relation to rents generally or to particular rents.

(4) Subsection (3) of the said section three hundred and fifty-six (which relates to enforcement) shall have effect as if any reference therein to any requirement of a default order included a reference to any requirement of a rents scheme to which the local authority has been directed under this section (whether in a default order or in a supplementary order) to comply, so however that, in relation to any requirement of a rents scheme,—

- (a) any reference in the said subsection (3) to the time limited by the default order for compliance shall be construed as a reference to the time during which the direction to comply with the rents scheme is in force, and
- (b) any reference to the functions in respect of which there has been default shall be construed as a reference to the duty to manage the houses in question in accordance with the rents scheme.

(5) While a direction to comply with a rents scheme made under this section in relation to any of the houses under the management of a local authority is in force the local authority shall comply with the scheme and, subject to the next following subsection, shall not, except so far as the Secretary of State may allow, exercise in relation to the rents in question their functions under subsections (4) or (5) of section seventy-three of the Act of 1950.

(6) If the scheme does not make provision for granting rebates from the rents to which it relates the local authority may exercise their functions under the said subsections (4) or (5) so far as relating to rebates, but only in accordance with a scheme made by them and approved by the Secretary of State.

(7) Section three hundred and seventy-two of the Local Government (Scotland) Act, 1947 (which relates to the revocation of, and other matters concerning, certain orders, including default orders), shall apply to a supplementary order as it applies to a default order, and the power conferred by that section to alter an order shall include power to alter a rents scheme to which an order relates.

**PART V**  
**Extension of**  
**s. 62 of Act**  
**of 1950.**

**30.** The power of a local authority to acquire land under section sixty-two of the Act of 1950 shall include power to acquire land (including houses or other buildings) proposed to be used for any purpose authorised by section sixty-six or section sixty-seven of the Act of 1950 (which confer additional powers in connection with the provision of housing accommodation), whether or not that land forms part of a site for the erection of houses.

**Amendment**  
**of s. 82 of**  
**Act of 1950.**

**31.** In subsection (2) of section eighty-two of the Act of 1950 (which empowers the Secretary of State to make a grant towards the expenses of a central association for promoting the formation and extension of housing associations in any of the five years next following the date on which he recognises that body for the purposes of that section) the words "in any of the five years next following the date on which he recognises the said central association or body" shall cease to have effect; and for the word "thereof" there shall be substituted the words "of the said association or body".

**Amendment**  
**of s. 101 of**  
**Act of 1950.**

**32.—(1)** Where in the case of any house—

- (a) the condition specified in paragraph (a) of subsection (3) of section one hundred and one of the Act of 1950 (which imposes conditions in respect of financial assistance given under section one hundred of that Act for the provision by private persons of housing accommodation for the agricultural population), or
- (b) the condition specified in that subsection as applied with modifications by subsection (8) of section three of the Housing (Scotland) Act, 1952 (which relates to similar matters),

applies in respect of any assistance, whether given before or after the commencement of this Act, the local authority may at any time, if satisfied that the house is no longer required for a member of the agricultural population, waive their right to enforce that condition in so far as it restricts the category of person to whom the house may be let or, as the case may be, by whom it may be occupied:

Provided that the power conferred by this subsection shall be exercisable only with the consent of the Secretary of State.

(2) A local authority may make any exercise of the power conferred on them by the foregoing subsection conditional on the application in relation to the house in question, for such part of the period of forty years from the date of completion of the house as remains unexpired at the time of the exercise, of such other conditions (if any) as the Secretary of State may approve; and subsection (4) of the said section one hundred

and one shall apply in relation to any breach of a condition applying in relation to the house by virtue of this subsection as it applies in relation to a breach of the conditions therein specified.

PART V

**33.** The Secretary of State, with the approval of the Treasury, may acquire shares in any authorised society within the meaning of the Housing Act, 1914.

Power of Secretary of State to acquire shares in certain housing societies.

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

Financial provisions.

- (a) the sums required for the making of any payment which the Secretary of State is required or authorised by any provision of this Act, except sections eleven and eighteen thereof, to make, and
- (b) any increase attributable to the provisions of this Act in the sums required or authorised under any other Act to be so defrayed.

(2) If, in the case of any such society as is mentioned in the last foregoing section, or in the case of any trust to which section one hundred and nineteen of the Housing (Scotland) Act, 1925, applied,—

- (a) the society or trust is wound up, and
- (b) the Secretary of State is at the commencement of the winding up the owner of all the shares therein,

the Secretary of State shall pay into the Exchequer any sum received by him on the winding up.

(3) If the sum paid into the Exchequer under the last foregoing subsection in respect of any such society or trust as aforesaid is less than the amount outstanding, as at the commencement of the winding up of the society or trust, of any advances made to the society or trust by any government department, the Secretary of State shall pay into the Exchequer a sum equal to the difference.

**35.—(1)** The enactments mentioned in the Fourth Schedule to this Act shall have effect subject to the modifications there specified, being, in the case of those in Part I, modifications consequential on the provisions of Parts I and II of this Act; in the case of those in Part II, modifications relating to houses unfit for human habitation; and in the case of those in Part III, modifications relating to other matters.

Modification of other enactments and repeals.

(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.

**PART V****Interpretation****36.—(1) In this Act—**

“ Act of 1950 ” means the Housing (Scotland) Act, 1950 ;

“ Act of 1957 ” means the Housing and Town Development (Scotland) Act, 1957.

(2) Any reference in this Act to a house shall be construed as including a reference to a dwelling.

(3) This Act shall be construed as one with the Act of 1950, so however that the expression “ housing association ” shall not in this Act be construed as including a development corporation.

(4) Except where the context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as amended by or under any other enactment, including this Act.

**Citation  
and extent.****37.—(1) This Act may be cited as the Housing (Scotland) Act, 1962, and this Act and the Housing (Scotland) Acts, 1950 to 1959, may be cited together as the Housing (Scotland) Acts, 1950 to 1962.**

(2) This Act shall extend to Scotland only.

## SCHEDULES

Section 3.

### FIRST SCHEDULE

#### PART I

##### *Ascertainment of total housing valuation for purposes of section 3*

1. For the purposes of section three of this Act a local authority's total housing valuation for any relevant financial year shall be ascertained in accordance with this Part of this Schedule.

2. There shall be ascertained—

- (a) the aggregate of the gross annual values of all the houses to which the local authority's housing revenue account related at the end of the relevant financial year, and
- (b) the aggregate of the gross annual values of all the houses to which the local authority's housing revenue account related at the end of the financial year immediately preceding the relevant financial year:

Provided that in ascertaining the said aggregates there shall be excluded such part of the gross annual value of any house as may be certified by the assessor to be attributable to any garage provided otherwise than by the local authority.

3. The amounts ascertained under the last foregoing paragraph shall be added together and their sum shall be divided by two; and the result shall be the local authority's total housing valuation for the relevant financial year.

4. Any reference in this Part of this Schedule to the gross annual value of a house to which a local authority's housing revenue account related at the end of any financial year shall be construed as a reference to the gross annual value of that house, determined under section six of the Valuation and Rating (Scotland) Act, 1956, as shown in the valuation roll in operation on the first day of the financial year immediately following the financial year in question; so however that if no gross annual value determined as aforesaid is shown for that house in that valuation roll the reference shall be construed as a reference to the gross annual value of the house as shown, so determined, in the first valuation roll in which such gross annual valuation is shown:

Provided that, in relation to any house completed after the fifteenth day of May in the financial year in question, any such reference shall be construed as a reference to such value as may be estimated by the assessor to be the gross annual value, determined as aforesaid, of the house.

5. References in this Part of this Schedule to the assessor, in relation to any house, are references to the assessor appointed under section one of the Valuation and Rating (Scotland) Act, 1956, for the area in which the house is situated.

#### PART II

##### *Ascertainment of total number of houses for purposes of section 3*

6. For the purposes of section three of this Act the total number of houses, in relation to a local authority, for any relevant financial year shall be ascertained in accordance with this Part of this Schedule.

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7. There shall be ascertained—

- (a) the number of houses to which the local authority's housing revenue account related at the end of the relevant financial year, and
- (b) the number of houses to which the local authority's housing revenue account related at the end of the financial year immediately preceding the relevant financial year.

8. The amounts ascertained under the last foregoing paragraph shall be added together and their sum shall be divided by two; and the result shall be the total number of houses, in relation to the local authority, for the relevant financial year.

**Section 3.****SECOND SCHEDULE****SUPPLEMENTS TO CERTAIN SUBSIDIES**

1. To the sum of thirty-two pounds specified in paragraph (a) of subsection (4) of section three of this Act an additional sum calculated in accordance with the next following paragraph shall be added if, and only if, in respect of the financial year immediately preceding that in which the approved house in question was completed the rate levied by the rating authority in the district of the local authority exceeded the average rate for all rating areas in Scotland.

2.—(1) For the purposes of the last foregoing paragraph the additional sum shall be the appropriate sum shown in the second column of the following Table:—

**TABLE**

| Where the amount of the local authority's reduced deficit—                                                        | Additional sum—     |
|-------------------------------------------------------------------------------------------------------------------|---------------------|
| exceeds the product of a rate of one shilling and three pence but not of a rate of two shillings and six pence;   | eight pounds.       |
| exceeds the product of a rate of two shillings and six pence but not of a rate of three shillings and nine pence; | sixteen pounds.     |
| exceeds the product of a rate of three shillings and nine pence.                                                  | twenty-four pounds. |

(2) In the foregoing sub-paragraph—

- (a) "the local authority's reduced deficit" means the deficit referred to, in relation to the local authority, in paragraph (a) of subsection (4) of section three of this Act less the amount which bears to that deficit the same proportion as the amount of the exchequer equalisation grant payable to the local authority for the relevant financial year

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under the Local Government (Financial Provisions) (Scotland) Act, 1954, bears to the authority's relevant local expenditure as certified by the Secretary of State to have been estimated under the said Act of 1954 according to the latest estimate made before the end of the relevant financial year ; and

- (b) references in relation to a local authority to the product of a rate of a specified sum are references to the product of a rate of that sum in the pound for the district of the local authority ;

and subsections (5) and (7) of section one hundred and forty-five of the Local Government Act, 1948, shall apply for the purposes of calculating that product.

### 3. In this Schedule—

- “rate”, in relation to a burgh, includes the domestic water rate and, in relation to a county, means the average rate for the landward area of the county ;
- “average rate”, in relation to any area or aggregate of areas, means the amount arrived at by dividing the estimated receipts from all the rates levied in the area, or, as the case may be, all the areas, by the net rateable valuation of the area, or, as the case may be, all the areas ;
- “net rateable valuation”, in relation to any area or aggregate of areas, means the total of the rateable values of the lands and heritages in that area, or, as the case may be, those areas, as shown in the valuation roll or rolls in force on the first day of the year in question, less the total of the rateable values so shown of any lands and heritages exempt from rates or unlet ; and
- “rating authority” has the like meaning as in Part XI of the Local Government (Scotland) Act, 1947.

## THIRD SCHEDULE

Section 7.

### PROVISIONS FOR ASCERTAINING THE COST OF CERTAIN SITES

1. For the purposes of section seven of this Act, the cost of a site as developed shall be taken to be—

- (a) in the case of a site acquired by a local authority under any enactment relating to housing, the expenditure incurred by the local authority in purchasing the site ; and
- (b) in any other case, the value of the site as certified by the Secretary of State,

plus, in either case, a sum representing—

- (i) any such expenses as, in the opinion of the Secretary of State, have been or will be properly incurred for making the site suitable for the purpose of providing the buildings erected or to be erected thereon, being expenses incurred

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or to be incurred by the local authority or other body providing those buildings for the construction or widening of streets, the provision of sewers and water-mains, or the execution of any special works rendered necessary by the physical characteristics of the land ; and

- (ii) any such expenses which have been, or in the opinion of the Secretary of State will be, incurred in respect of other matters as the Secretary of State, with the consent of the Treasury, may determine to be expenses properly forming part of the cost of making the site suitable for the said purpose.

2. In determining for the purposes of the foregoing paragraph the amount of any such expenses as are therein mentioned, the Secretary of State shall have regard to any estimate of those expenses submitted to him by the local authority or other body ; and for the purposes of sub-paragraph (b) of that paragraph, the value certified in the case of a site in relation to which any such expenses have been incurred shall be the value of that site in the condition in which it would be if those expenses had not been incurred.

3. For the purposes of the said section seven and of this Schedule, any question—

- (a) as to what constitutes a separate site ; or
- (b) as to the portion of such site on which any building has been erected ; or
- (c) as to how much of any expenditure incurred by a local authority in purchasing land is to be attributed to any site forming part only of that land,

shall be determined by the Secretary of State.

4. For the purposes of any determination under sub-paragraph (a) or sub-paragraph (b) of the last foregoing paragraph—

- (a) where two buildings are contiguous to each other, or are separated from each other by a street only, the two buildings shall, if the Secretary of State thinks proper, be deemed to be on the same site ; and
- (b) where any land has been purchased in connection with the provision of a building and has been or is to be used for the purpose of a new street to which the building is or will be contiguous, that land shall be deemed to form part of the site of the building.

5. For the purposes of the last foregoing paragraph—

- (a) the expression “ building ” includes any land appertaining to a building and any land appropriated for the purposes of a building which has not been erected ;
- (b) the expression “ street ” includes any court, alley, passage or square, whether a thoroughfare or not, and includes a road maintainable by a town council or a county council.



## FOURTH SCHEDULE

Section 35.

## MODIFICATIONS OF OTHER ENACTMENTS

## PART I

*Modifications consequential on the provisions of  
Parts I and II of this Act**The Act of 1950  
(14 Geo. 6 c. 34)*

1. In paragraph (b) of subsection (3) of section seventy-three of the Act of 1950 (which relates to conditions to be observed in the management of local authorities' houses) the reference to contributions under section one of the Housing (Agricultural Population) (Scotland) Act, 1938, or section eighty-five of the Act of 1950 shall include a reference to subsidies under section four of this Act.

2. In subsection (4) of section eighty-seven of the Act of 1950 (which relates to housing accommodation provided by a development corporation which is transferred to a local authority) the reference to payments under subsection (3) of that section shall include a reference to subsidies under Part I of this Act.

3. In subsection (5) of the said section eighty-seven (which relates to housing accommodation provided by a development corporation which is sold) the reference to contributions or sums for the time being payable under the Act of 1950 or under section two of the Act of 1957, in respect of a dwelling provided by a development corporation shall include a reference to subsidies for the time being payable under Part I of this Act in respect of a house so provided.

4. Subsection (2) of section one hundred and twenty-eight of the Act of 1950 (which relates to the time and manner of paying contributions under certain enactments and to conditions) and section one hundred and twenty-nine of that Act (which relates to the powers of the Secretary of State to withhold contributions in the event of default) shall apply to subsidies under Part I of this Act as they apply to the contributions therein referred to ; and accordingly Part II of the Sixth Schedule to that Act shall have effect with the addition, at the end thereof, of the words:—

“ 15. Part I of the Housing (Scotland) Act, 1962.”

and, in the said subsection (2), the reference to section ninety-three of the Act of 1950 shall include a reference to section nineteen of this Act.

5. Section one hundred and thirty of the Act of 1950 (which relates to the effect on certain contributions of a house ceasing to be available as such) shall apply to subsidies under Part I of this Act as it applies to the contributions therein referred to ; and accordingly the Tenth Schedule to that Act shall have effect with the addition, at the end thereof, of the words:—

“ 7. Paragraph (c) of subsection (2) of section two of the Housing (Scotland) Act, 1962.”

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6. Subsection (1) of section one hundred and eighty-four of the Act of 1950 shall have effect as if in the definition of "Exchequer contribution", after the words "a contribution" there were inserted the words "or a subsidy"; and Part I of the Sixth Schedule to that Act shall have effect with the addition, at the end thereof, of the words:—

" 15. Part I of the Housing (Scotland) Act, 1962."

*The Act of 1957*

(5 & 6 Eliz. 2 c. 38)

7. Subsection (3) of section two of the Act of 1957 (which relates to conditions to which certain contributions are to be subject) shall apply to subsidies under paragraphs (a) and (b) of subsection (1), and paragraph (a) of subsection (2), of section two of this Act as it applies to the contributions therein specified.

*The Town and Country Planning (Scotland) Act, 1959*

(7 & 8 Eliz. 2 c. 70)

8. In the definition of "grant-aided function" in subsection (1) of section fifty-four of the Town and Country Planning (Scotland) Act, 1959 (which excludes any Exchequer subsidy under any of the enactments specified in Part I of the Sixth Schedule to the Act of 1950), the reference to such a subsidy shall include a reference to a subsidy under Part I of this Act.

## PART II

*Modifications relating to houses unfit for human habitation**The Act of 1950*

(14 Geo. 6 c. 34)

9. In section six of the Act of 1950 (which relates to the duty of local authorities to inspect their districts) the words from "and for that purpose" to the end of the section shall cease to have effect.

10. In section ten of the Act of 1950 (which relates to the making of a closing or a demolition order in respect of a house on the application of the owner of the house) for any reference to subsection (4) of section nine of that Act there shall be substituted a reference to subsection (1) or subsection (2) of that section, and the words from "and such order shall have effect" to "subsection (1) of the said section nine" shall cease to have effect.

11. In subsection (1) of section twelve of the Act of 1950 (which relates to the powers of local authorities in relation to buildings consisting wholly of closed houses) for the words "been made" there shall be substituted the words "become operative"; for the words "and such orders have not been determined" there shall be substituted the words "and none of those orders has been determined or is subject to a suspension order"; and for paragraph (a) there shall be substituted the following paragraph:—

" (a) the local authority may determine the closing orders and make a demolition order under section nine of this Act in respect of the whole building, so however that subsections (4) to (6) of the said section nine shall not apply to the order; or "

12. For section thirteen of the Act of 1950 (which relates to houses subject to building preservation orders) there shall be substituted the following section :—

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**“ Provisions as to houses subject to building preservation orders, etc.** 13.—(1) Where apart from this section a local authority would be under a duty to make a demolition order under this Part of this Act with respect to a building—

- (a) in relation to which a building preservation order made under section twenty-seven of the Town and Country Planning (Scotland) Act, 1947, is in force, or
- (b) which is included in any list compiled or approved under section twenty-eight of that Act,

they shall not make a demolition order but instead shall make a closing order or closing orders in respect of the house or houses comprised in the building.

(2) Where a building to which a demolition order made under this Part of this Act by a local authority applies (whether or not that order has become operative) becomes—

- (a) subject to a building preservation order made under the said section twenty-seven, or
- (b) included in any list compiled or approved under the said section twenty-eight,

the local authority shall determine the demolition order and make a closing order or closing orders in respect of the house or houses comprised in the building.

(3) The provisions of section nine of this Act shall apply, with any necessary modifications, to a closing order made under this section as they apply to a closing order made under that section.”

13. Section fourteen of the Act of 1950 shall have effect as if for any reference therein to a house there were substituted a reference to a building, and as if there were added the following subsection :—

“ (3) In the application of this section to a demolition order made in respect of a building comprising two or more parts separately owned—

- (a) any reference to the owner of the building shall be construed as a reference to the owners of the several parts comprised in the building ;
- (b) without prejudice to the powers of the local authority under subsection (1) of this section, the duty imposed by that subsection on the owners of the several parts comprised in the building to demolish the building shall be regarded as a duty to arrange jointly for the demolition of the building ; and
- (c) subsection (2) of this section shall have effect subject to the proviso that any sum recoverable or payable

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## 4TH SCH.

by the local authority under that subsection shall be recoverable from or payable to the several owners in such proportions as the owners may agree or, failing agreement, as shall be determined by an arbiter nominated by the owners or, failing such nomination, nominated on the application of the authority or any of the owners by the sheriff."

14. In section fifteen of the Act of 1950 (which prohibits the use of premises in contravention of closing orders or undertakings)—

- (a) in paragraph (a), for the words "for any purpose" there shall be substituted the words "for human habitation", and for the words "the purpose for which the premises are proposed to be used" there shall be substituted the words "the use of the premises for that purpose"; and
- (b) in paragraph (b), for the word "given" there shall be substituted the words "accepted by the local authority".

15. In section sixteen of the Act of 1950 (which relates to appeals), in subsection (1)—

- (a) paragraph (d) shall have effect with the addition, at the end thereof, of the words "or a refusal to determine a demolition order"; and
- (b) paragraph (iii) of the proviso shall cease to have effect;

and for paragraph (i) of subsection (2) there shall be substituted the following paragraph:—

"(i) if the appeal relates to a closing order or a demolition order the sheriff may consider any undertaking such as is specified in relation to such an order in subsection (4) of section nine of this Act, and, if he thinks it proper to do so having regard to the undertaking, may direct the local authority to make a suspension order under the said subsection (4)."

16. In section eighteen of the Act of 1950 (which relates to the power of local authorities to cleanse houses to which demolition orders apply) any reference to a house shall include a reference to a building.

17. In section twenty of the Act of 1950 (which relates to charging orders) any reference to a house shall include a reference to a building.

18. In section twenty-four of the Act of 1950 (which relates to temporary shelters, etc.) for the words "references to a house include" there shall be substituted the words "any reference to a house, or to a building, includes".

19. In section twenty-six of the Act of 1950 (which relates to clearance orders) subsections (4) and (5) shall cease to have effect.

20. In section one hundred and thirty-one of the Act of 1950 (which empowers local authorities to pay removal and other allowances to certain persons displaced), in subsection (1), for any reference to subsection (2) of section nine of that Act there shall be substituted a reference to subsection (4) of the said section nine.

21. The following provisions of the Act of 1950 (which relate to the sending by the Secretary of State of notice to certain persons in relation to clearance orders and to compulsory purchase orders respectively) shall cease to have effect:—

- in the First Schedule, in paragraph 6, sub-paragraph (c) of the proviso ; and
- in the Third Schedule, paragraph 8.

*The Housing (Repairs and Rents) (Scotland) Act, 1954*  
(2 & 3 Eliz. 2 c. 50)

22. In section three of the Housing (Repairs and Rents) (Scotland) Act, 1954 (which relates to the power of local authorities to purchase houses liable to demolition or closing orders), in subsection (1)—

- (a) in paragraph (a), for the words “in pursuance of a notice served by them under subsection (1) of” there shall be substituted the word “under”; and
- (b) in paragraph (b), for the words from “recall a closing order” to the end of the paragraph, there shall be substituted the words “determine closing orders in respect of two or more houses comprised in a building and to make a demolition order in respect of the whole building”;

and any reference in the said section (apart from paragraph (b) of the said subsection (1)) to a house shall include a reference to a building.

23. In section eleven of the Housing (Repairs and Rents) (Scotland) Act, 1954 (which makes minor amendments of the Act of 1950), in subsection (3), for any reference to subsection (2) of section nine of the Act of 1950, there shall be substituted a reference to subsection (4) of the said section nine.

24. In section fifteen of the Housing (Repairs and Rents) (Scotland) Act, 1954 (which relates to the interpretation of that Act), in subsection (2), for the words from “made in lieu of” to “subsection (4) of” there shall be substituted the word “under”.

*The Act of 1957*  
(5 & 6 Eliz. 2 c. 38)

25. In section twenty of the Act of 1957 (which relates to payments in respect of unfit but well maintained houses)—

- (a) in subsection (2), in paragraph (a), for the word “thereof” there shall be substituted the words “of the building in which it is comprised”, and, in paragraph (c), for the words “sanitary defects in or related to the house” there shall be substituted the words “defects in the house in respect of any such matters as are mentioned in paragraphs (b) to (k) of subsection (1) of section twenty-four of the Housing (Scotland) Act, 1962”;
- (b) subsection (4) shall have effect as if after the word “house” there were inserted the words “comprised in a building”; and
- (c) in subsection (5), for the words from “made in lieu of” to “subsection (4) of” there shall be substituted the word “under”.

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## PART III

*Modifications relating to other matters**The Housing &c. Act, 1923*

(13 &amp; 14 Geo. 5 c. 24)

26. Section two of the Housing &c. Act, 1923 (under which local authorities may give financial assistance for the provision of housing accommodation), shall cease to have effect except as respects houses built before the commencement of this Act.

*The Act of 1950*

(14 Geo. 6 c. 34)

27. Section twenty-one of the Act of 1950 (which contains provisions as to charging orders) shall have effect as if,—

- (a) in paragraph (a) of subsection (2) thereof, for the words “and teinds” there were substituted the words “teinds, ground annuals, stipends and standard charges in lieu of stipends”;
- (b) in subsection (4), for the words from “rentcharge” to the end of the subsection there were substituted the word “feuduty”;
- (c) in subsection (5), for the words “or rentcharge may be transferred” there were substituted the words “and sums payable thereunder”.

28. In section twenty-five of the Act of 1950 (which relates to clearance areas) in paragraph (i) of subsection (1), the words “by reason of disrepair or sanitary defects” shall cease to have effect.

29. In section forty of the Act of 1950 (which relates to well-maintained houses) in subsection (1), the words “notwithstanding its sanitary defects” shall cease to have effect.

30. Section sixty-two of the Act of 1950 (which relates to the purposes for which land may be acquired by a local authority) shall have effect as if, in the proviso thereto, for the word “subsection” there were substituted the word “section” and as if for the words from “entered in the valuation roll” to the end of the proviso there were substituted the words “used for agriculture, and which is required in connection with that use of that land”.

31. Section one hundred and twenty-one of the Act of 1950 (which relates to arrangements by local authorities with housing associations and development corporations for the improvement of housing accommodation) shall have effect as if, in subsection (3), after the word “completed” there were inserted the words “or for such period, not exceeding sixty financial years, beginning as aforesaid as may be determined by the Secretary of State”.

32. In subsection (1) of section one hundred and thirty-eight of the Act of 1950 (which relates to the amounts to be carried to the credit of a local authority’s housing revenue account) the reference to Exchequer contributions shall be construed as including a reference to payments under subsections (2) and (4) of section eighty-seven of the Act of 1950 and payments under subsections (2) and (4) of section nine of this Act.

33. As respects any financial year beginning on or after the sixteenth day of May, nineteen hundred and sixty-one, subsection (4) of section one hundred and thirty-eight of the Act of 1950 (which relates to the credits and debits to be carried to housing revenue

accounts) shall have effect as if there were added at the end thereof the following proviso, that is to say:—

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“ Provided that, in the case of incomings and outgoings other than those mentioned in the foregoing provisions of this section, directions under this subsection may (instead of directing particular amounts to be credited or debited) direct generally that credits or debits shall be made in respect of incomings or outgoings of a kind specified in the direction.”

34. As respects any financial year beginning on or after the sixteenth day of May, nineteen hundred and sixty-one, for section one hundred and thirty-nine of the Act of 1950 (which relates to the disposal of balances in housing revenue accounts) there shall be substituted the following section, that is to say:—

“Disposal  
of balances  
in housing  
revenue  
accounts.

139. Any surplus shown in a housing revenue account at the end of a financial year may be applied by the local authority, in whole or in part, in making good to the general rate fund any contribution credited to the account under paragraph (c) of subsection (1) of section one hundred and thirty-eight of this Act and subsection (1) of section five of the Housing and Town Development (Scotland) Act, 1957, in any of the nine last preceding financial years, and, so far as not so applied, shall be carried to the credit of the account for the next financial year.”

35. In subsection (1) of section one hundred and eighty-four of the Act of 1950 (which relates to interpretation) the definitions of “block of flats” and “sanitary defects” shall cease to have effect.

36. In paragraph 12 of the Eighth Schedule to the Act of 1950 (which relates to local authorities' contributions to housing revenue accounts) the words “(in this Act referred to as an additional contribution)” shall cease to have effect.

#### FIFTH SCHEDULE REPEALS

Section 35.

| Session and Chapter | Short Title                       | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 14 Geo. 6. c. 34    | The Housing (Scotland) Act, 1950. | <p>In section six, the words from “and for that purpose” to the end of the section.</p> <p>In section ten, the words from “and such order shall have effect” to “subsection (1) of the said section nine”.</p> <p>In section sixteen, in the proviso, in paragraph (ii) the word “and” and paragraph (iii).</p> <p>In section twenty-five, in subsection (1), in paragraph (i), the words “by reason of disrepair or sanitary defects”.</p> <p>In section twenty-six, subsections (4) and (5).</p> <p>In section forty, in subsection (1), the words “notwithstanding its sanitary defects”.</p> |

## 5TH SCH.

| Session and Chapter        | Short Title                            | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 14 Geo. 6. c. 34<br>—cont. | The Housing (Scotland) Act, 1950—cont. | <p>In section eighty-two, in subsection (2), the words “ in any of the five years next following the date on which he recognises the said central association or body ”.</p> <p>In section one hundred and eighty-four, in subsection (1), the definitions of “ block of flats ” and “ sanitary defects ”, and subsection (2).</p> <p>In the First Schedule, in paragraph 6, in the proviso, subparagraph (c).</p> <p>In the Third Schedule, paragraph 8.</p> <p>In the Eighth Schedule, in paragraph 12, the words “ (in this Act referred to as an additional contribution) ”.</p> |

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*Table of Statutes referred to in this Act*

| Short Title                                                         | Session and Chapter                |
|---------------------------------------------------------------------|------------------------------------|
| Industrial and Provident Societies Act, 1893 ...                    | 56 & 57 Vict. c. 39.               |
| Public Works Loans Act, 1897 ... ..                                 | 60 & 61 Vict. c. 51.               |
| Housing Act, 1914 ... ..                                            | 4 & 5 Geo. 5. c. 31.               |
| Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.    | 10 & 11 Geo. 5. c. 17.             |
| Trusts (Scotland) Act, 1921 ... ..                                  | 11 & 12 Geo. 5. c. 58.             |
| Housing, &c. Act, 1923 ... ..                                       | 13 & 14 Geo. 5. c. 24.             |
| Housing (Scotland) Act, 1925 ... ..                                 | 15 & 16 Geo. 5. c. 15.             |
| Housing (Agricultural Population) (Scotland) Act, 1938.             | 1 & 2 Geo. 6. c. 38.               |
| National Loans Act, 1939 ... ..                                     | 2 & 3 Geo. 6. c. 117.              |
| 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.             |
| 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 (Scotland) Act, 1949 ...                      | 12, 13 & 14 Geo. 6. c. 75.         |
| Housing (Scotland) Act, 1950 ... ..                                 | 14 Geo. 6. c. 34.                  |
| Income Tax Act, 1952 ... ..                                         | 15 & 16 Geo. 6 & 1 Eliz. 2. c. 10. |
| Housing (Scotland) Act, 1952 ... ..                                 | 15 & 16 Geo. 6 & 1 Eliz. 2. c. 63. |
| Local Government (Financial Provisions) (Scotland) Act, 1954.       | 2 & 3 Eliz. 2. c. 13.              |
| Housing (Repairs and Rents) (Scotland) Act, 1954                    | 2 & 3 Eliz. 2. c. 50.              |
| Valuation and Rating (Scotland) Act, 1956 ...                       | 4 & 5 Eliz. 2. c. 60.              |
| Rent Act, 1957 ... ..                                               | 5 & 6 Eliz. 2. c. 25.              |
| Housing and Town Development (Scotland) Act, 1957.                  | 5 & 6 Eliz. 2. c. 38.              |
| House Purchase and Housing Act, 1959 ...                            | 7 & 8 Eliz. 2. c. 33.              |
| Town and Country Planning (Scotland) Act, 1959                      | 7 & 8 Eliz. 2. c. 70.              |



## CHAPTER 29

An Act to provide that certain agreements made by or between members of associations of persons occupying land used for agriculture or forestry shall be exempted from the application of Part I of the Restrictive Trade Practices Act, 1956. [3rd July, 1962]

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

1.—(1) This section applies to any association of persons occupying land used for agriculture or forestry or both, in the case of which the following conditions are satisfied, that is to say:—

Exemption  
of certain  
agreements  
from  
registration.

- (a) the association is registered under the Industrial and Provident Societies Acts, 1893 to 1954 or, being a company within the meaning of the Companies Act, 1948, contains in its memorandum or articles of association such provisions as may be prescribed by order of the Ministers with respect to the number of members, numbers of shares held by members, distribution of profits, voting rights or other matters;
- (b) at least ninety per cent. of the voting power is attached to shares held by persons occupying land used as aforesaid; and
- (c) the only business, or the principal business, carried on by the association is one or more of the following, that is to say:—
  - (i) the marketing or preparation for market of produce produced by members of the association on land occupied by them and used as aforesaid (with or without similar produce not so produced);
  - (ii) the supply to such members of goods required for the production of such produce on such land;
  - (iii) in the case of an association of persons occupying land for forestry, the carrying out of forestry operations for such members on such land;

11 & 12 Geo.  
6. c. 38.

and to any association of such associations which satisfies the condition specified in paragraph (a) of this subsection and would satisfy the condition specified in paragraph (c) if references in that paragraph to members of the association included references to members of constituent associations.

4 & 5 Eliz. 2.  
c. 68.

(2) Subject to the provisions of this section, Part I of the Restrictive Trade Practices Act, 1956, shall not apply to an agreement (whenever made) between members of an association to which this section applies, or between such an association and any other person, whether a member of the association or not, by reason only of any restriction accepted or treated as accepted by the association, or by members of the association or of any constituent association, for the purposes of or in connection with—

- (a) the marketing or preparation for market by the association of produce produced by such members on land occupied by them and used for agriculture or forestry (with or without similar produce not so produced); or
- (b) the supply by the association to such members of goods required for the production of such produce on such land;

and in determining whether any such agreement is an agreement to which the said Part I applies, no account shall be taken of any such restriction.

(3) The Ministers may by order direct that subsection (2) of this section shall not apply—

- (a) in relation to agreements of such classes as may be prescribed by the order; or
- (b) in relation to agreements, or agreements of any class, made by associations of such classes as may be so prescribed;

and any such order may apply to agreements made before as well as after the coming into force of the order.

(4) Any power of the Ministers to make orders under this section shall be exercisable by statutory instrument, and shall include power to revoke or vary any such order by a subsequent order; and any statutory instrument made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) References in this section to the Industrial and Provident Societies Acts, 1893 to 1954, and the Companies Act, 1948, include references respectively to the Industrial and Provident Societies Acts (Northern Ireland), 1893 to 1955 and the Companies Act (Northern Ireland), 1960.

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

“agriculture” has the same meaning as in the Agriculture Act, 1947 and the Agriculture (Scotland) Act, 1948;

“forestry” includes the processing of wood for sale, but not the manufacture of articles of wood;

Interpretation,  
construction,  
short title  
and com-  
mencement.  
10 & 11 Geo.  
6. c. 48.  
11 & 12 Geo.  
6. c. 45.

“ the Ministers ” means the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and in Northern Ireland, acting jointly;

“ produce ” means anything (whether live or dead) produced in the course of agriculture or forestry.

(2) This Act shall be construed as one with the Restrictive Trade Practices Act, 1956.

(3) This Act may be cited as the Agricultural and Forestry Associations Act, 1962.

(4) This Act shall come into force at the expiration of the period of three months beginning with the day on which it is passed.

## CHAPTER 30

### *Northern Ireland Act, 1962*

#### ARRANGEMENT OF SECTIONS

##### *Administration of Justice*

##### Section

1. Appeals to the House of Lords.
2. Restrictions on appeals to the Court of Appeal.
3. Power of Her Majesty to transfer appellate jurisdiction of High Court of Appeal.
4. Power of Her Majesty to amend law with respect to remittals to, and removals from, county court, and destination of appeals therefrom.
5. Assistance for transaction of business in Supreme Court.
6. Assistance for transaction of business in Court of Criminal Appeal.
7. Supreme Court rules.
8. The Supreme Court rules committee.
9. Publication of certain rules and orders under Supreme Court of Judicature Act (Ireland), 1877, and parliamentary control of powers to make them.
10. Amendment of law with respect to writs of mandamus, prohibition and certiorari and information in the nature of quo warranto.
11. Reduction of number of jurors in civil proceedings.
12. Reservation of matters relating to Supreme Court not to preclude legislation by Parliament of Northern Ireland about certain matters.

##### *Enlargement of legislative Power of Parliament of Northern Ireland with respect to Matters other than those relating to Supreme Court*

13. Relaxation, for certain purposes, of restrictions on diversion of property of religious or educational bodies.
14. Abolition of prohibition of making laws taking property without compensation.
15. Restrictions on diversion or taking of property not to preclude, or ever to have precluded, legislation about security of tenure, &c.
16. Power with respect to winding up, bankruptcy, &c.
17. Power to legislate to prevent suffering by horses, &c., on exportation thereof.

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**Section**

18. Amendment of s. 2 (1) of Northern Ireland (Miscellaneous Provisions) Act, 1928.
19. Power to provide for imposition and recovery of charges for services.
20. Power to render binding upon the Crown enactments about arbitration.
21. Power to repeal or alter Costs of Leases Act, 1958.

*Miscellaneous Provisions*

22. Land purchase matters.
23. Amendment of Merchant Shipping Act, 1894, as to compensation for plundering wrecked, &c., vessel or its cargo.
24. Backing warrants issued in Northern Ireland for execution in England, &c., and vice versa.
25. Cesser of payment of certain fines and forfeitures imposed in Northern Ireland into United Kingdom Exchequer.
26. Increase of compensation payable to certain Irish officers.
27. Interpretation, in relation to Northern Ireland, of certain expressions when used in Acts of the Parliament of the United Kingdom.
28. Cesser of obsolete, unnecessary or spent enactments.

*Supplemental*

29. Interpretation.
30. Short title and repeals.

**SCHEDULES :**

First Schedule—Amendments of enactments and Order in Council consequential on section 7.

Second Schedule—Enactments amended so as to provide for cesser of payment into Exchequer of United Kingdom of fines, &c., imposed thereunder in Northern Ireland.

Third Schedule—Obsolete, unnecessary or spent enactments ceasing to have effect.

Fourth Schedule—Repeals.

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An Act to amend with regard to certain matters, and empower Her Majesty in Council to amend with regard to others, the law concerning the administration of justice in Northern Ireland; to enlarge the legislative power of the Parliament of Northern Ireland; to amend other law applicable to Northern Ireland; to lay down a rule for interpreting, in the application to Northern Ireland of Acts of Parliament, certain expressions commonly used therein; and to repeal obsolete, unnecessary or spent enactments applying to Northern Ireland. [3rd July, 1962]

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

*Administration of Justice*

1.—(1) Subject to the provisions of this section, to any restriction imposed by an enactment of the Parliament of Northern Ireland which has effect by virtue of this section, and to any restriction imposed by virtue of section four of this Act, an appeal shall lie to the House of Lords from any order or judgment of the Court of Appeal made or given on or after such day as Her Majesty may by Order in Council appoint for the purposes of this section. Appeals to the House of Lords.

(2) No appeal shall lie under this section except with the leave of the Court of Appeal or of the House of Lords.

(3) Sections four and five of the Appellate Jurisdiction Act, 1876 (which respectively provide for the bringing of appeals under that Act by way of petition and regulate the composition of the House of Lords for the hearing and determination of such appeals) shall apply to an appeal under this section, and to the hearing and determination thereof, as they apply respectively to an appeal under that Act, and to the hearing and determination thereof.

(4) The House of Lords may by order provide for the hearing and determination by a Committee of that House of petitions for leave to appeal under this section from the Court of Appeal, and the said section five shall apply to the hearing of any such petition by a Committee of that House as, by virtue of the last foregoing subsection, it applies to the hearing and determination of an appeal under this section.

(5) Section eleven of the said Act of 1876 (which relates to the manner in which, and conditions on which, appeals lie to the House of Lords under that Act) shall have effect as if the references therein to that Act included references to this section.

(6) This section does not apply to an order or decision of the Court of Appeal from which an appeal lies under section one, thirteen or eighteen of the Administration of Justice Act, 1960.

(7) No appeal from an order or judgment of the Court of Appeal shall, unless it involves a decision of any question as to the validity of any law made by, or having the effect of an Act of, the Parliament of Northern Ireland, lie under this section in a case where, by any enactment in force immediately before the day appointed for the purposes of this section (other than section eleven of the Annual Revision of Rateable Property (Ireland) Amendment Act, 1860), it is expressly provided (whatever form of words is used) that that order or judgment is to be final.

(8) No limitation or restriction imposed by the Government of Ireland Act, 1920, on the power of the Parliament of Northern Ireland to make laws shall be construed so as to prevent that Parliament from making a law providing that an order or judgment of the Court of Appeal made or given in proceedings

instituted under or by virtue of an enactment of that Parliament shall, unless it involves such a decision as is mentioned in the last foregoing subsection, be final, or so as ever to have prevented that Parliament from making a law providing that an order or judgment of that Court made or given as aforesaid should be final.

Restrictions on appeals to the Court of Appeal.

2.—(1) No appeal to the Court of Appeal shall lie—

- (a) except as provided by the Administration of Justice Act, 1960, from any judgment of the High Court in any criminal cause or matter ;
- (b) from an order allowing an extension of time for appealing from a judgment or order ;
- (c) from an order of a judge giving unconditional leave to defend an action ;
- (d) from an order or judgment of the High Court or any judge thereof where it is provided by or by virtue of any enactment (including an enactment contained in this Act) that that order or judgment or the decision or determination upon which it is made or given is to be final ;
- (e) from a decree absolute for the dissolution or nullity of marriage by a party aggrieved thereby who, having had time and opportunity to appeal from the decree nisi on which the decree absolute was founded, has not appealed from that decree nisi ;
- (f) without the leave of the court or judge making the order, from an order of the High Court or any judge thereof made with the consent of the parties or as to costs only which by law are left to the discretion of the court ;
- (g) from any order made in chambers which has not been drawn up as an order of the court, without the leave of the judge by whom the order was made or of the Court of Appeal ;
- (h) without the leave of the judge or of the Court of Appeal, from any interlocutory order or interlocutory judgment made or given by a judge of the High Court, except in the following cases, namely,—
  - (i) where the liberty of the subject or the custody of infants is concerned ;
  - (ii) where an injunction or the appointment of a receiver is granted or refused ;
  - (iii) in the case of a decision determining the claim of any creditor or the liability of any director or other officer under the Companies Act (Northern Ireland), 1960, in respect of misfeasance or otherwise ;

(iv) in the case of a decree nisi in a matrimonial cause or a judgment or order in an Admiralty action determining liability ;

(v) in the case of an order on a special case stated under the Arbitration Act (Northern Ireland), 1937 ;

(vi) in such other cases as may be prescribed by rules made under subsection (1) of section seven of this Act, being cases appearing to the authority making the rules to be of the nature of final decisions ;

(i) from the decision of the High Court on any question of law, whether on appeal or otherwise, under sections one hundred and seven to one hundred and thirty-six of the Representation of the People Act, 1949.

(2) An order refusing unconditional leave to defend an action shall not be deemed to be an interlocutory order within the meaning of the foregoing subsection.

(3) No limitation or restriction imposed by the Government of Ireland Act, 1920, on the power of the Parliament of Northern Ireland to make laws shall be construed so as to prevent that Parliament from making a law providing that an order or judgment of the High Court made or given in proceedings instituted under or by virtue of an enactment of that Parliament shall be final or so as ever to have prevented that Parliament from making a law providing that an order or judgment of that Court made or given as aforesaid should be final.

(4) Nothing in this section or in any law made by the Parliament of Northern Ireland shall affect the operation of sub-paragraph (2) of paragraph 6 of the First Schedule to the Irish Free State (Consequential Provisions) Act, 1922 (Session 2) (which provides for an appeal to the Court of Appeal where a decision of a court in Northern Ireland involves the decision of any question as to the validity of any law made by, or having the effect of an Act of, the Parliament of Northern Ireland and an appeal would not otherwise lie).

(5) As from the day appointed for the coming into operation of subsection (1) of this section, section twenty-four (appeals from the High Court to the Court of Appeal) of the Supreme Court of Judicature Act (Ireland), 1877, shall have effect with the substitution, for the words " save as hereinafter mentioned ", of the words " save as provided by section two of the Northern Ireland Act, 1962 ".

(6) Subsection (1) of this section shall come into operation on such day as Her Majesty may by Order in Council appoint, but no restriction thereby imposed shall apply to an order or judgment of the High Court made or given before that day.

Power of Her Majesty to transfer appellate jurisdiction of High Court to Court of Appeal.

3.—(1) Her Majesty may, by Order in Council, transfer to the Court of Appeal any jurisdiction which, under any enactment passed before the passing of this Act, is exercisable by the High Court or a judge thereof upon an appeal from the decision or determination of any inferior court or any tribunal, authority or person.

(2) An Order in Council under this section may make provision for any incidental or supplementary matters for which it appears to Her Majesty in Council to be necessary or expedient for the purposes of the Order to provide, and may amend or repeal any such enactment as aforesaid so far as may be necessary or expedient in consequence of provision made by the Order.

(3) In this section “appeal” includes an appeal by way of case stated.

Power of Her Majesty to amend law with respect to remittals to, and removals from, county court, and destination of appeals therefrom.

4.—(1) Her Majesty may, by Order in Council,—

- (a) confer on the High Court power to remit to a county court, in whole or in part, any civil proceedings commenced in the High Court ;
- (b) confer on the High Court power to remove to that court from a county court, in whole or in part, any civil proceedings commenced in that county court ;
- (c) determine the court to which an appeal shall lie in Northern Ireland from a decree given in any proceedings in a county court.

(2) Where, in pursuance of an Order in Council under this section, proceedings are remitted or removed to, or an appeal is brought to, any court, that court shall have jurisdiction to hear and determine those proceedings or (as the case may be) that appeal ; and, as regards proceedings so remitted to a county court,—

- (a) the court shall have the like jurisdiction as the High Court as to the giving of any relief claimed, including (but without prejudice to the generality of this provision) the amount of damages that may be awarded ; and
- (b) the parties to the proceedings shall have the like right of appeal as if the proceedings had been commenced in the county court.

(3) An Order in Council under this section may—

- (a) make provision as to the cases and circumstances in which, and the conditions on which, a right or power conferred by the Order may be exercised ;
- (b) provide that an order or judgment made or given upon the determination of an appeal by a court by virtue of any provision of the Order having effect by virtue of paragraph (c) of subsection (1) of this section shall,



unless it involves a decision of any question as to the validity of any law made by, or having the effect of an Act of, the Parliament of Northern Ireland, be final ;

- (c) make provision for any incidental or supplementary matters for which it appears to Her Majesty in Council to be necessary or expedient for the purposes of the Order to provide ;
- (d) amend or repeal any enactment passed before the passing of this Act so far as may be necessary or expedient in consequence of provision made by the Order.

(4) In this section "decree" includes a dismiss, a decree on a counterclaim, and an order, decision or determination in any civil proceedings instituted under or by virtue of any enactment.

5.—(1) Any such person as follows, namely,—

- (a) a person who has held the office of a judge of the High Court ;
- (b) a person who holds or has held the office of a judge of the Court of Appeal ;
- (c) a person falling within neither of the foregoing paragraphs who holds or has held the office of a Lord of Appeal in Ordinary and, on his appointment to that office, was qualified for appointment as a judge of the High Court or the Court of Appeal ;

Assistance  
for transaction  
of business  
in Supreme  
Court.

may, at any time, at the request of the Lord Chief Justice—

- (i) sit and act as a judge of the High Court for, or perform any other official or ministerial acts on behalf of, a judge of that court absent through illness or any other cause ;
- (ii) sit and act as a judge of the High Court in the place of a judge of that court whose place has become vacant ;  
or
- (iii) sit and act as an additional judge of that court.

(2) Any such person as follows, namely,—

- (a) a person who has held the office of a judge of the Court of Appeal ;
- (b) a person who holds the office of a judge of the High Court or, not being a judge of the Court of Appeal, has held the office of a judge of the High Court ;
- (c) a person falling within neither of the foregoing paragraphs who holds or has held the office of a Lord of Appeal in Ordinary and, on his appointment to that office, was qualified for appointment as a judge of the High Court or the Court of Appeal ;

may, at any time, at the request of the Lord Chief Justice—

- (i) sit and act as a judge of the Court of Appeal for, or perform any other official or ministerial acts on behalf of, a judge of that court absent through illness or any other cause ;

(ii) sit and act as a judge of the Court of Appeal in the place of a judge of that court whose place has become vacant ; or

(iii) sit and act as an additional judge of that court.

(3) Every person while sitting and acting under this section shall have all the jurisdiction, powers and privileges of a judge of the court in which he is so sitting and acting, but shall not otherwise be deemed to be a judge of that court or to have ceased, if he is a judge of the High Court, to be a judge of that court or of the division to which he belongs, if he is a judge of the Court of Appeal, to be a judge of that court or, in either case, to be a member of any other tribunal of which he is a member.

(4) A person who has sat and acted under this section as a judge, or additional judge, of the High Court shall, although the period has expired during which he was requested so to sit and act, attend the sittings of that court for the purpose of giving judgment in, or otherwise acting in relation to, any case heard by him while he so sat and acted, and a person who has sat and acted under this section as a judge, or additional judge, of the Court of Appeal shall, although the period has expired during which he was requested so to sit and act, attend the sittings of that court for the purpose of giving judgment in, or otherwise acting in relation to, any case heard by that court while he so sat and acted.

(5) For any period during which a person who does not hold office as a judge of the High Court or the Court of Appeal or as a Lord of Appeal in Ordinary sits and acts under this section, there may be paid to him, out of moneys provided by Parliament, such remuneration and allowances as the Treasury may, after consultation with the Lord Chief Justice, determine.

**Assistance  
for transaction  
of business  
in Court of  
Criminal  
Appeal.**

6.—(1) Any such person as follows, namely,—

(a) a person who, not being a judge of the Court of Appeal or the High Court, has held the office of a judge of either of those courts ;

(b) a person who, neither being a judge of the Court of Appeal or the High Court nor having held the office of a judge of either of those courts, holds or has held the office of a Lord of Appeal in Ordinary and, on his appointment to that office, was qualified for appointment as a judge of the High Court or the Court of Appeal ;

may at any time, at the request of the Lord Chief Justice, sit and act as a judge of the Court of Criminal Appeal.

(2) Every person while sitting and acting under this section shall have all the jurisdiction, powers and privileges of a judge of the Court of Criminal Appeal, but shall not otherwise be

deemed to be a judge of that court or to have ceased to be a member of any other tribunal of which he is a member.

(3) A person who has sat and acted under this section shall, although the period has expired during which he was requested so to sit and act, attend the sittings of the Court of Criminal Appeal for the purpose of giving judgment in, or otherwise acting in relation to, any case heard by that Court while he so sat and acted.

(4) For any period during which a person (other than one holding office as a Lord of Appeal in Ordinary) sits and acts under this section there may be paid to him, out of moneys provided by Parliament, such remuneration and allowances as the Treasury may, after consultation with the Lord Chief Justice, determine.

**7.—**(1) The committee mentioned in the next following section may make rules— Supreme Court rules.

- (a) regulating and prescribing the procedure (including the method of pleading) and the practice to be followed in the Court of Appeal and the High Court respectively in all proceedings whatsoever in or with respect to which those courts respectively have for the time being jurisdiction, and in the offices of the Supreme Court, including (but without prejudice to the generality of the foregoing words) the manner in which, the time within which and the conditions on which any proceedings which under any enactment (including an enactment contained in this Act) may, or must, be taken in the Supreme Court or any court or division thereof or brought before any judge thereof are to be so taken or brought ;
- (b) regulating and prescribing the procedure and practice to be followed in connection with the transfer of civil proceedings from a county court to the High Court or from the High Court to a county court ;
- (c) regulating and prescribing the procedure and practice of the High Court with respect to non-contentious or common form probate business except in regard to matters with respect to which directions may be given under section twenty of the Administration of Estates Act (Northern Ireland), 1955 ;
- (d) regulating the sittings of the Court of Appeal and the High Court and of the judges of the High Court whether sitting in court or in chambers and the vacations to be observed by the Court of Appeal and the High Court and in the offices of the Supreme Court ;
- (e) providing that a judge of the High Court may exercise in court or in chambers such part of the jurisdiction vested in the High Court as may be specified by the

rules and prescribing the cases in which a judge exercising as aforesaid jurisdiction so vested is to be deemed to constitute the High Court or a specified court of the High Court ;

- (f) prescribing what part of the business which may be transacted and of the jurisdiction which may be exercised by judges of the High Court may be transacted or exercised by officers of the Supreme Court, and regulating the organisation of the offices of the Supreme Court ;
- (g) regulating any matters relating to the costs of proceedings in the Court of Appeal or the High Court ;
- (h) prescribing the extent to which, and the circumstances in which, documents filed in the Court of Appeal or the High Court may be inspected and copied ;
- (i) regulating the means by which particular facts may be proved in or in connection with, or at any stage of, any proceedings in the Court of Appeal or the High Court, and the mode in which evidence of particular facts may be given in or in connection with, or at any stage of, any such proceedings ;
- (j) regulating or making provision with respect to any other matters which were regulated or with respect to which provision was made by rules of court relating to the Supreme Court immediately before the passing of this Act.

(2) Rules made under subsection (1) of this section may make provision for any incidental or supplementary matters for which the said committee think it necessary or expedient for the purposes of the rules to provide, and may amend or repeal, so far as it applies to Northern Ireland, any enactment passed before the passing of this Act so far as may be necessary or expedient in consequence of provision made by the rules.

(3) The power to make rules under subsection (1) of this section shall include power to make rules as to proceedings by or against the Crown.

(4) No rule which may involve an increase of expenditure out of public funds of the United Kingdom shall be made under subsection (1) of this section except with the concurrence of the Treasury and no rule which may involve an increase of expenditure out of public funds of Northern Ireland shall be so made except with the concurrence of the Ministry of Finance for Northern Ireland ; but the validity of a rule so made shall not, in any proceedings in any court, be called in question either by the court or by any party to the proceedings on the ground only that it was a rule to which the concurrence of, as the case may be, the Treasury or the said Ministry was necessary and that the Treasury or, as the case may be, the said Ministry did not concur

or are not expressed to have concurred in the making of the rule.

(5) In subsection (1) of this section "proceedings" includes actions, causes, appeals, applications, references and other matters, and any reference to proceedings' being taken or brought shall be construed accordingly.

(6) Rules made under subsection (1) of this section shall be statutory rules within the meaning of the Statutory Rules Act (Northern Ireland), 1958, and the person for the time being secretary to the committee mentioned in the next following section shall, in relation to rules so made, be the responsible officer within the meaning of sections two and four of that Act.

(7) Rules made under subsection (1) of this section shall be laid before Parliament so soon as may be after they are made and if either House, within the period of forty days beginning with the day on which the rules are laid before it resolves that an Address be presented to Her Majesty praying that the rules be annulled, no further proceedings shall be taken thereunder after the date of the resolution, and Her Majesty may by Order in Council revoke the rules, so, however, that any such resolution and revocation shall be without prejudice to anything previously done under the rules or to the making of new rules.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(8) The foregoing provisions of this section shall have effect in place of section sixty-one of the Supreme Court of Judicature Act (Ireland), 1877, and accordingly that section shall cease to have effect.

(9) The enactments specified in the first column of Part I of the First Schedule to this Act shall have effect subject to the amendments respectively specified in relation thereto in the second column of that Part of that Schedule (being amendments consequential on the replacement of the said section sixty-one by subsections (1) to (7) of this section or amendments whose effect is to substitute powers to make rules under this section for rule-making powers framed otherwise than by reference to the said section sixty-one), and the Order in Council specified in the first column of Part II of that Schedule shall have effect subject to the amendment specified in relation thereto in the second column of that Part of that Schedule (being an amendment consequential as aforesaid).

(10) Any rules relating to the Supreme Court made under the said section sixty-one or under or by virtue of such of the provisions of the enactments specified in Part I of the said First Schedule as are the subject of amendments made thereby and

any rules made under the Criminal Appeal (Northern Ireland) Act, 1930, shall, in so far as they are in force immediately before the passing of this Act and could be made under subsection (1) of this section, have effect as if they had been so made; and the provisions of any other instruments relating to the Supreme Court made under such of the said provisions as are the subject of amendments made by the said Part I and the provisions of any Order in Council made under section thirty (vacations) of the Supreme Court of Judicature Act (Ireland), 1877, shall, in so far as they are so in force and could, were they rules, be made under the said subsection (1), have effect as if they were rules that had been so made; but subsection (7) of this section shall not apply to any such rules or other instruments or to any such Order in Council.

(11) For the purposes of subsection (1) of section six of the Government of Ireland Act, 1920 (which precludes the Parliament of Northern Ireland from repealing or altering a provision of an Act passed by the Parliament of the United Kingdom after the day appointed for the purposes of that section and extending to Northern Ireland, although the provision deals with a matter with respect to which the Parliament of Northern Ireland has power to make laws), the provisions of the said First Schedule shall be deemed to be those of an Act passed before that day.

**The Supreme  
Court rules  
committee.**

8.—(1) The committee referred to in the last foregoing section shall consist of the judges of the Supreme Court, the Attorney General, one other practising member of the Bar of Northern Ireland nominated by the Council thereof, the President of the Incorporated Law Society of Northern Ireland or a member of the Council thereof nominated by him and a practising solicitor nominated by that Council, and shall be known as the Northern Ireland Supreme Court Rules Committee.

(2) The Lord Chief Justice (or, during a vacancy in the office of Lord Chief Justice or any period during which the Lord Chief Justice is for any reason incapacitated for acting, the senior Lord Justice of Appeal in Northern Ireland) shall be chairman of the committee.

(3) The powers of the committee may be exercised by the chairman thereof and not less than four other members thereof.

(4) The Lord Chief Justice may with the approval of the Treasury appoint, upon such terms and conditions (including conditions as to remuneration) as the Treasury may approve, a person to act as secretary to the committee; and the Treasury, after consultation with the Lord Chief Justice, may direct, in the case of a person appointed under this subsection who is not an officer of the Supreme Court, that section seventy-six of the Supreme Court of Judicature Act (Ireland), 1877 (which relates to salaries and pensions of officers of the Supreme Court)

except in so far as it relates to salary shall apply to him as it applies to officers of that Court.

(5) There shall be defrayed out of moneys provided by Parliament—

- (a) any expenses incurred by the committee ;
- (b) any remuneration payable by virtue of the last foregoing subsection to the secretary to the committee ; and
- (c) any increase attributable to that subsection in the sums payable by way of pensions and other benefits under the Superannuation Acts, 1834 to 1960.

9. Subsections (6) and (7) of section seven of this Act shall apply to the following rules and orders, namely,—

- (a) rules and orders made after the passing of this Act under sections seven and thirty-nine of the Supreme Court of Judicature Act (Ireland), 1877 (which relate to the practice in certain proceedings before the Chancery judge) ;
- (b) orders so made by the Governor of Northern Ireland in Council under section sixty-two of that Act (which relates to circuits and assizes) ;
- (c) orders so made under section eighty-four of that Act (which relates to court fees) ;

Publication of certain rules and orders under Supreme Court of Judicature Act (Ireland), 1877, and parliamentary control of powers to make them.

as they apply to rules made under subsection (1) of the said section seven.

10.—(1) The prerogative writs of mandamus, prohibition and certiorari shall no longer be issued by the High Court ; but in a case where the High Court would, but for the foregoing provisions of this subsection, have had jurisdiction to order the issue of a writ of mandamus requiring an act to be done, or a writ of prohibition prohibiting any proceedings or matter, or a writ of certiorari removing any proceedings or matter into the High Court or any division thereof for any purpose, the High Court may make an order (to be called an order of mandamus) requiring the act to be done, an order (to be called an order of prohibition) prohibiting the proceedings or matter, or an order (to be called an order of certiorari) removing the proceedings or matter, as the case may be.

Amendment of law with respect to writs of mandamus, prohibition and certiorari and informations in the nature of quo warranto.

(2) No return shall be made to any such order and no pleadings in prohibition shall be allowed, but the order shall be final, subject to any right of appeal therefrom.

(3) In any enactment of the Parliament of the United Kingdom (as that enactment applies to Northern Ireland) and in any enactment of the Parliament of Northern Ireland references to a writ of mandamus, prohibition or certiorari shall be construed as references to the corresponding order, and references to the issue or award of any such writ shall be construed as references to the making of the corresponding order.

(4) Informations in the nature of *quo warranto* are hereby abolished in Northern Ireland ; but in a case where in Northern Ireland a person acts in an office in which he was not entitled to act and an information in the nature of *quo warranto* would, but for the foregoing provisions of this subsection, have lain against him, the High Court may grant an injunction restraining him from so acting and may (if the case so requires) declare the office to be vacant, so, however, that no proceedings for an injunction under this subsection shall be taken by a person who would not immediately before the coming into operation of this subsection have been entitled to apply for an information in the nature of *quo warranto*.

(5) Rules may be made under subsection (1) of section seven of this Act—

- (a) requiring, except in such cases as may be specified in the rules, that leave shall be obtained before any application is made or proceedings are commenced under this section ;
- (b) requiring that, where leave is so obtained, no relief shall be granted and no ground relied upon, except with the leave of a judge of the High Court, other than the relief and grounds specified when the application for leave was made.

(6) Subsections (1) to (4) of this section shall come into operation on such day as Her Majesty may by Order in Council appoint.

Reduction of number of jurors in civil proceedings.

**11.**—(1) In Northern Ireland, notwithstanding anything in any enactment, for the purpose of any action tried by a jury or inquiry by a jury in any civil proceedings, it shall not be necessary for the jury to consist of more than seven persons.

(2) In relation to a case in which, by virtue of the foregoing subsection, the jury need not consist of more than seven persons, sections forty-one and forty-two of the *Juries Act (Ireland), 1871* (which relate to the selection of a jury), shall have effect as if, for the word “twelve”, wherever occurring, there were substituted the word “seven”.

Reservation of matters relating to Supreme Court not to preclude legislation by Parliament of Northern Ireland about certain matters.

**12.**—(1) No law made by the Parliament of Northern Ireland about—

- (a) bankruptcy, insolvency, the winding up of bodies (whether corporate or unincorporated) or the making of arrangements or compositions with creditors ;
- (b) cases stated ; or
- (c) the registration, execution or enforcement of judgments and orders of the Supreme Court, the powers or duties of under-sheriffs or bailiffs in relation to such registration, execution or enforcement, or the establishment of a uniform system for the enforcement of all



judgments, orders and decrees of all courts in Northern Ireland ;

shall be void on the ground only that, by reason of its making provision in respect of a matter relating to the Supreme Court, it contravenes the limitation imposed by paragraph (14) of subsection (1) of section four of the Government of Ireland Act, 1920, precluding that Parliament from making laws in respect of any matter declared by that Act to be a reserved matter.

(2) The said limitation shall not be construed so as to prevent the Parliament of Northern Ireland from conferring or imposing, for or in connection with purposes for which a law is made by that Parliament,—

- (a) any jurisdiction (whether original or appellate) or power on the Court of Appeal or the High Court (including a Court of Assize) or on a judge of the High Court (including a judge of Assize) or other judge of the Supreme Court ; or
- (b) with the consent of the Lord Chief Justice, any jurisdiction, power or duty on an officer of the Supreme Court ;

and, for the purposes of any proceedings in which the validity of an Act of the Parliament of Northern Ireland is in question, a recital in that Act to the effect that the consent required by paragraph (b) of this subsection has been given to the conferring or imposing by that Act of jurisdiction, powers or duties on officers of the Supreme Court shall be conclusive evidence that that consent has been given.

(3) The said limitation shall not be construed so as to prevent the Parliament of Northern Ireland from—

- (a) making provision for matters incidental to or consequential on the conferring or imposing, by virtue of the last foregoing subsection, of jurisdiction, powers or duties, including (but without prejudice to the generality of the foregoing words) provision for specifying the cases and circumstances in which, and the conditions on which, any jurisdiction or power conferred, or any duty imposed, by virtue of that subsection may be exercised or is to be discharged ; or
- (b) amending or repealing, so far as it applies to Northern Ireland, any enactment passed before the passing of this Act, so far as may be necessary or expedient in consequence of provision made by a law made by it by virtue of that subsection ;

or from including in a law made by it provision for extending the purposes for which rules may be made under subsection (1) of section seven of this Act, so far as the extension is necessary or expedient for the purposes of, or in connection with, other provision made by that law.

(4) Unless and until the Parliament of Northern Ireland otherwise provides, section one of the Legislative Procedure Act (Northern Ireland), 1933 (which relates to the procedure for including in a Bill in that Parliament any such recital as by virtue of section six or nine of the Northern Ireland (Miscellaneous Provisions) Act, 1932, is conclusive evidence of the fact recited), shall have effect as if the references to the said section nine and the consent required thereby included respectively references to subsection (2) of this section and the consent required by paragraph (b) thereof.

*Enlargement of legislative Power of Parliament of Northern Ireland with respect to Matters other than those relating to Supreme Court*

Relaxation, for certain purposes, of restrictions on diversion of property of religious or educational bodies.

13.—(1) Such of the restrictions imposed by subsection (1) of section five of the Government of Ireland Act, 1920, and Article 16 of the Articles of Agreement for a treaty between Great Britain and Ireland set out in the Schedule to the Irish Free State (Agreement) Act, 1922, on the power of the Parliament of Northern Ireland to make laws as preclude it from making a law so as directly or indirectly to divert the property of a religious denomination or educational institution shall cease to extend—

(a) so as to render void, in relation to the property of a religious denomination or educational institution (other than buildings occupied by it and used by it exclusively for religious or educational purposes), a law made by that Parliament in so far as it provides or enables provision to be made for the compulsory acquisition (on payment of compensation) of land for the purposes of housing or slum-clearance, or the development or re-development of any area ;

(b) so as to render void, in relation to any property of such a denomination or institution, a law made by that Parliament in so far as it provides or enables provision to be made for the control of the use of land.

(2) In this section “land” has the same meaning as in section forty-five of the Interpretation Act (Northern Ireland), 1954, and the reference to buildings includes a reference to the curtilages thereof.

Abolition of prohibition of making of laws taking property without compensation.

14. The restriction imposed by subsection (1) of section five of the Government of Ireland Act, 1920, on the power of the Parliament of Northern Ireland to make laws that precludes it from making a law so as directly or indirectly to take any property without compensation is hereby abolished.

15. No law made (whether before or after the passing of this Act) by the Parliament of Northern Ireland shall, in so far as it makes provision for providing security of tenure for, or enlarging the estates or interests in land of, persons or any class of persons or for repealing, amending or limiting the operation of any law for the time being in force in Northern Ireland in so far as that law makes provision for either or both of those purposes, be void on the ground only that it contravenes any of the restrictions mentioned in the two last foregoing sections.

Restrictions on diversion or taking of property not to preclude, or ever to have precluded, legislation about security of tenure, &c.

16.—(1) The limitation imposed by paragraph (1) of subsection (1) of section four of the Government of Ireland Act, 1920, precluding the Parliament of Northern Ireland from making laws in respect of the Crown or the property of the Crown shall not be construed so as to prevent that Parliament from enacting provisions for purposes similar to those of—

Power with respect to winding up, bankruptcy, &c.

- (a) section three hundred and twenty-four of the Companies Act, 1948 (liability for rentcharge on company's land after disclaimer by liquidator);
- (b) section three hundred and fifty-four of that Act (property of dissolved company to be bona vacantia);
- (c) section three hundred and fifty-five of that Act (power of Crown to disclaim title to property vesting under the preceding section of the Act);
- (d) section three hundred and fifty-six of that Act (application of section three hundred and twenty-four of the Act to land vesting, subject to a rentcharge, in the Crown or any other person on the dissolution of any body corporate);

or from applying, in relation to land disclaimed under the provisions of the law in force in Northern Ireland relating to bankrupts, arranging debtors or persons dying insolvent, provisions corresponding to the said section three hundred and twenty-four.

(2) No limitation or restriction imposed by the Government of Ireland Act, 1920, on the power of the Parliament of Northern Ireland to make laws shall be construed so as to prevent that Parliament from enacting a provision specifying what debts are, in the winding up of any body (whether corporate or unincorporated) or the distribution of the property of a bankrupt, arranging debtor or person dying insolvent, to be paid in priority to other debts, or from making any provision with respect to debts to be paid in priority to other debts in those circumstances; and section six of that Act shall not preclude that Parliament from effecting, as respects Northern Ireland, any repeal or alteration of a provision of an Act passed before the passing of this Act by the Parliament of the United Kingdom as to debts to be so paid in those circumstances, so far as the repeal or alteration is consequential on the enacting or making by the

Parliament of Northern Ireland of any such provision as aforesaid.

Power to legislate to prevent suffering by horses, &c., on exportation thereof.

17. The limitations imposed by paragraph (7) of subsection (1) of section four of the Government of Ireland Act, 1920, precluding the Parliament of Northern Ireland from making laws in respect of trade with any place out of the part of Ireland within its jurisdiction or in respect of merchant shipping, and the limitation imposed by paragraph (10) of that subsection precluding that Parliament from making laws in respect of aerial navigation, shall not be construed so as to prevent that Parliament from making a law with the object of preventing horses, asses or mules from suffering unnecessarily when exported from Northern Ireland (whether by land, sea or air).

Amendment of s. 2 (1) of Northern Ireland (Miscellaneous Provisions) Act, 1928.

18. Subsection (1) of section two of the Northern Ireland (Miscellaneous Provisions) Act, 1928 (which provides that the restrictions imposed by section four of the Government of Ireland Act, 1920, on the power of the Parliament of Northern Ireland to make laws shall not be construed as preventing that Parliament making laws for the purpose of ensuring that live stock and agricultural produce, or any class thereof, shall not be sent to Great Britain, the Isle of Man or the part of Ireland which now forms the Republic of Ireland and is therein referred to as the Irish Free State, except under such regulations as to standards of quality, inspection or compulsory insurance as may be made by or under the authority of that Parliament) shall have effect with the substitution, for the words " to Great Britain, the Isle of Man or the Irish Free State ", of the words " out of Northern Ireland "

Power to provide for imposition and recovery of charges for services.

19.—(1) None of the limitations or restrictions imposed by the Government of Ireland Act, 1920, on the power of the Parliament of Northern Ireland to make laws shall be construed so as to prevent that Parliament from making laws providing for the imposition on, and recovery from, persons carrying on business in Northern Ireland in any industry (including agriculture), or persons carrying on there any business consisting wholly or partly in dealing in any materials or produce of any industry (including agriculture), of charges (including charges calculated by reference to an amount or quantity manufactured or produced) for the purpose of meeting costs incurred in connection with the provision of any service or facility intended to benefit those persons or to increase, encourage or make more profitable that business or to secure improvements in the produce thereof.

(2) The proceeds of charges imposed by virtue of this section shall be deemed for the purposes of section twenty-two (reserved taxes) of the said Act of 1920 not to be the proceeds of any of the duties or taxes the imposing, charging, levying and collection of which are declared by subsection (1) of that section to be reserved matters.

20. The limitation imposed by paragraph (1) of subsection (1) of section four of the Government of Ireland Act, 1920, precluding the Parliament of Northern Ireland from making laws in respect of the Crown shall not be construed so as to prevent that Parliament from enacting a provision making binding upon the Crown any enactment of that Parliament about arbitration.

Power to render binding upon the Crown enactments about arbitration.

21. For the purposes of subsection (1) of section six of the Government of Ireland Act, 1920, the Costs of Leases Act, 1958, shall be deemed to have been passed before the day appointed for the purposes of that section.

Power to repeal or alter Costs of Leases Act, 1958.

### Miscellaneous Provisions

22.—(1) The continuance of the reservation for the purposes of the Government of Ireland Act, 1920, by paragraph (b) of the Second Schedule to the Northern Ireland Land Purchase (Winding Up) Act, 1935, of the matter of the vesting of land under the Acts relating to land purchase shall not be construed so as to prevent the Parliament of Northern Ireland from making a law for validating or perfecting, or providing for validating or perfecting, orders or other instruments for the vesting of land in Northern Ireland made by the Irish Land Commission or the Land Purchase Commission, Northern Ireland, which are invalid or imperfect or whose validity or perfection is doubtful.

Land purchase matters.

(2) The functions which, before the passing of the said Act of 1935, were exercisable by the Land Purchase Commission, Northern Ireland, under the provisions of schemes framed for purposes specified in section four of the Irish Land Act, 1903, in connection with the sale of land in Northern Ireland under the Land Purchase Acts (not being schemes framed under section twenty of the said Act of 1903) and, by virtue of subsection (1) of section six of the said Act of 1935, became exercisable by the Treasury shall be transferred to and exercised by the Ministry of Finance for Northern Ireland.

23.—(1) Section five hundred and fifteen of the Merchant Shipping Act, 1894 (compensation for plundering, damaging or destroying vessel wrecked, stranded or in distress or its cargo or apparel) shall be amended by substituting, for the words from "In Ireland" to the end, the words "In Northern Ireland, in pursuance of an application in that behalf to the county court", but no compensation shall be made in Northern Ireland under that section unless the aggregate amount of the plunder, damage or destruction exceeds twenty pounds.

Amendment of Merchant Shipping Act, 1894, as to compensation for plundering wrecked, &c., vessel or its cargo.

(2) Subsection (1) of section four of the Criminal Injuries Act (Northern Ireland), 1956 (which empowers a county court, in determining an application for compensation under that Act, to reduce the amount of compensation which it would otherwise award by such sum as it thinks just and equitable having regard

to the general conduct in the circumstances of the person suffering the damage, including, in particular, his conduct as respects any precautions which might reasonably have been taken by him to avoid the damage) shall have effect in relation to an application made in Northern Ireland by virtue of this section as it has effect in relation to an application under that Act but with the substitution, for references to the damage, of references to the plunder, damage or destruction to which the application relates and, for the reference to compensation under that Act, of a reference to compensation under the said section five hundred and fifteen.

(3) The said section five hundred and fifteen shall, in its application to Northern Ireland, be subject to the like restrictions with respect to the making thereunder of compensation for plunder, damage or destruction as those to which the said Act of 1956 is, by virtue of subsections (2), (3) and (5) of section four thereof, subject with respect to the payment under that Act of compensation for damage, and those subsections shall apply accordingly with requisite modifications.

(4) Sections five to nine of the said Act of 1956 shall have effect in relation to an application made in Northern Ireland by virtue of this section and to matters consequential on the making of such an application as they have effect in relation to an application under that Act and to matters consequential on the making of such an application subject, however, to the following modifications:—

- (a) for references to the damage to which the application relates there shall be substituted references to the plunder, damage or destruction to which it relates ; and
- (b) subsection (1) of section five shall have effect as if, at the end thereof, there were added the words “ or, in a case where the plunder, damage or destruction or the greater part thereof occurred outside a county, against the council of the county nearest to the place where it occurred ”.

Backing warrants issued in Northern Ireland for execution in England, &c., and vice versa.

24.—(1) For the purpose of adding to the number of persons whose indorsement, in due form, of a warrant issued in Northern Ireland enables it under section twenty-seven of the Petty Sessions (Ireland) Act, 1851, to be executed in England, Wales, Scotland, the Isle of Man or the Channel Islands and whose indorsement, in due form, of a warrant issued in any of the last-mentioned countries enables it, under section twenty nine of that Act, to be

executed in Northern Ireland, that Act shall be amended as follows:—

- (a) in section twenty-seven, in paragraph 3, for the words “in like manner as before” there shall be substituted the words “or for a county inspector”, and for the words “either of the inspector or deputy inspector general” there shall be substituted the words “of the inspector general, deputy inspector general or county inspector”;
- (b) in section twenty-nine, after the words “deputy inspectors general”, there shall be inserted the words “or for a county inspector”;
- (c) in section forty-four (interpretation), after the word “prosecutor”, there shall be inserted the words “the words ‘county inspector’ shall include a commissioner of police for a county borough in Northern Ireland and an officer of the Royal Ulster Constabulary having the rank of county inspector”.

(2) This section shall extend to the Isle of Man and the Channel Islands.

25.—(1) The following provisions shall have effect for the purpose of securing that the proceeds of fines imposed and forfeitures incurred upon the conviction of a person in Northern Ireland under the enactments relating to merchant shipping shall no longer be paid into the Exchequer of the United Kingdom:—

- (a) paragraph (a) of subsection (2) of section six hundred and ninety-nine of the Merchant Shipping Act, 1894 (payment into the Exchequer of the United Kingdom of fines recovered therein under that Act) shall have effect as if, for the words “the United Kingdom”, there were substituted the words “Great Britain”;
- (b) where a person is convicted in Northern Ireland of an offence under paragraph (a) of section two hundred and twenty-one (desertion from British ship) of the said Act of 1894 or under paragraph (a) of subsection (1) of section three hundred and seventy-six (desertion from fishing boat) of that Act, the balance of the proceeds of any forfeiture incurred under the paragraph in question which remains after making such reimbursement as is mentioned in, as the case may be, subsection (1) of section two hundred and thirty-two or section three hundred and seventy-eight of that Act shall, instead of being paid into the Exchequer of the United Kingdom, be applied as if it were a fine imposed on summary conviction in Northern Ireland

Cesser of payment of certain fines and forfeitures imposed in Northern Ireland into United Kingdom Exchequer.

for an offence against that Act, and so much of the last-mentioned section as relates to the powers of the court to make orders with respect to the application of effects and wages forfeited and of the proceeds of effects forfeited which do not consist of money shall be construed accordingly ;

- (c) subsection (4) of section thirty-three of the Merchant Shipping (Safety Convention) Act, 1949, shall cease to have effect.

(2) For the purpose of securing that fines and other penalties imposed in Northern Ireland under the enactments specified in the first column of the Second Schedule to this Act shall no longer be paid into the Exchequer of the United Kingdom, there shall be made the amendments respectively specified in relation thereto in the second column of that Schedule.

Increase of compensation payable to certain Irish officers.

**26.**—(1) The Eighth Schedule (compensation of existing Irish officers) to the Government of Ireland Act, 1920, shall, as respects any period after the passing of this Act, have effect, and, as respects the period beginning with the first day of October, nineteen hundred and forty-nine, and ending with the passing of this Act, be deemed to have had effect, as if,—

- (a) in Head B of Part I of the Rules therein set out, there had been substituted the words “three quarters” for the words “two thirds” ; and
- (b) in Head C of that Part, there had, in the application of that Head to an officer falling under the said Head B, been substituted the words “nine sixteenths” for the words “one half” and the words “twenty-seven sixteenths of” for the words “one and a half times”.

(2) In so far as it relates to any period before the ninth day of July, nineteen hundred and fifty-nine (being the date of the passing of the Pensions (Increase) Act, 1959), this section shall be deemed for the purposes of the Pensions (Increase) Act, 1956, and the said Act of 1959 to have been in force immediately before the passing of the first of them.

(3) Any increase attributable to this section in the sums which, under subsection (4) of section fifty-five of the said Act of 1920 or section eight of the Pensions Commutation Act, 1871, are payable out of moneys provided by Parliament shall be defrayed out of moneys so provided, and any increase attributable to this section in any sums which, under section eleven of the said Act of 1871, are payable out of the Consolidated Fund of the United Kingdom shall be defrayed out of that Fund.



27. In the application to Northern Ireland of any Act of the Parliament of the United Kingdom (whether passed before or after, or at the same time as, the passing of this Act) the expressions "court of summary jurisdiction", "summary conviction" and "Summary Jurisdiction Acts" shall have the same meanings respectively as in enactments of the Parliament of Northern Ireland.

Interpretation, in relation to Northern Ireland, of certain expressions when used in Acts of the Parliament of the United Kingdom.

28.—(1) Whereas section fourteen (payment where partially damaged land is compulsorily acquired) of the War Damage Act, 1943, has, by virtue of the Northern Ireland (Compensation for Compulsory Purchase) Act, 1957, and the Acquisition of War-Damaged Land (Compensation) Act (Northern Ireland), 1957, been annulled so far as it applies to Northern Ireland, except in relation to acquisitions there to which its application is no longer required:

Cesser of obsolete, unnecessary or spent enactments.

Now, therefore, the said section fourteen (so far as it applies to Northern Ireland) and the said Acts of 1957 shall cease to have effect.

(2) Whereas the enactments mentioned in the first and second columns of the Third Schedule to this Act have, to the extent respectively specified in relation thereto in the third column of that Schedule, become obsolete, unnecessary or spent, whether by lapse of time, or by reason of its having become lawful for rules of court to regulate or provide for the matters thereby dealt with, or otherwise:

Now, therefore, the said enactments shall cease to have effect to the extent aforesaid.

### *Supplemental*

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

Interpretation.

"the Attorney General" means the Attorney General for Northern Ireland;

"county court" means a county court held for a division under the County Courts Act (Northern Ireland), 1959;

"the Court of Appeal" means Her Majesty's Court of Appeal in Northern Ireland;

"the Court of Criminal Appeal" means the Court of Criminal Appeal in Northern Ireland;

"enactment" includes (save where the context otherwise requires) an enactment of the Parliament of Northern Ireland;

“ the High Court ” means Her Majesty’s High Court of Justice in Northern Ireland ;

“ judgment ” includes decision and decree ;

“ the Lord Chief Justice ” means the Lord Chief Justice of Northern Ireland ;

“ the Supreme Court ” means the Supreme Court of Judicature of Northern Ireland.

(2) Any reference in the foregoing provisions of this Act, other than the last foregoing section, to a specific enactment of the Parliament of Northern Ireland shall be construed as including a reference to any enactment of that Parliament passed after this Act and re-enacting the first-mentioned enactment with or without modification.

Short title  
and repeals.

**30.**—(1) This Act may be cited as the Northern Ireland Act, 1962.

(2) The enactments and Orders in Council specified in the first and second columns of Parts I, II, III and IV of the Fourth Schedule to this Act shall be repealed as follows:—

- (a) in the case of those specified in the first and second columns of Part I, to the extent respectively specified in relation thereto in the third column of that Part, as from the day appointed for the purposes of section one of this Act ;
- (b) in the case of those specified in the first and second columns of Part II, to the extent respectively specified in relation thereto in the third column of that Part, as from the day appointed for the coming into operation of subsection (1) of section two of this Act ;
- (c) in the case of those specified in the first and second columns of Part III, to the extent respectively specified in relation thereto in the third column of that Part, as from the day appointed for the coming into operation of subsections (1) to (4) of section ten of this Act ;
- (d) in the case of those specified in the first and second columns of Part IV, to the extent respectively specified in relation thereto in the third column of that Part, as from the passing of this Act.

## SCHEDULES

## FIRST SCHEDULE

Section 7.

AMENDMENTS OF ENACTMENTS AND ORDER IN COUNCIL CONSEQUENTIAL  
ON SECTION 7

## PART I

## ENACTMENTS AMENDED

*Enactments of the Parliament of the United Kingdom*

| <i>Enactment</i>                                                                                 | <i>Amendment</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>The Evidence (Ireland) Act, 1815 (55 Geo. 3. c. 157).</b>                                     | For section seven there shall be substituted the following section:—<br>“ 7. Rules for the purposes of this Act may be made under section seven of the Northern Ireland Act, 1962 ”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>The Irish Bankrupt and Insolvent Act, 1857 (20 &amp; 21 Vict. c. 60).</b>                     | For any reference to a general order by the Court there shall be substituted a reference to rules made under section seven of this Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>The Probates and Letters of Administration Act (Ireland), 1857 (20 &amp; 21 Vict. c. 79).</b> | In section thirty-four, for the words “ the rules or orders to be from time to time made under this Act ”, there shall be substituted the words “ rules made under section seven of the Northern Ireland Act, 1962 ”.<br><br>In section thirty-six, for the words “ the regulations to be established by such rules and orders as aforesaid ” there shall be substituted the words “ rules made under section seven of the Northern Ireland Act, 1962 ”.<br><br>In section fifty-five, for the words “ any rules or orders to be made in that behalf ” there shall be substituted the words “ rules made under section seven of the Northern Ireland Act, 1962 ”, and for the words “ any rules or orders under this Act ” there shall be substituted the words “ any such rules ”.<br><br>In section fifty-seven, for the words “ (subject to any rules or orders under this Act) ” there shall be substituted the words “ (subject to any rules made under section seven of the Northern Ireland Act, 1962) ”. |

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## 1ST SCH.

*Enactment**Amendment*

The Probates and Letters of Administration Act (Ireland), 1857 (20 & 21 Vict. c. 79)—*cont.*

In section seventy-one, for the words “ the rules and orders under this Act ”, there shall be substituted the words “ rules made under section seven of the Northern Ireland Act, 1962 ”.

In section seventy-three, for the words “ as the Court of Probate shall from time to time by rule or order direct ” there shall be substituted the words “ as may be prescribed by rules made under section seven of the Northern Ireland Act, 1962 ”.

The Evidence by Commission Act, 1859 (22 Vict. c. 20).

In section six, the words “ and for the Lord Chancellor of Ireland with the assistance of two of the Judges of the Courts of Common Law at Dublin, so far as relates to Ireland ” shall be omitted and at the end thereof there shall be added the words “ and so far as relates to Northern Ireland rules may be made under section seven of the Northern Ireland Act, 1962, for the like purposes ”.

The Law of Property Amendment Act, 1860 (23 & 24 Vict. c. 38).

For section ten there shall be substituted the following section:—

“ 10. Rules may be made under section seven of the Northern Ireland Act, 1962, providing for the investment of cash under the control of the High Court in such stocks, funds or securities as may be prescribed by the rules ”.

The Debtors Act (Ireland), 1872 (35 & 36 Vict. c. 57).

In section ten, for the words from “ As respects ” (where first occurring) to “ 1867 ” there shall be substituted the words “ As respects the High Court, prescribed by rules made under section seven of the Northern Ireland Act, 1962 ”, and for the words from “ And general rules ” to “ carrying into effect this part of this Act ” there shall be substituted the words “ And rules may be made under the said section seven for the purpose of carrying into effect this part of this Act ”.

The Bankruptcy (Ireland) Amendment Act, 1872 (35 & 36 Vict. c. 58).

In section fifteen, for the words “ as the Court shall by general order from time to time direct ” there shall be substituted the words “ as may be specified in rules made by virtue of this Act ”.

*Enactment**Amendment*

1ST SCH.

The Bankruptcy (Ireland) Amendment Act, 1872 (35 & 36 Vict. c. 58)—  
*cont.*

In section nineteen, for the words "general orders" there shall be substituted the words "rules made by virtue of this Act", and for the words "any general order under this Act" there shall be substituted the words "rules made by virtue of this Act".

In section fifty-seven, for the words "any general order to be made in pursuance of this Act" there shall be substituted the words "rules made by virtue of this Act".

In section one hundred and twenty-four, for the words from the beginning to "Lord Chancellor" there shall be substituted the words "Rules may be made under section seven of the Northern Ireland Act, 1962, for the effectual execution of this Act", for the words "Any general rules made as aforesaid" there shall be substituted the words "Rules so made for the purpose aforesaid" and the words from "and any rules" (where first occurring) to "judicially noticed" shall be omitted.

The Settled Estates Act, 1877 (40 & 41 Vict. c. 18).

For section forty-two, there shall be substituted the following section:—

"42. Rules may be made under section seven of the Northern Ireland Act, 1962, for carrying into effect the purposes of this Act and for regulating the fees and allowances to all officers and solicitors of the Court in respect of the matters to which this Act relates".

The Supreme Court of Judicature Act (Ireland), 1877 (40 & 41 Vict. c. 57).

In section three, for the definition of "Rules of Court", there shall be substituted the following definition:—

" "Rules of Court" means rules made under section seven of the Northern Ireland Act, 1962".

In section twenty-four, for the words from "and to such rules" to "pursuant to this Act" there shall be substituted the words "and to any rules of court for regulating the terms and conditions on which such appeals shall be allowed".

In section twenty-six, for the words from "or by such rules" to "orders of court" (where secondly occurring) there shall be substituted the words "or by rules of court; and where no special provision is contained in this Act or in such rules".

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## 1st SCH.

*Enactment**Amendment*

The Supreme Court of Judicature Act (Ireland), 1877 (40 & 41 Vict. c. 57)—*cont.*

In section forty-eight, in the proviso, for the words "any rule made under its provisions" there shall be substituted the words "any rule of court".

In section sixty the word "general" shall be omitted.

In section sixty-five the words "to be made under and by virtue of this Act" shall be omitted.

For section sixty-six, there shall be substituted the following section:—

"66. Nothing in this Act and, subject as hereafter in this section expressly provided, nothing in rules of court, shall affect the mode of giving evidence by the oral examination of witnesses in trials by jury, or the rules of evidence, or the law relating to jurymen or juries:

Provided that nothing in this section shall—

(a) prejudice the operation of any rules made by virtue of paragraph (i) of subsection (1) of section seven of the Northern Ireland Act, 1962; or

(b) affect the power of the court for special reasons to allow depositions or affidavits to be read".

The Telegraph Act, 1878 (41 & 42 Vict. c. 76).

In section four, in subsection (3), the words from "and as respects" onwards shall be omitted.

The Bills of Sale (Ireland) Act, 1879 (42 & 43 Vict. c. 50).

In section four, for the definition of "prescribed", there shall be substituted the following definition:—

"'prescribed' means prescribed by rules made by virtue of this Act".

For section twenty-one, there shall be substituted the following section:—

"21. Rules may be made under section seven of the Northern Ireland Act, 1962, for prescribing anything which by this Act is required or authorised to be prescribed".

The Conveyancing Act, 1881 (44 & 45 Vict. c. 41).

For subsection (5) of section seventy-two, there shall be substituted the following subsection:—

"(5) In subsection (5) of section forty-eight, for the reference to general rules there shall be substituted a reference to rules under section seven of the Northern Ireland Act, 1962".

*Enactment**Amendment*

1ST SCH.

- The Settled Land Act, 1882 (45 & 46 Vict. c. 38).
- In section sixty-five, in subsection (3), for the words from "but General Rules" onwards there shall be substituted the words "but rules may be made under section seven of the Northern Ireland Act, 1962, directing that those matters or any of them be assigned to the Chancery judge", and subsection (5) shall be omitted.
- The Corrupt and Illegal Practices Prevention Act, 1883 (46 & 47 Vict. c. 51).
- Section fifty-six shall, in its application to Northern Ireland, have effect as if in subsection (1) for the words "Subject to any rules of court" there were substituted the words "Subject to any rules having effect by virtue of subsection (2) of this section", and for subsection (2), there were substituted the following subsection:—
- “(2) Rules for the purposes of this Act, the Parliamentary Elections Act, 1868, and the Acts amending the same may be made under section seven of the Northern Ireland Act, 1962”.
- The Guardianship of Infants Act, 1886 (49 & 50 Vict. c. 27).
- Section nine shall, in its application to Northern Ireland, have effect with the omission of the words "in such manner as may be prescribed by Rules of Court".
- Section ten shall, in its application to Northern Ireland, have effect with the substitution, for the words "any rules of court made after the passing of this Act", of the words "any rules made under section seven of the Northern Ireland Act, 1962".
- In section eleven, in paragraph (a), the words "or Ireland" shall be omitted.
- The Land Law (Ireland) Act, 1887 (50 & 51 Vict. c. 33).
- In section thirty-three, subsection (1) shall be omitted.
- In section thirty-four, in the definition of "prescribed", for the words "rules made under the Supreme Court of Judicature Act (Ireland), 1877, as amended by this or any other Act" there shall be substituted the words "rules made under section seven of the Northern Ireland Act, 1962".
- The Deeds of Arrangement Act, 1887 (50 & 51 Vict. c. 57).
- For section eighteen, there shall be substituted the following section:—
- “18. Rules may be made under section seven of the Northern Ireland Act, 1962, for the purpose of carrying this Act into effect”.

## 1st SCH.

| <i>Enactment</i>                                                                     | <i>Amendment</i>                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Railway and Canal Traffic Act, 1888 (51 & 52 Vict. c. 25).                       | In the application to Northern Ireland of section seventeen, subsection (3) shall be omitted.                                                                                                                                                                                                                                                                                     |
| The Supreme Court of Judicature (Ireland) Amendment Act, 1888 (51 & 52 Vict. c. 27). | In section two, for the words "by rules of court" there shall be substituted the words "by virtue of this Act".<br>In section three, the words from "by the authority" onwards shall be omitted.<br>After section three there shall be added the following section:—<br>"4. In this Act "rules of court" means rules made under section seven of the Northern Ireland Act, 1962". |
| The County Court Appeals (Ireland) Act, 1889 (52 & 53 Vict. c. 48).                  | In section eighteen, for subsection (1) there shall be substituted the following subsection:—<br>"(1) In this Act the expression 'prescribed' means prescribed by rules made under section seven of the Northern Ireland Act, 1962", and subsections (3) and (5) shall be omitted.                                                                                                |
| The Deeds of Arrangement Amendment Act, 1890 (53 & 54 Vict. c. 24).                  | For section three, there shall be substituted the following section:—<br>"3. Rules may be made under section seven of the Northern Ireland Act, 1962, for the purpose of carrying this Act into effect".                                                                                                                                                                          |
| The Purchase of Land (Ireland) Act, 1891 (54 & 55 Vict. c. 48).                      | In section twenty-five, the words "in the manner prescribed by rules of the High Court" shall be omitted.                                                                                                                                                                                                                                                                         |
| The Colonial Probates Act, 1892 (55 & 56 Vict. c. 6).                                | In the application to Northern Ireland of subsection (5) of section two, the expression "rules of court" shall be construed as referring to rules made under section seven of this Act.                                                                                                                                                                                           |
| The Finance Act, 1894 (57 & 58 Vict. c. 30).                                         | Subsection (1) of section ten shall, in its application to Northern Ireland, have effect with the omission of the words "within the time and in the manner and on the conditions directed by rules of court".                                                                                                                                                                     |
| The Life Insurance Companies (Payment into Court) Act, 1896 (59 & 60 Vict. c. 8).    | In the application of the Act to Northern Ireland, the references in sections three and four to rules of court shall be construed as referring to rules made under section seven of this Act.                                                                                                                                                                                     |



| <i>Enactment</i>                                                                   | <i>Amendment</i>                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Supreme Court of Judicature (Ireland) (No. 2) Act, 1897 (60 & 61 Vict. c. 66). | In section three, in subsection (2), the words from "and all rules and orders" onwards shall be omitted.                                                                                                                                                                                                                                                                                                                       |
| The Local Government (Ireland) Act, 1898 (61 & 62 Vict. c. 37).                    | In section four, in subsections (5), (6) and (7), for the words "rules of court" there shall be substituted the words "rules made under section seven of the Northern Ireland Act, 1962".                                                                                                                                                                                                                                      |
| The Open Spaces Act, 1906 (6 Edw. 7. c. 25).                                       | In section five, in subsection (4), for the words "rules of court" there shall be substituted the words "rules made under section seven of the Northern Ireland Act, 1962", and the references, in subsection (7), to rules of court shall, in the application of that subsection to proceedings in the High Court, be construed as references to rules made for the purposes of that section under section seven of this Act. |
| The Merchant Shipping Act, 1906 (6 Edw. 7. c. 48).                                 | In section four, subsection (3) shall, in its application to an application to the High Court, have effect with the omission of the words "in manner directed by rules of court".                                                                                                                                                                                                                                              |
| The Town Tenants (Ireland) Act, 1906 (6 Edw. 7. c. 54).                            | Subsection (1) of section sixty-eight shall, in its application to Northern Ireland, have effect with the omission of the words "in such manner and subject to such conditions and provisions as may be provided by rules of court".                                                                                                                                                                                           |
| The Finance (1909-10) Act, 1910 (10 Edw. 7 & 1 Geo. 5. c. 8).                      | In section eleven, the words "in accordance with rules of the Supreme Court" (in both places where they occur) shall be omitted.                                                                                                                                                                                                                                                                                               |
|                                                                                    | Section thirty-three shall have effect as if—                                                                                                                                                                                                                                                                                                                                                                                  |
|                                                                                    | (a) in subsection (4) the words from "within the time" to "duty claimed" were omitted;                                                                                                                                                                                                                                                                                                                                         |
|                                                                                    | (b) after that subsection there were inserted the following subsection—                                                                                                                                                                                                                                                                                                                                                        |
|                                                                                    | " (4A) Rules may be made under section seven of the Northern Ireland Act, 1962, for enabling the High Court to require, in the case of an appeal thereto under this section, the payment of, or the giving of security for, any duty claimed".                                                                                                                                                                                 |
| The Maritime Conventions Act, 1911 (1 & 2 Geo. 5. c. 57).                          | In the application of section eight to the High Court the reference to the rules of court shall be construed as referring to rules made for the purposes of that section under section seven of this Act.                                                                                                                                                                                                                      |

## 1ST SCH.

*Enactment**Amendment*

- The Trade Union Act, 1913 (2 & 3 Geo. 5. c. 30).
- The Sex Disqualification (Removal) Act, 1919 (9 & 10 Geo. 5. c. 71).
- The Administration of Justice Act, 1920 (10 & 11 Geo. 5. c. 81).
- The Criminal Appeal (Northern Ireland) Act, 1930 (20 & 21 Geo. 5. c. 45).
- Subsection (4) of section two shall, in its application to Northern Ireland, have effect with the omission of the words from "within the time" onwards.
- In relation to jurors and juries in the Supreme Court, the first reference in section one to rules of court shall be construed as a reference to rules under section seven of this Act and the second reference in the said section one to rules of court shall be construed as a reference to rules made under the said section seven.
- Section nine shall, in its application to Northern Ireland, have effect with the substitution, in subsection (4), for the words "Rules of court shall provide", of the words "Rules made under section seven of the Northern Ireland Act, 1962, shall provide".
- Section eleven shall, in its application to Northern Ireland, have effect with the substitution, for the words "Provision may be made by rules of court", of the words "Rules may be made under section seven of the Northern Ireland Act, 1962, providing".
- Subsection (2) of section twelve shall, in its application to Northern Ireland, have effect with the substitution, for the words "rules of court", of the words "rules made under section seven of the Northern Ireland Act, 1962".
- In section one, in subsection (9), for the words "Rules of court shall provide for securing" there shall be substituted the words "Provision shall be made by rules made under section seven of the Northern Ireland Act, 1962, for securing".
- In section five, in subsection (1), for the words "rules of court" there shall be substituted the words "rules made under section seven of the Northern Ireland Act, 1962".
- In section seven, in subsection (1), for the words "in such manner as may be directed by rules of court", there shall be substituted the words "in the prescribed manner".

*Enactment**Amendment*

## 1ST SCH.

The Criminal Appeal  
(Northern Ireland)  
Act, 1930 (20 & 21  
Geo. 5. c. 45)—*cont.*

In section eight, for the words "in accordance with rules of court", there shall be substituted the words "in the prescribed manner".

In section nine, in paragraphs (b) and (d), for the words "in manner provided by rules of court" there shall be substituted the words "in the prescribed manner".

In section ten, in subsection (1), for the words "Rules of court shall enable", there shall be substituted the words "Provision shall be made by rules made under section seven of the Northern Ireland Act, 1962, for enabling".

In section eleven, in subsection (1), for the words "except where rules of court provide" there shall be substituted the words "except where it is provided by rules made under section seven of the Northern Ireland Act, 1962".

In section fourteen, in subsection (3), for the words from "in accordance with rules of court" onwards, there shall be substituted the words "in accordance with such provisions as may be prescribed, for such time as may be prescribed, and subject to such power as may be prescribed, for the conditional release of any such documents, exhibits or things from that custody".

In section fifteen, in subsection (3), for the words "rules of court may make such provision" there shall be substituted the words "such provision may be made by rules under section seven of the Northern Ireland Act, 1962".

For section sixteen, there shall be substituted the following section:—

" 16.—(1) Rules may be made under section seven of the Northern Ireland Act, 1962, for regulating generally the practice and procedure under this Act and for prescribing anything which by this Act is required or authorised to be prescribed.

(2) The officers of any court before whom an appellant has been convicted, and the governor or other officers of any prison or other officer having the custody of an appellant, and any other officers or persons, shall comply with any rules having effect by virtue of the

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## 1st SCH.

*Enactment**Amendment*

The Criminal Appeal (Northern Ireland) Act, 1930 (20 & 21 Geo. 5. c. 45)—*cont.*

foregoing subsection so far as they affect those officers or persons, and compliance with such rules may be enforced by order of the Court.

(3) No rule affecting the governor or any other officer of a prison or any officer having the custody of an appellant shall be made under the said section seven by virtue of this Act except after consultation with the Ministry."

In section twenty, after the definitions of "Minister" and "Ministry" there shall be inserted the following definition:—

" 'prescribed' means prescribed under section seven of the Northern Ireland Act, 1962, by virtue of section sixteen of this Act "

The Carriage by Air Act, 1932 (22 & 23 Geo. 5. c. 36).

Section two shall, in its application to actions brought in the High Court, have effect as if, for the words "rules of court may provide", there were substituted the words "rules may be made under section seven of the Northern Ireland Act, 1962, providing".

The Foreign Judgments (Reciprocal Enforcement) Act, 1933 (23 & 24 Geo. 5. c. 13).

In section thirteen, in paragraph (b), for the words "section sixty-one" there shall be substituted the words "section seven of the Northern Ireland Act, 1962".

The Northern Ireland Land Purchase (Winding Up) Act, 1935 (25 & 26 Geo. 5. c. 21).

In section two, in subsection (5), the words "and orders" shall be omitted, for the words from "made" (where secondly occurring) to "1877" there shall be substituted the words "made under section seven of the Northern Ireland Act, 1962", and the words "or orders" shall be omitted.

The Trade Marks Act, 1938 (1 & 2 Geo. 6. c. 22).

Section eighteen shall, in its application to proceedings in Northern Ireland relating to trade marks, have effect as if, in subsection (7), for the words from the beginning to "the appeal", there were substituted the words "On an appeal under this section" and, in subsection (8), after the words "in the manner prescribed", there were inserted the words "by rules made for the purposes of this subsection under section seven of the Northern Ireland Act, 1962".

| <i>Enactment</i>                                                        | <i>Amendment</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 1ST SCH. |
|-------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| The Trade Marks Act, 1938 (1 & 2 Geo. 6. c. 22)— <i>cont.</i>           | Section thirty-two shall, in its application to such proceedings as aforesaid, have effect as if, in subsection (1), for the words from "may apply" to "the Registrar", there were substituted the words "may apply to the Court or, at the option of the applicant and subject to the provisions of section fifty-four of this Act, in the prescribed manner to the Registrar".<br><br>In section sixty-eight, in subsection (1), in the definition of "prescribed" after the word "means" there shall be inserted the words "(subject to provisions relating to Northern Ireland)". |          |
| The War Damage Act, 1943 (6 & 7 Geo. 6. c. 21).                         | Section thirty-two shall, in its application to Northern Ireland, have effect as if, in subsection (3), for the references to rules of court, there were substituted references to rules made for the purposes of that subsection under section seven of this Act.                                                                                                                                                                                                                                                                                                                    |          |
| The Pensions Appeal Tribunals Act, 1943 (6 & 7 Geo. 6. c. 39).          | In the application of subsection (2) of section six to appeals in Northern Ireland the references to rules of court shall be construed as referring to rules made for the purposes of that subsection under section seven of this Act.                                                                                                                                                                                                                                                                                                                                                |          |
| The Requisitioned Land and War Works Act, 1945 (8 & 9 Geo. 6. c. 43).   | In section nineteen, in subsection (2) (as amended by paragraph 7 of the Second Schedule to the Northern Ireland Act, 1947), the words from "Provision may be made" onwards shall be omitted.                                                                                                                                                                                                                                                                                                                                                                                         |          |
| The Exchange Control Act, 1947 (10 & 11 Geo. 6. c. 14).                 | In the Fourth Schedule, in paragraph 8, in sub-paragraph (2), for the words from "(i) as respects the High Court" to "1897", there shall be substituted the words "(i) as respects the High Court, under section seven of the Northern Ireland Act, 1962;".                                                                                                                                                                                                                                                                                                                           |          |
| The Representation of the People Act, 1949 (12, 13 & 14 Geo. 6. c. 68). | In section one hundred and sixty, for subsection (4) there shall be substituted the following subsection:—<br>“(4) Subsections (1) and (2) of this section shall not apply to Northern Ireland, but rules may be made under section seven of the Northern Ireland Act, 1962, for the purposes of Part II and this Part of this Act”.                                                                                                                                                                                                                                                  |          |

## 1ST SCH.

*Enactment**Amendment*

- The Representation of the People Act, 1949 (12, 13 & 14 Geo. 6. c. 68)—*cont.*
- The Patents Act, 1949 (12, 13 & 14 Geo. 6. c. 87).
- The Registered Designs Act, 1949 (12, 13 & 14 Geo. 6. c. 88)
- Section one hundred and sixty-three shall, in its application to the interpretation of Part III in its application to Northern Ireland, have effect as if, for the words “ ‘prescribed’ means prescribed by rules of court ” there were substituted the words “ ‘prescribed’ means prescribed by rules made under section seven of the Northern Ireland Act, 1962 ”.
- Section twenty-three shall, in its application to proceedings in Northern Ireland, have effect as if, in subsections (2) and (3), for the words “ prescribed by rules of court ”, there were substituted the words “ prescribed by rules made under section seven of the Northern Ireland Act, 1962 ”.
- Section twenty-four shall, in its application to such proceedings as aforesaid, have effect as if, in subsections (4) and (5), for the words “ prescribed by rules of court ” there were substituted the words “ prescribed by rules made under section seven of the Northern Ireland Act, 1962 ”.
- Section forty-eight shall, in its application to such proceedings as aforesaid, have effect with the omission, from subsection (1), of the words “ in such manner as may be prescribed by rules of court ”.
- Section sixty-one shall, in its application to such proceedings as aforesaid, have effect as if, for the words “ rules of court ”, there were substituted the words “ rules made under section seven of the Northern Ireland Act, 1962 ”.
- Section eighty-four shall, in its application to such proceedings as aforesaid, have effect as if, in subsections (1) and (2), for the words “ rules of court ”, there were substituted the words “ rules made under section seven of the Northern Ireland Act, 1962 ”.
- Section twenty-seven shall, in its application to proceedings in Northern Ireland, have effect as if, for the words “ rules of court ”, there were substituted the words “ rules made under section seven of the Northern Ireland Act, 1962 ”.
- Paragraph 3 of the First Schedule shall, in its application to such proceedings as aforesaid, have effect with the omission, from sub-paragraph (1) thereof, of the words “ in such manner as may be prescribed by rules of court ”.

| <i>Enactment</i>                                                  | <i>Amendment</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                | 1ST SCH. |
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| The Election Commissioners Act, 1949 (12, 13 & 14 Geo. 6. c. 90). | In section fifteen, for subsection (5), there shall be substituted the following subsection:—<br>“(5) Subsections (1) and (2) of this section shall not apply to Northern Ireland, but rules may be made under section seven of the Northern Ireland Act, 1962, for the purposes of the enactments mentioned in the said subsection (1)”.                                                                                                                       |          |
| The Arbitration Act, 1950 (14 Geo. 6. c. 27).                     | For subsection (4) of section forty-two, there shall be substituted the following subsection:—<br>“(4) For subsection (3) of section thirty-eight, there shall be substituted the following subsection:—<br>‘(3) Subject to the provisions of this section, rules may be made under section seven of the Northern Ireland Act, 1962, with respect to the evidence which must be furnished by a party seeking to enforce an award under this Part of this Act’”. |          |
| The Income Tax Act, 1952 (15 & 16 Geo. 6 & 1 Eliz. 2. c. 10).     | Section sixty-four shall, in its application to proceedings in Northern Ireland, have effect as if, in subsection (8), for the words “rules of court” there were substituted the words “rules made under section seven of the Northern Ireland Act, 1962”.                                                                                                                                                                                                      |          |
| The Therapeutic Substances Act, 1956 (4 & 5 Eliz. 2. c. 25).      | In section seventeen, subsection (2) shall be omitted.                                                                                                                                                                                                                                                                                                                                                                                                          |          |
| The Restrictive Trade Practices Act, 1956 (4 & 5 Eliz. 2. c. 68). | Section thirteen shall, in its application to proceedings in Northern Ireland, have effect as if, in subsection (4), for the words “rules of court” there were substituted the words “rules made under section seven of the Northern Ireland Act, 1962”.                                                                                                                                                                                                        |          |
| The Copyright Act, 1956 (4 & 5 Eliz. 2. c. 74).                   | Section thirty shall, in its application to proceedings in Northern Ireland, have effect with the omission, from subsection (2), of the words “within such period as may be prescribed by rules of court”.                                                                                                                                                                                                                                                      |          |
| The Defence Contracts Act, 1958 (6 & 7 Eliz. 2. c. 38).           | Section four shall, in its application to proceedings in Northern Ireland, have effect with the omission, from subsection (2), of the words “in such manner as may be prescribed by rules of court”.                                                                                                                                                                                                                                                            |          |

## 1ST SCH.

*Enactment**Amendment*

The Tribunals and  
Inquiries Act, 1958  
(6 & 7 Eliz. 2. c. 66).

In section nine, for subsection (7) there shall be substituted the following subsection:—

“(7) In relation to any proceedings in Northern Ireland of any of the tribunals referred to in subsection (1) of this section, this section shall have effect with the following modifications, that is to say:—

(a) in subsection (2), for the words from the beginning to “provide” there shall be substituted the words “Rules may be made under section seven of the Northern Ireland Act, 1962, providing”, and for the words “section twenty-seven of the Supreme Court of Judicature (Consolidation) Act, 1925” there shall be substituted the words “section twenty-four of the Supreme Court of Judicature Act (Ireland), 1877”;

(b) in subsection (3), for the words “the power to make rules of court shall include power to make rules” there shall be substituted the words “rules may be made under section seven of the Northern Ireland Act, 1962”;

(c) in subsection (4), for the words from the beginning to “Divisional Court” there shall be substituted the words “Rules made under section seven of the Northern Ireland Act, 1962, relating to such proceedings as aforesaid shall provide that the appeal shall be heard or, as the case may be, the decision of the High Court shall be given by a single judge”.

The Administration of  
Justice Act, 1960  
(8 & 9 Eliz. 2. c. 65).

Section thirteen shall, in its application to proceedings in Northern Ireland, have effect with the substitution, in subsection (3), for the words “rules of court”, of the words “rules made under section seven of the Northern Ireland Act, 1962”. Subsection (1) of section fourteen shall, in its application to proceedings in Northern Ireland, have effect with the substitution, for the words “rules of court”, of the words “rules made under section seven of the Northern Ireland Act, 1962”.



*Enactment*

The Administration of  
Justice Act, 1960  
(8 & 9 Eliz. 2. c. 65)  
—cont.

*Amendment*

## 1ST SCH.

Subsection (3) of section seventeen shall, in its application to the construction of the Act as it applies to Northern Ireland, have effect with the substitution, for the words “rules of court”, of the words “rules made under section seven of the Northern Ireland Act, 1962”.

In section eighteen, in subsection (1), for paragraph (b) there shall be substituted the following paragraph:—

“(b) empowering the making of rules under section seven of the Northern Ireland Act, 1962, for regulating the procedure and practice of that court”.

In the Second Schedule, in Part I, in paragraph 4, the words “Section eighteen” and the words “Section sixteen” shall be omitted.

In the Second Schedule, in Part II, for the entry relating to section nine there shall be substituted the following entry:—

“(1) For subsections (1) and (2) there shall be substituted the following subsections:—

‘(1) Rules may be made under section seven of the Northern Ireland Act, 1962, for the purposes of the foregoing provisions of this Act so far as they relate to the Court of Criminal Appeal in Northern Ireland.

(2) Rules may be made under the said section seven—

(a) for determining the cases in which the powers of the Divisional Court or Court of Appeal under this Act may be exercised by a judge thereof;

(b) for prescribing the persons before whom and the manner in which a recognizance shall be entered into, or other security given, where bail is granted to a person under section four or section five of this Act pending an appeal under section one of this Act from the decision of a Divisional Court or the Court of Appeal, and the manner in which any such recognizance or security may be enforced; and

(c) for authorising the recommittal of any person to whom bail is so granted.’

## 1ST SCH.

*Enactment*

The Administration of  
Justice Act, 1960  
(8 & 9 Eliz. 2. c. 65)  
—*cont.*

The Carriage by Air Act,  
1961 (9 & 10 Eliz. 2.  
c. 27).

The Legitimacy Act  
(Northern Ireland),  
1928 (18 & 19 Geo. 5.  
c. 5).

The Bankruptcy Amend-  
ment Act (Northern  
Ireland), 1929 (20 Geo.  
5. c. 1).

The Motor Vehicles and  
Road Traffic Act  
(Northern Ireland),  
1929 (20 Geo. 5. c. 21).

*Amendment*

(2) In subsection (3), for the words  
“ rules of court ” there shall be substi-  
tuted the words “ rules made under  
section seven of the Northern Ireland  
Act, 1962.” ”

In the Second Schedule, in Part II, in para-  
graph (3) of the entry relating to section  
sixteen, for the words from “ Without  
prejudice ” to “ prescribe ” there shall be  
substituted the words “ Rules may be  
made under section seven of the Northern  
Ireland Act, 1962, prescribing ”, and for  
the words “ may authorise ” there shall be  
substituted the words “ for authorising ”.

In the Second Schedule, in Part II, at the  
end of paragraph (1) of the entry relating  
to section seventeen, there shall be added  
the words “ and for the reference to rules  
of court there shall be substituted a  
reference to rules made under section  
seven of the Northern Ireland Act, 1962 ”.

Section eight shall, in its application to  
actions brought in the High Court, have  
effect as if, for the words “ rules of court  
may provide ” there were substituted the  
words “ rules may be made under section  
seven of the Northern Ireland Act, 1962,  
providing ”.

*Enactments of the Parliament of Northern Ireland*

In section two, in subsection (1), for the  
words “ prescribed by rules of court ”  
there shall be substituted the words  
“ prescribed by rules made under section  
seven of the Northern Ireland Act, 1962 ”.

In section twenty-one, in subsection (1), for  
the words from the beginning to “ 1897 ”  
there shall be substituted the words  
“ Rules may be made under section seven  
of the Northern Ireland Act, 1962 ”, and  
for the words from “ Upon ” to the end,  
there shall be substituted the words  
“ Rules may be made as aforesaid pro-  
viding for any matters for which provision  
may be necessary in order to give full effect  
to this section and prescribing anything  
which is to be prescribed thereunder ”.

In section seven, in subsection (3), for the  
words “ as may be prescribed by  
rules of that Court and in accordance  
with such procedure as may be so pre-  
scribed ” there shall be substituted the  
words “ as may be prescribed by rules  
made under section seven of the Northern  
Ireland Act, 1962 ”.

*Enactments**Amendment*

## 1ST SCH.

- The Planning and Housing Act (Northern Ireland), 1931 (21 & 22 Geo. 5. c. 12).** In section forty-seven, in subsection (1), for the words from the beginning to “and applications” there shall be substituted the words “Rules may be made under section seven of the Northern Ireland Act, 1962, designating the division or court by which appeals or applications made to the Supreme Court under this Act are to be heard and determined”.
- The Preferential Payments in Bankruptcy Act (Northern Ireland), 1933 (23 & 24 Geo. 5. c. 7).** In section one, in subsection (12), for the words from the beginning to “rules and orders” there shall be substituted the words “Rules may be made under section seven of the Northern Ireland Act, 1962”.
- The Probates and Letters of Administration Act (Northern Ireland), 1933 (23 & 24 Geo. 5. c. 16).** In section three, for the words from the beginning to “this Act” there shall be substituted the words “Provision may be made by rules made under section seven of the Northern Ireland Act, 1962, for giving effect to this Act”, and for the words “rules of the Supreme Court may be made as aforesaid for providing” there shall be substituted the words “rules made as aforesaid may provide”.
- The Motor Vehicles and Road Traffic Act (Northern Ireland), 1934 (24 & 25 Geo. 5. c. 15).** In section eighteen, the references to rules of court shall, in the case of applications under that section to the High Court, be construed as referring to rules made under section seven of this Act.  
In section twenty-three, subsection (1) shall be omitted.
- The Local Government Act (Northern Ireland), 1934 (24 & 25 Geo. 5. c. 22).** In section twenty-two, in subsection (2), paragraph (e), shall be omitted.  
In the Second Schedule, in paragraph 20, for the words “rules of the Supreme Court” there shall be substituted the words “rules made under section seven of the Northern Ireland Act, 1962”, and the words “in manner provided by those rules” shall be omitted.
- The Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935 (25 & 26 Geo. 5. c. 13).** In section thirty-one, for the words from the beginning to “cases stated” there shall be substituted the words “Rules may be made under section seven of the Northern Ireland Act, 1962, designating the division or court by which a case stated under this Part of this Act is to be heard and determined”.

## 1ST SCH.

| <i>Enactment</i>                                                                                               | <i>Amendment</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>The Arbitration Act (Northern Ireland), 1937 (1 Edw. 8 &amp; 1 Geo. 6. c. 8).</p>                           | <p>In section twenty, in subsection (1), for the words " Rules of court may be made " there shall be substituted the words " Rules may be made under section seven of the Northern Ireland Act, 1962 ", and the words from " Upon " onwards shall be omitted.</p> <p>In section thirty, in subsection (1), the definition of " Rules of court " shall be omitted.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>The Law Reform (Miscellaneous Provisions) Act (Northern Ireland), 1937 (1 Edw. 8 &amp; 1 Geo. 6. c. 9).</p> | <p>In section eighteen, in subsection (1), for the words from the beginning to " 1897 ", there shall be substituted the words " Provision may be made by rules made under section seven of the Northern Ireland Act, 1962 ", and paragraph (a) shall be omitted.</p> <p>In section nineteen, in subsection (1), the definition of " prescribed " shall be omitted.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>The Evidence Act (Northern Ireland), 1939 (2 &amp; 3 Geo. 6. c. 12).</p>                                    | <p>In section six, in subsection (1), in the definition of " rules of court ", for the words from " rules of the Supreme Court " to " 1897 ", there shall be substituted the words " rules made under section seven of the Northern Ireland Act, 1962 ".</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>The Matrimonial Causes Act (Northern Ireland), 1939 (2 &amp; 3 Geo. 6. c. 13).</p>                          | <p>In section twenty-three, in subsection (2), for the words " rules of court " there shall be substituted the words " rules made under section seven of the Northern Ireland Act, 1962 ".</p> <p>In section twenty-seven, for subsection (2), there shall be substituted the following subsection:—</p> <p style="padding-left: 40px;">“(2) Rules may be made under section seven of the Northern Ireland Act, 1962, for prescribing anything which by this Act is to be prescribed ”.</p> <p>In section twenty-eight, in subsection (1), for the words " and the rules of court made thereunder " there shall be substituted the words " and of rules made under section seven of the Northern Ireland Act, 1962 ".</p> <p>In section thirty, in subsection (1), in paragraph (b) of the definition of " High Court ", for the words " rules of court " there shall be substituted the words " rules made under section seven of the Northern Ireland Act, 1962 ".</p> |

*Enactment**Amendment*

## 1ST SCH.

**The Prevention of Fraud (Investments) Act (Northern Ireland), 1940 (4 & 5 Geo. 6. c. 9).**

In section four, in subsection (3), for the words from the beginning to "1897" there shall be substituted the words "Rules may be made under section seven of the Northern Ireland Act, 1962".

**The Hire-Purchase Act (Northern Ireland), 1940 (4 & 5 Geo. 6. c. 10).**

In section twelve, in subsection (11), for the words "the court" there shall be substituted the words "the county court".

In section twenty-one, in subsection (1), in the definition of "Rules of court", for the words from "rules of the Supreme Court" onwards there shall be substituted the words "rules made under section seven of the Northern Ireland Act, 1962".

**The Landlord and Tenant (War Damage) Act (Northern Ireland), 1941 (5 & 6 Geo. 6. c. 9).**

In section thirty-three, for subsection (7) there shall be substituted the following subsection:—

"(7) If any party to any proceedings in the county court under this Act is dissatisfied with the order, determination, direction or decision of the court, he may appeal therefrom to such division or court of the Supreme Court as may be designated by rules made under section seven of the Northern Ireland Act, 1962, and the Supreme Court shall have jurisdiction to hear and determine the appeal".

In section thirty-eight, in subsection (1), in the definition of "Rules of court", for the words from "rules of the Supreme Court" onwards there shall be substituted the words "rules made under section seven of the Northern Ireland Act, 1962."

**The Medicines, Pharmacy and Poisons Act (Northern Ireland), 1945 (1945, c. 9).**

In section fourteen, in subsection (5), for the words "If rules of the Supreme Court so provide" there shall be substituted the words "If rules made under section seven of the Northern Ireland Act, 1962, so provide", and for subsection (7) there shall be substituted the following subsection:—

"(7) Rules may be made under section seven of the Northern Ireland Act, 1962, designating the division or court by which an appeal from the Statutory Committee under this Part of this Act is to be heard and determined, and references in this Part of this Act to the Supreme Court shall be construed as references to the division or court so designated".

## 1st Sch.

*Enactment**Amendment*

- The Industries Development Act (Northern Ireland), 1945 (1945, c. 12).
- The Elections and Franchise Act (Northern Ireland), 1946 (1946, c. 8).
- The National Insurance (Industrial Injuries) Act (Northern Ireland), 1946 (1946, c. 21).
- The National Insurance Act (Northern Ireland), 1946 (1946, c. 23).
- The Drainage Act (Northern Ireland), 1947 (1947, c. 9).
- In section four, in subsection (5), the words from “ and (e) provision may be made ” onwards shall be omitted.
- In the Schedule, in paragraph 15, for the words “ rules of the Supreme Court ” there shall be substituted the words “ rules made under section seven of the Northern Ireland Act, 1962 ”, and the words “ in manner provided by those rules ” shall be omitted.
- In section thirty-two, in subsection (2), the words “ in accordance with rules of court ” shall be omitted, and in subsection (3) for the words “ by the authorities ” and “ the Supreme Court respectively ” there shall respectively be substituted the words “ as regards county courts by the authority ” and “ as regards the Supreme Court under section seven of the Northern Ireland Act, 1962 ”.
- In section thirty-seven, for subsection (2) there shall be substituted the following subsection:—  
 “ (2) Rules made under section seven of the Northern Ireland Act, 1962, may designate the division or court of the Supreme Court to which references or appeals under this section are to be made ”.
- In section forty, in subsection (4), for paragraph (a) there shall be substituted the following paragraph:—  
 “ (a) rules made under section seven of the Northern Ireland Act, 1962, may designate the division or court of the Supreme Court to which references or appeals under this subsection are to be made ”.
- In the Third Schedule, in paragraph 4, in sub-paragraph (b), for the words “ rules of court ” there shall be substituted the words “ rules made under section seven of the Northern Ireland Act, 1962 ”, and sub-paragraph (e) shall be omitted, and in paragraph 19, for the words “ rules of the Supreme Court ” there shall be substituted the words “ rules made under section seven of the Northern Ireland Act, 1962 ”.

| <i>Enactment</i>                                                                                                    | <i>Amendment</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 1ST SCH. |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| <p>The Transport Act (Northern Ireland), 1948 (1948, c. 16).</p>                                                    | <p>In section forty-six, in subsection (1), in the proviso, for the words "Supreme Court" (where first occurring) there shall be substituted the words "such division or court of the Supreme Court as may be designated by rules made under section seven of the Northern Ireland Act, 1962".</p> <p>In the First Schedule, in paragraph 4, in sub-paragraph (1) (b), for the words "rules of court" there shall be substituted the words "rules made under section seven of the Northern Ireland Act, 1962", and sub-paragraph (2) shall be omitted, and in paragraph 19, for the words "rules of the Supreme Court" there shall be substituted the words "rules made under section seven of the Northern Ireland Act, 1962", and the words "in manner provided by those rules" shall be omitted.</p> |          |
| <p>The Electricity (Supply) Act (Northern Ireland), 1948 (1948, c. 18).</p>                                         | <p>In the First Schedule, in paragraph 4, in sub-paragraph (b), for the words "rules of court" there shall be substituted the words "rules made under section seven of the Northern Ireland Act, 1962", and sub-paragraph (e) shall be omitted, and in paragraph 19, for the words "rules of the Supreme Court" there shall be substituted the words "rules made under section seven of the Northern Ireland Act, 1962" and the words "in manner provided by those rules" shall be omitted.</p>                                                                                                                                                                                                                                                                                                         |          |
| <p>The Roads Act (Northern Ireland), 1948 (1948, c. 28).</p>                                                        | <p>In the Fifth Schedule, in paragraph 4, in sub-paragraph (b), for the words "rules of court" there shall be substituted the words "rules made under section seven of the Northern Ireland Act, 1962", in paragraph 19, for the words "rules of court" there shall be substituted the words "rules made under section seven of the Northern Ireland Act, 1962", and the words "in manner provided by those rules" shall be omitted, and in paragraph 25 the reference to rules of court shall, in relation to the High Court, be construed as a reference to rules made under section seven of this Act.</p>                                                                                                                                                                                           |          |
| <p>The Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1949 (1949, c. 21).</p> | <p>In section eight, in subsection (1), the words "in accordance with rules of court" shall be omitted, and subsection (5) shall be omitted.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |          |

## 1ST SCH.

*Enactment**Amendment*

- The Adoption of Children Act (Northern Ireland), 1950 (1950, c. 6). In section thirty-one, in subsection (1) for the words from the beginning to "make provision" there shall be substituted the words "Rules may be made under section seven of the Northern Ireland Act, 1962, providing".
- The Statutory Charges Register Act (Northern Ireland), 1951 (1951, c. 3). In section six, in subsection (5), for the words "may in accordance with rules of court appeal to the Supreme Court" there shall be substituted the words "may appeal to such division or court of the Supreme Court as may be designated for the purposes of this subsection by rules made under section seven of the Northern Ireland Act, 1962".
- The Law Reform (Miscellaneous Provisions) Act (Northern Ireland), 1951 (1951, c. 7). Section six shall be omitted.
- The Health Services (Hospitals Endowments) Act (Northern Ireland), 1951 (1951, c. 21). In section three, in subsection (3), for the words "Supreme Court" (where first occurring) there shall be substituted the words "such division or court of the Supreme Court as may be designated by rules made under section seven of the Northern Ireland Act, 1962", and the words "in accordance with rules of court" shall be omitted.
- The Transport (Special Inquiries) Act (Northern Ireland), 1951 (1951, c. 22). In section two, in subsection (1), in paragraph (c), for the words "rules of court" there shall be substituted the words "rules made under section seven of the Northern Ireland Act, 1962".
- The Interpretation Act (Northern Ireland), 1954 (1954, c. 33). In section twenty-one, in subsection (4), for the words from "by the Governor" onwards there shall be substituted the words "under section seven of the Northern Ireland Act, 1962".
- The Minerals (Miscellaneous Provisions) Act (Northern Ireland), 1959 (1959, c. 17). In section thirteen, in subsection (3), for the words "shall include references to a Judge of that Court" there shall be substituted the words "are to such division or court of the Supreme Court as may be designated by rules made under section seven of the Northern Ireland Act, 1962".
- In section sixteen, subsection (5) shall be omitted.



| <i>Enactment</i>                                                    | <i>Amendment</i>                                                                                                                                                                                                             |
|---------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Nurses and Midwives Act (Northern Ireland), 1959 (1959, c. 19). | In section seven, in subsection (4), the words "in accordance with rules of court" shall be omitted.<br>In section twenty-six, in subsection (8), the words "in accordance with rules of court" shall be omitted.            |
| The Companies Act (Northern Ireland), 1960 (1960, c. 22).           | In section three hundred and forty-nine, in subsection (9), for the words "rules made under section sixty-one of the Supreme Court of Judicature Act (Ireland), 1877" there shall be substituted the words "rules of court". |

PART II

ORDER IN COUNCIL AMENDED

| <i>Order</i>                                                           | <i>Amendment</i>                                                                                                                                                                                                               |
|------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Northern Ireland (Crown Proceedings) Order, 1949 (S.I. 1949/1836). | In Article 3, in paragraph (3), for the words from the beginning to "1897" there shall be substituted the words "The expression 'rules of court' shall mean rules made under section seven of the Northern Ireland Act, 1962". |

SECOND SCHEDULE

ENACTMENTS AMENDED SO AS TO PROVIDE FOR CESSER OF PAYMENT INTO EXCHEQUER OF UNITED KINGDOM OF FINES, &C., IMPOSED THEREUNDER IN NORTHERN IRELAND.

| <i>Enactment</i>                                   | <i>Amendment</i>                                                                                                                                                                                                                                                               |
|----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Telegraph Act, 1863 (26 & 27 Vict. c. 112).    | Section ten of the Act of 1878 shall, in so far as it relates to the disposal of fines and penalties recovered under either Act, not apply to fines imposed in Northern Ireland after the passing of this Act or to penalties so imposed.                                      |
| The Telegraph Act, 1878 (41 & 42 Vict. c. 76).     |                                                                                                                                                                                                                                                                                |
| The Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45). | Section sixty-four shall, in so far as it relates to the payment into the Exchequer of the United Kingdom of penalties and forfeitures recovered under the Act, not apply to penalties imposed in Northern Ireland after the passing of this Act or to forfeitures so imposed. |

2ND SCH.

| <i>Enactment</i>                                                     | <i>Amendment</i>                                                                                                                                                                                                                                                                               |
|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Public Stores Act, 1875 (38 & 39 Vict. c. 25).                   | Section fifteen shall not apply to penalties imposed in Northern Ireland after the passing of this Act.                                                                                                                                                                                        |
| The Sea Fisheries Act, 1883 (46 & 47 Vict. c. 22).                   | Section twenty-one shall, in so far as it relates to the payment into the Exchequer of the United Kingdom of fines and proceeds of forfeitures recovered under the Act, not apply to fines imposed in Northern Ireland after the passing of this Act or to proceeds of forfeitures so imposed. |
| The Whaling Industry (Regulation) Act, 1934 (24 & 25 Geo. 5. c. 49). | Section sixteen shall, in so far as it relates to the disposal of fines recovered by virtue of the Act, not apply to fines imposed in Northern Ireland after the passing of this Act.                                                                                                          |
| The Wireless Telegraphy Act, 1949 (12, 13 & 14 Geo. 6. c. 54).       | Subsection (1) of section seventeen shall not apply to fines imposed in Northern Ireland after the passing of this Act.                                                                                                                                                                        |

Section 28.

THIRD SCHEDULE

OBSOLETE, UNNECESSARY OR SPENT ENACTMENTS CEASING TO HAVE EFFECT

*Enactments of the Parliaments of Great Britain and the United Kingdom*

| Session and Chapter   | Short Title                                                     | Extent to which Enactment shall cease to have Effect                                                                         |
|-----------------------|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| 23 Geo. 3. c. 28.     | The Irish Appeals Act, 1783.                                    | The whole Act.                                                                                                               |
| 4 & 5 Will. 4. c. 92. | The Fines and Recoveries (Ireland) Act, 1834.                   | Section eighty.                                                                                                              |
| 16 & 17 Vict. c. 113. | The Common Law Procedure Amendment Act (Ireland), 1853.         | Sections one hundred and twenty-nine, one hundred and forty-three, one hundred and forty-four and one hundred and sixty-two. |
| 19 & 20 Vict. c. 102. | The Common Law Procedure Amendment Act (Ireland), 1856.         | Section twenty-two.                                                                                                          |
| 20 & 21 Vict. c. 79.  | The Probates and Letters of Administration Act (Ireland), 1857. | In section seventy-four, the words " by the rules and orders under this Act ".                                               |

3RD SCH.

| Session and Chapter      | Short Title                                                    | Extent to which Enactment shall cease to have Effect                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 27 & 28 Vict.<br>c. 38.  | The Chief Rents Redemption (Ireland) Act, 1864.                | Section eleven.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 27 & 28 Vict.<br>c. 99.  | The Civil Bill Courts Procedure Amendment Act (Ireland), 1864. | Section thirty-eight.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 30 & 31 Vict.<br>c. 127. | The Railway Companies Act, 1867.                               | In section twenty-two, the words from " and the Lord Chancellor of Ireland " to " one of them " and the words " and Ireland respectively ".                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 31 & 32 Vict.<br>c. 20.  | The Legitimacy Declaration Act (Ireland), 1868.                | In section four, the words from " and the making " to " before the Court ".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 31 & 32 Vict.<br>c. 54.  | The Judgments Extension Act, 1868.                             | In section seven, the words from the beginning to " proper; and " and the words " rules, orders, and ".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 31 & 32 Vict.<br>c. 125. | The Parliamentary Elections Act, 1868.                         | Section twenty-five.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 33 & 34 Vict.<br>c. 46.  | The Landlord and Tenant (Ireland) Act, 1870.                   | Section forty-one.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 35 & 36 Vict.<br>c. 57.  | The Debtors Act (Ireland), 1872.                               | In section ten, the words from " As respects any other court " to " judge of such court ".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 40 & 41 Vict.<br>c. 57.  | The Supreme Court of Judicature Act (Ireland), 1877.           | <p>In section six, the words from the beginning to " Court of Appeal ".</p> <p>In section eighteen, the words " appointed after the commencement of this Act ", the words " whether appointed before or after the commencement of this Act " and the words " whether appointed before or after the passing of this Act ".</p> <p>In section nineteen, the words " appointed after the commencement of this Act ".</p> <p>In section twenty-three, paragraph (4).</p> <p>In section forty-one, the words " appointed after the first day of January one thousand eight hundred and seventy-five ".</p> |

## 3RD SCH.

| Session and Chapter                   | Short Title                                                        | Extent to which Enactment shall cease to have Effect                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------|--------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 40 & 41 Vict.<br>c. 57.— <i>cont.</i> | The Supreme Court of Judicature Act (Ireland), 1877.— <i>cont.</i> | In section sixty-five, the words from "In cases" onwards.<br>In section seventy-three, the words "but this provision shall not apply to any person holding any office or clerkship at the time of the passing of this Act".<br>In section eighty-six, the words "Except as herein-before provided with respect to error in certain cases on the Crown side of the Queen's Bench Division, error or". |
| 44 & 45 Vict.<br>c. 41.               | The Conveyancing Act, 1881.                                        | In section seventy-two, in subsection (3), the words from "but General Rules" onwards.                                                                                                                                                                                                                                                                                                               |
| 45 & 46 Vict.<br>c. 39.               | The Conveyancing Act, 1882.                                        | In section seven, subsection (3).                                                                                                                                                                                                                                                                                                                                                                    |
| 52 & 53 Vict.<br>c. 48.               | The County Court Appeals (Ireland) Act, 1889.                      | In section eighteen, subsection (7).                                                                                                                                                                                                                                                                                                                                                                 |
| 3 Edw. 7. c. 37.                      | The Irish Land Act, 1903.                                          | Section seventy-one.                                                                                                                                                                                                                                                                                                                                                                                 |
| 6 & 7 Geo. 6.<br>c. 18.               | The Evidence and Powers of Attorney Act, 1943.                     | Section two.                                                                                                                                                                                                                                                                                                                                                                                         |

*Enactment of the Parliament of Northern Ireland*

| Session and Chapter      | Short Title                                                           | Extent to which Enactment shall cease to have Effect                           |
|--------------------------|-----------------------------------------------------------------------|--------------------------------------------------------------------------------|
| 23 & 24 Geo. 5.<br>c. 7. | The Preferential Payments in Bankruptcy Act (Northern Ireland), 1933. | In section one, in subsection (12), the words from "and the Governor" onwards. |

## FOURTH SCHEDULE

Section 30.

## REPEALS

## PART I

REPEALS TAKING EFFECT AS FROM DAY APPOINTED FOR  
PURPOSES OF SECTION 1*Enactments of the Parliaments of Great Britain and the United Kingdom*

| Session and Chapter          | Short Title                                                             | Extent of Repeal                                                                                                                                                                                                       |
|------------------------------|-------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 39 & 40 Geo. 3.<br>c. 67.    | The Union with Ireland Act, 1800.                                       | In section one, in Article Eighth, the words from "provided that all writs of error" to "United Kingdom; and".                                                                                                         |
| 52 Geo. 3.<br>c. 101.        | The Charities Procedure Act, 1812.                                      | In section one, the words from "and such order" onwards.                                                                                                                                                               |
| 3 & 4 Vict.<br>c. 108.       | The Municipal Corporations (Ireland) Act, 1840.                         | In section one hundred and thirty-nine, the words from "and such order" to "from such order".                                                                                                                          |
| 23 & 24 Vict.<br>c. 4.       | The Annual Revision of Rateable Property (Ireland) Amendment Act, 1860. | In section eleven, the words "and all such orders shall be final and conclusive on all parties", except as respects orders made before the day appointed for the purposes of section one of this Act.                  |
| 39 & 40 Vict.<br>c. 59.      | The Appellate Jurisdiction Act, 1876.                                   | In section three, paragraph (3), except as respects orders or judgments made or given before the day aforesaid.<br>In section twelve, the words "or Ireland", except as respects orders or judgments so made or given. |
| 40 & 41 Vict.<br>c. 57.      | The Supreme Court of Judicature Act (Ireland), 1877.                    | In section eighty-six, the words from the beginning to "therein contained", except as respects decisions, judgments, decrees or orders made or given before the day aforesaid.                                         |
| 10 & 11 Geo. 5.<br>c. 67.    | The Government of Ireland Act, 1920.                                    | Section forty-nine, except as respects decisions given before the day aforesaid.                                                                                                                                       |
| 13 Geo. 5. Sess.<br>2. c. 2. | The Irish Free State (Consequential Provisions) Act, 1922 (Session 2).  | In the First Schedule, in paragraph 6, sub-paragraph (3), except as respects decisions given before the day aforesaid.                                                                                                 |

## 4TH SCH.

| Session and Chapter                       | Short Title                  | Extent of Repeal                                                                                                                                                           |
|-------------------------------------------|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 15 & 16 Geo. 6.<br>& 1 Eliz. 2.<br>c. 10. | The Income Tax Act,<br>1952. | In section sixty-four, subsection (9) in so far as it confers a right of appeal from the Court of Appeal, but except as respects judgments given before the day aforesaid. |

*Enactment of the Parliament of Ireland*

| Session and Chapter  | Short Title                          | Extent of Repeal                                                                                               |
|----------------------|--------------------------------------|----------------------------------------------------------------------------------------------------------------|
| 40 Geo. 3.<br>c. 38. | The Act of Union<br>(Ireland), 1800. | In section one, in Article Eighth, the words from "provided that all writs of error" to "United Kingdom; and". |

## PART II

REPEALS TAKING EFFECT ON COMING INTO OPERATION OF  
SUBSECTION (1) OF SECTION 2

*Enactments of the Parliament of the United Kingdom*

| Session and Chapter           | Short Title                                                  | Extent of Repeal                                                                                                                                                                                                                                                                                                                           |
|-------------------------------|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 40 & 41 Vict.<br>c. 57.       | The Supreme Court of<br>Judicature Act (Ire-<br>land), 1877. | Section fifty-two, except as respects orders made before the day appointed for the coming into operation of subsection (1) of section two of this Act.<br>In section fifty-four, the words from "except orders" to "expressly given" and, except as respects orders made before the day aforesaid, the words from "and no appeal" onwards. |
| 12, 13 & 14<br>Geo. 6. c. 68. | The Representation of<br>the People Act, 1949.               | In section one hundred and twenty-six, subsection (4).                                                                                                                                                                                                                                                                                     |

*Enactment of the Parliament of Northern Ireland*

| Session and Chapter     | Short Title                                                | Extent of Repeal                                                                         |
|-------------------------|------------------------------------------------------------|------------------------------------------------------------------------------------------|
| 2 & 3 Geo. 6.<br>c. 13. | The Matrimonial<br>Causes Act (Northern<br>Ireland), 1939. | In section twenty-seven, in subsection (1), the words from "and the provisions" onwards. |

## PART III

4TH SCH.

REPEALS TAKING EFFECT ON COMING INTO OPERATION OF  
SUBSECTIONS (1) TO (4) OF SECTION 10

*Enactments of the Parliament of the United Kingdom*

| Session and Chapter            | Short Title                              | Extent of Repeal                                                                             |
|--------------------------------|------------------------------------------|----------------------------------------------------------------------------------------------|
| 60 Geo. 3 &<br>1 Geo. 4. c. 4. | The Pleading in Misdemeanor Act, 1819.   | Section four.<br>In section ten, the words "by information in nature of a quo warranto, or". |
| 7 Geo. 4. c. 21.               | The Mandamus (Ireland) Act, 1826.        | The whole Act.                                                                               |
| 8 & 9 Eliz. 2.<br>c. 65.       | The Administration of Justice Act, 1960. | In the Second Schedule, in Part I, paragraph 5.                                              |

*Enactment of the Parliament of Ireland*

| Session and Chapter | Title                                             | Extent of Repeal                                                                                                                                     |
|---------------------|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| 19 Geo. 2. c. 12.   | An Act for the better regulating of Corporations. | Sections one, two and three.<br>In section five, the words from "and also it shall and may be lawful" onwards.<br>Sections six, fifteen and sixteen. |

## PART IV

REPEALS TAKING EFFECT ON THE PASSING OF THIS ACT

*Enactments of the Parliaments of Great Britain and the United Kingdom*

| Session and Chapter      | Short Title                                             | Extent of Repeal                                                                                                             |
|--------------------------|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| 23 Geo. 3.<br>c. 28.     | The Irish Appeals Act, 1783.                            | The whole Act.                                                                                                               |
| 4 & 5 Will. 4.<br>c. 92. | The Fines and Recoveries (Ireland) Act, 1834.           | Section eighty.                                                                                                              |
| 16 & 17 Vict.<br>c. 38.  | The Malicious Injuries (Ireland) Act, 1853.             | The whole Act.                                                                                                               |
| 16 & 17 Vict.<br>c. 113. | The Common Law Procedure Amendment Act (Ireland), 1853. | Sections one hundred and twenty-nine, one hundred and forty-three, one hundred and forty-four and one hundred and sixty-two. |

## 4TH SCH.

| Session and Chapter      | Short Title                                                     | Extent of Repeal                                                                                                                                         |
|--------------------------|-----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| 19 & 20 Vict.<br>c. 102. | The Common Law Procedure Amendment Act (Ireland), 1856.         | Section twenty-two. In section ninety-eight, the words " 22, and ".                                                                                      |
| 20 & 21 Vict.<br>c. 79.  | The Probates and Letters of Administration Act (Ireland), 1857. | In section seventy-four, the words " by the rules and orders under this Act ".                                                                           |
| 27 & 28 Vict.<br>c. 38.  | The Chief Rents Redemption (Ireland) Act, 1864.                 | Section eleven.                                                                                                                                          |
| 27 & 28 Vict.<br>c. 99.  | The Civil Bill Courts Procedure Amendment Act (Ireland), 1864.  | Section thirty-eight.                                                                                                                                    |
| 30 & 31 Vict.<br>c. 127. | The Railway Companies Act, 1867.                                | In section twenty-two, the words from " and the Lord Chancellor of Ireland " to " one of them " and the words " and Ireland respectively ".              |
| 31 & 32 Vict.<br>c. 20.  | The Legitimacy Declaration Act (Ireland), 1868.                 | In section four, the words from " and the making " to " before the Court ".                                                                              |
| 31 & 32 Vict.<br>c. 54.  | The Judgments Extension Act, 1868.                              | In section seven, the words from the beginning to " proper; and " and the words " rules, orders, and ".                                                  |
| 31 & 32 Vict.<br>c. 125. | The Parliamentary Elections Act, 1868.                          | Section twenty-five.                                                                                                                                     |
| 33 & 34 Vict.<br>c. 46.  | The Landlord and Tenant (Ireland) Act, 1870.                    | Section forty-one.                                                                                                                                       |
| 34 & 35 Vict.<br>c. 31.  | The Trade Union Act, 1871.                                      | In section nineteen, the words from "(B) In Ireland " to " resident magistrate ".                                                                        |
| 34 & 35 Vict.<br>c. 78.  | The Regulation of Railways Act, 1871.                           | In section two, in its application to Northern Ireland, the words from " The term ' court of summary jurisdiction ' " onwards.                           |
| 34 & 35 Vict.<br>c. 96.  | The Pedlars Act, 1871.                                          | In section twenty, in the proviso, in paragraph 1, sub-paragraph (c).                                                                                    |
| 34 & 35 Vict.<br>c. 112. | The Prevention of Crimes Act, 1871.                             | In section seventeen, in its application to Northern Ireland, the definition of " Court of summary jurisdiction " and the words " Provided as follows ". |



## 4TH SCH.

| Session and Chapter     | Short Title                                           | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------|-------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 35 & 36 Vict.<br>c. 50. | The Railway Rolling Stock Protection Act, 1872.       | In section two, in its application to Northern Ireland, the definition of "Court of summary jurisdiction".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 35 & 36 Vict.<br>c. 57. | The Debtors Act (Ireland), 1872.                      | In section ten, the words from "As respects any other court" to "judge of such court".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 35 & 36 Vict.<br>c. 77. | The Metalliferous Mines Regulation Act, 1872.         | In section thirty-three, the words from "The 'Court of Summary Jurisdiction'" onwards.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 38 & 39 Vict.<br>c. 25. | The Public Stores Act, 1875.                          | In section fourteen, in the proviso, the words from "and (b)" to "holding petty sessions".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 38 & 39 Vict.<br>c. 86. | The Conspiracy, and Protection of Property Act, 1875. | In section twenty-one, the words from "The court" to "petty sessions".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 40 & 41 Vict.<br>c. 18. | The Settled Estates Act, 1877.                        | Section forty-three.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 40 & 41 Vict.<br>c. 57. | The Supreme Court of Judicature Act (Ireland), 1877.  | <p>In section six, the words from the beginning to "Court of Appeal".</p> <p>In section ten, the words from "Besides" to "such additional judges", the words "ordinary and additional", and the word "ordinary" (where last occurring).</p> <p>In section eleven, the word "ordinary".</p> <p>In section twelve, the word "ordinary".</p> <p>In section thirteen, the word "ordinary".</p> <p>In section fourteen, the words from "ex-officio" to "ordinary" (where first occurring), the words "as provided by the Chancery and Common Law Officers (Ireland) Act, 1867, and", the words "who are not also Judges of the Court of Appeal", the word "ordinary" (where last occurring) and the words "(subject to the provisions herein-after contained as to existing Judges)".</p> <p>In section eighteen, the words "appointed after the commencement of this Act", the words "whether appointed before or after the commencement of this Act", the words "whether appointed before or after the passing of this Act" and the words from "No salary" onwards.</p> |

## 4TH SCH.

| Session and Chapter                   | Short Title                                                        | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 40 & 41 Vict.<br>c. 57.— <i>cont.</i> | The Supreme Court of Judicature Act (Ireland), 1877.— <i>cont.</i> | <p>In section nineteen, the word “ordinary” and the words “appointed after the commencement of this Act”.</p> <p>In section twenty, the word “ordinary”.</p> <p>In section twenty-three, paragraph (4).</p> <p>Section thirty.</p> <p>In section forty-one, the word “ordinary” and the words “appointed after the first day of January one thousand eight hundred and seventy-five”.</p> <p>Section fifty-five.</p> <p>Section sixty-one.</p> <p>In section sixty-five, the words from “In cases” onwards.</p> <p>In section seventy-three, the words “but this provision shall not apply to any person holding any office or clerkship at the time of the passing of this Act”.</p> <p>In section seventy-nine, the words from “And rules of Court” onwards.</p> <p>In section eighty-six, the words “Except as herein-before provided with respect to error in certain cases on the Crown side of the Queen’s Bench Division, error or”.</p> |
| 40 & 41 Vict.<br>c. 65.               | The Fisheries (Dynamite) Act, 1877.                                | In section four, the words from “as to Scotland” onwards.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 41 & 42 Vict.<br>c. 76.               | The Telegraph Act, 1878.                                           | In section ten, the words from “and as respects Ireland” to “Summary Jurisdiction Acts”.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 42 & 43 Vict.<br>c. 19.               | The Habitual Drunkards Act, 1879.                                  | In section three, in paragraph (a), the words “and Ireland”.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 44 & 45 Vict.<br>c. 41.               | The Conveyancing Act, 1881.                                        | In section seventy-two, in subsection (3), the words from “but General Rules” onwards.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 45 & 46 Vict.<br>c. 22.               | The Boiler Explosions Act, 1882.                                   | In section three, in its application to Northern Ireland, the words from “The term ‘court of summary jurisdiction’” onwards.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

## 4TH SCH.

| Session and Chapter       | Short Title                                                    | Extent of Repeal                                                                                                                                                                                                                                            |
|---------------------------|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 45 & 46 Vict.<br>c. 39.   | The Conveyancing Act, 1882.                                    | In section seven, subsection (3).                                                                                                                                                                                                                           |
| 50 & 51 Vict.<br>c. 20.   | The Criminal Law and Procedure (Ireland) Act, 1887.            | In section nineteen, the definition of the Summary Jurisdiction Acts.                                                                                                                                                                                       |
| 50 & 51 Vict.<br>c. 28.   | The Merchandise Marks Act, 1887.                               | Section twenty-two.                                                                                                                                                                                                                                         |
| 52 & 53 Vict.<br>c. 48.   | The County Court Appeals (Ireland) Act, 1889.                  | In section eighteen, subsection (7).                                                                                                                                                                                                                        |
| 52 & 53 Vict.<br>c. 63.   | The Interpretation Act, 1889.                                  | In section thirteen, paragraph (9); in paragraph (10), the words "and when used in relation to Ireland the Summary Jurisdiction (Ireland) Acts"; and paragraph (11) as respects Northern Ireland.                                                           |
| 60 & 61 Vict.<br>c. 66.   | The Supreme Court of Judicature (Ireland) (No. 2) Act, 1897.   | Section seven.                                                                                                                                                                                                                                              |
| 61 & 62 Vict.<br>c. 37.   | The Local Government (Ireland) Act, 1898.                      | In the First Schedule, in Part I, the entry relating to the Merchant Shipping Act, 1894.                                                                                                                                                                    |
| 3 Edw. 7. c. 37.          | The Irish Land Act, 1903.                                      | Section seventy-one.                                                                                                                                                                                                                                        |
| 4 Edw. 7. c. 9            | The Registration of Clubs (Ireland) Act, 1904.                 | In section thirteen, in the definition of "Court", the words from "but in any" onwards.                                                                                                                                                                     |
| 1 & 2 Geo. 5.<br>c. 50.   | The Coal Mines Act, 1911.                                      | In section one hundred and twenty-five, subsection (1).                                                                                                                                                                                                     |
| 10 & 11 Geo. 5.<br>c. 67. | The Government of Ireland Act, 1920.                           | In section five, in subsection (1), the words "or take any property without compensation";<br>In section forty-one, subsection (2).<br>In the Seventh Schedule, in Part II, in paragraph 2, in subparagraph (1), the word "ordinary", and subparagraph (3). |
| 16 & 17 Geo. 5.<br>c. 44. | The Supreme Court of Judicature of Northern Ireland Act, 1926. | In section one, in subsection (1), the word "ordinary".                                                                                                                                                                                                     |

## 4TH SCHEDULE

| Session and Chapter       | Short Title                                                       | Extent of Repeal                                                                                                                                        |
|---------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| 18 & 19 Geo. 5.<br>c. 24. | The Northern Ireland (Miscellaneous Provisions) Act, 1928.        | Section one, except as respects laws made before the passing of this Act.                                                                               |
| 22 & 23 Geo. 5.<br>c. 11. | The Northern Ireland (Miscellaneous Provisions) Act, 1932.        | Sections one and six, except as respects laws made before the passing of this Act.                                                                      |
| 25 & 26 Geo. 5.<br>c. 21. | The Northern Ireland Land Purchase (Winding Up) Act, 1935.        | In section two, subsection (3).                                                                                                                         |
| 2 & 3 Geo. 6.<br>c. 57.   | The War Risks Insurance Act, 1939.                                | In section twenty-one, in subsection (2), the words from "subject" onwards.                                                                             |
| 2 & 3 Geo. 6.<br>c. 120.  | The Restriction of Advertisement (War Risks Insurance) Act, 1939. | In section four, subsection (4).                                                                                                                        |
| 5 & 6 Geo. 6.<br>c. 9.    | The Restoration of Pre-War Trade Practices Act, 1942.             | In section thirteen, paragraph (f).                                                                                                                     |
| 5 & 6 Geo. 6.<br>c. 28.   | The War Damage (Amendment) Act, 1942.                             | In section three, in subsection (2), the words from "In the application" onwards.                                                                       |
| 6 & 7 Geo. 6.<br>c. 2.    | The Supreme Court (Northern Ireland) Act, 1942.                   | Section two, except as respects rules and orders made before the passing of this Act.                                                                   |
| 6 & 7 Geo. 6.<br>c. 18.   | The Evidence and Powers of Attorney Act, 1943.                    | Section two.                                                                                                                                            |
| 6 & 7 Geo. 6.<br>c. 21.   | The War Damage Act, 1943.                                         | Section fourteen, so far as it applies to Northern Ireland.<br>In section one hundred and twenty-five, subsection (4).                                  |
| 9 & 10 Geo. 6.<br>c. 73.  | The Hill Farming Act, 1946.                                       | In section forty, subsection (7).                                                                                                                       |
| 9 & 10 Geo. 6.<br>c. 80.  | The Atomic Energy Act, 1946.                                      | In section twenty, subsection (2).                                                                                                                      |
| 10 & 11 Geo. 6.<br>c. 14. | The Exchange Control Act, 1947.                                   | In the Fifth Schedule, in Part II, in paragraph 1, sub-paragraph (5).                                                                                   |
| 10 & 11 Geo. 6.<br>c. 37. | The Northern Ireland Act, 1947.                                   | Section two, except as respects laws made before the passing of this Act.<br>In the Second Schedule, in paragraph 7, the words from "and as if" onwards |

4TH SCH.

| Session and Chapter                | Short Title                                           | Extent of Repeal                                                                               |
|------------------------------------|-------------------------------------------------------|------------------------------------------------------------------------------------------------|
| 11 & 12 Geo. 6. c. 37.             | The Radioactive Substances Act, 1948.                 | In section fourteen, in subsection (2), paragraph (d).                                         |
| 11 & 12 Geo. 6. c. 51.             | The White Fish and Herring Industries Act, 1948.      | In section two, subsection (9).                                                                |
| 12, 13 & 14 Geo. 6. c. 37.         | The Agriculture (Miscellaneous Provisions) Act, 1949. | In section sixteen, subsection (2).                                                            |
| 12, 13 & 14 Geo. 6. c. 43.         | The Merchant Shipping (Safety Convention) Act, 1949.  | In section thirty-three, subsection (4).                                                       |
| 12, 13 & 14 Geo. 6. c. 54.         | The Wireless Telegraphy Act, 1949.                    | In section fourteen, subsection (8).                                                           |
| 12, 13 & 14 Geo. 6. c. 67.         | The Civil Aviation Act, 1949.                         | In section sixty-five, in subsection (1), paragraph (c).                                       |
| 12, 13 & 14 Geo. 6. c. 68.         | The Representation of the People Act, 1949.           | In section one hundred and seventy-four, in subsection (1), paragraph (a).                     |
| 12, 13 & 14 Geo. 6. c. 85.         | The Distribution of German Enemy Property Act, 1949.  | Section ten.                                                                                   |
| 12, 13 & 14 Geo. 6. c. 87.         | The Patents Act, 1949                                 | In section one hundred and four, paragraph (6).                                                |
| 12, 13 & 14 Geo. 6. c. 88.         | The Registered Designs Act, 1949.                     | In section forty-six, paragraph (5).                                                           |
| 12, 13 & 14 Geo. 6. c. 91.         | The Air Corporations Act, 1949.                       | In section thirty-nine, paragraph (c).                                                         |
| 14 Geo. 6. c. 9                    | The Merchant Shipping Act, 1950.                      | Section five.                                                                                  |
| 14 Geo. 6. c. 37                   | The Maintenance Orders Act, 1950.                     | In section twenty-eight, in subsection (1), the definition of "court of summary jurisdiction". |
| 14 & 15 Geo. 6. c. 48.             | The Dangerous Drugs Act, 1951.                        | In section twenty-four, subsection (1).                                                        |
| 15 & 16 Geo. 6 & 1 Eliz. 2 c. 44.  | The Customs and Excise Act, 1952.                     | In section three hundred and fourteen, subsection (2).                                         |
| 15 & 16 Geo. 6 & 1 Eliz. 2. c. 62. | The Agriculture (Calf Subsidies) Act, 1952.           | In section three, subsection (3).                                                              |

## 4TH SCH.

| Session and Chapter      | Short Title                                      | Extent of Repeal                                                                                                                                                                                                                                         |
|--------------------------|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 & 2 Eliz. 2.<br>c. 15. | The Iron and Steel Act, 1953.                    | In section thirty-five, subsection (3).                                                                                                                                                                                                                  |
| 1 & 2 Eliz. 2.<br>c. 36. | The Post Office Act, 1953.                       | In section eighty-eight, in subsection (2), the definition of "summary conviction".                                                                                                                                                                      |
| 1 & 2 Eliz. 2.<br>c. 50. | The Auxiliary Forces Act, 1953.                  | In section forty-eight, in subsection (1), the words from "constituted in accordance" to "relating to summary jurisdiction" (where secondly occurring).                                                                                                  |
| 2 & 3 Eliz. 2.<br>c. 10. | The Navy, Army and Air Force Reserves Act, 1954. | In section four, subsection (4).                                                                                                                                                                                                                         |
| 2 & 3 Eliz. 2.<br>c. 27. | The Judges' Remuneration Act, 1954.              | In section one, in subsection (1), in paragraph (d), the word "Ordinary".                                                                                                                                                                                |
| 3 & 4 Eliz. 2.<br>c. 18. | The Army Act, 1955.                              | In section two hundred and fifteen, in subsection (2), the words from the beginning to "and".                                                                                                                                                            |
| 3 & 4 Eliz. 2.<br>c. 19. | The Air Force Act, 1955.                         | In section two hundred and thirteen, in subsection (2), the words from the beginning to "and".                                                                                                                                                           |
| 3 & 4 Eliz. 2.<br>c. 25. | The Oil in Navigable Waters Act, 1955.           | In section twenty-three, in subsection (5), the words from the beginning to "those enactments; and".                                                                                                                                                     |
| 4 & 5 Eliz. 2.<br>c. 16. | The Food and Drugs Act, 1955.                    | In the Tenth Schedule, in paragraph 2, in the Table, the entry relating to subsection (3) of section five, and, in the entry relating to subsection (1) of section one hundred and twenty-three, the words from "constituted" to "summary jurisdiction". |
| 4 & 5 Eliz. 2.<br>c. 25. | The Therapeutic Substances Act, 1956.            | In section seventeen, subsection (1).                                                                                                                                                                                                                    |
| 4 & 5 Eliz. 2.<br>c. 68. | The Restrictive Trade Practices Act, 1956.       | In section thirty-seven, subsection (2).                                                                                                                                                                                                                 |

4TH SCH.

| Session and Chapter      | Short Title                                                            | Extent of Repeal                                                                                                      |
|--------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| 5 & 6 Eliz. 2.<br>c. 14. | The Northern Ireland (Compensation for Compulsory Purchase) Act, 1957. | The whole Act.                                                                                                        |
| 6 & 7 Eliz. 2.<br>c. 47. | The Agricultural Marketing Act, 1958.                                  | In section fifty-three, subsection (11).                                                                              |
| 7 & 8 Eliz. 2.<br>c. 19. | The Emergency Laws (Repeal) Act, 1959.                                 | In the Second Schedule, in Regulation 102 of the Defence (General) Regulations, 1939, therein set out, paragraph (2). |

*Enactments of the Parliament of Northern Ireland*

| Session, or Year, and Chapter | Short Title                                                                      | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 23 & 24 Geo. 5.<br>c. 4.      | The Legislative Procedure Act (Northern Ireland), 1933.                          | In section one, in subsection (1), the words "section six or" and the words "the Treasury".                                                                                                                                                                                                                                                                                                                                                    |
| 23 & 24 Geo. 5.<br>c. 7.      | The Preferential Payments in Bankruptcy Act (Northern Ireland), 1933.            | In section one, in subsection (12), the words from "and the Governor" onwards.                                                                                                                                                                                                                                                                                                                                                                 |
| 1957, c. 6.                   | The Acquisition of War-Damaged Land (Compensation) Act (Northern Ireland), 1957. | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 1959, c. 25.                  | The County Courts Act (Northern Ireland), 1959.                                  | In section twenty-one, in subsection (2), the words from "or (c) which have" onwards, and, in subsection (3), the words from "and thereupon" onwards.<br>Sections twenty-two to twenty-seven.<br>In section twenty-eight, the words "any of".<br>Sections twenty-nine to thirty-two.<br>In section thirty-three, in subsection (3), in paragraph (a), the words from "and thereupon" to "that court".<br>Sections thirty-four and thirty-five. |

## 4TH SCH.

| Session, or Year, and Chapter | Short Title                                                  | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------|--------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1959, c. 25—<br><i>cont.</i>  | The County Courts Act (Northern Ireland), 1959— <i>cont.</i> | In section thirty-seven, subsection (1).<br>In section forty-six, in subsection (1), paragraphs (b), (c), (d) and (e), in paragraph (f), subparagraph (ii), and paragraph (h), and subsection (3).<br>So much of subsection (3) of section one hundred and fifty-four and of the Fifth Schedule as made provision for the repeal of the following enactments:—<br>The Civil Bill Courts (Ireland) Act, 1851, section one hundred and thirty-eight;<br>The Probates and Letters of Administration Act (Ireland), 1857, section sixty-two;<br>The County Officers and Courts (Ireland) Act, 1877, sections thirty-five to thirty-seven, fifty-one and fifty-two;<br>The County Courts Act (Northern Ireland), 1955, section twenty-two. |

*Orders in Council*

| Year and Number         | Short Title                                                                           | Extent of Repeal                      |
|-------------------------|---------------------------------------------------------------------------------------|---------------------------------------|
| S.R. & O.<br>1921/1802. | The Supreme Court of Judicature (Northern Ireland) Order, 1921.                       | Article 4.                            |
| S.R. & O.<br>1923/803.  | The Government of Ireland (Miscellaneous Adaptations) (Northern Ireland) Order, 1923. | Article 5.                            |
| S.I. 1949/1835.         | The Superannuation Act (Application to Existing Irish Officers) Order, 1949.          | In Article 4, paragraphs (a) and (b). |



## CHAPTER 31

### *Sea Fish Industry Act, 1962*

#### ARRANGEMENT OF SECTIONS

##### *Grants, advances, borrowing powers and marketing funds (white fish and herring industries)*

##### Section

1. Extension of scope and duration, and provision for increase, of white fish and herring subsidies.
2. Reorganisation of white fish subsidy for larger vessels.
3. Extension of powers of White Fish Authority and Herring Industry Board to make grants.
4. Grants to Herring Industry Board.
5. Grants to White Fish Authority.
6. Borrowing powers of White Fish Authority and Herring Industry Board.
7. Exchequer advances to White Fish Authority and Herring Industry Board.
8. Extension of duration of White Fish and Herring Marketing Funds.
9. Reimbursement of Isle of Man subsidies.

##### *Regulation of fishing for, and landing and commercial use of, sea-fish*

10. Power to restrict fishing for sea-fish.
11. Licensing of British fishing-boats.
12. Restrictions on landing of sea-fish.
13. Additional fine instead of forfeiture.
14. Enforcement of orders in relation to salmon and migratory trout.
15. Size limits for fish.
16. Increase of penalties in respect of foreign sea-fishing boats.
17. Exemption for operations for scientific and other purposes.
18. Appointment of British sea-fishery officers.

##### *Shellfish*

19. Power to prohibit deposit of shellfish.
20. Power to prohibit importation of shellfish in certain cases.
21. Supplementary provisions as to orders under ss. 19 and 20.
22. Public fisheries.
23. Making and variation of orders for several and regulated fisheries.
24. Inspection of several and regulated fisheries.
25. Powers of grantees of regulated fisheries.
26. Grants and loans for restoration of oyster, mussel and cockle fisheries.

##### *Miscellaneous and supplementary provisions*

27. Revision of charges at fishery harbours in England and Wales.
28. Rates of interest on sums borrowed by certain harbour authorities.
29. Membership of White Fish Authority and Herring Industry Board.
30. Powers of White Fish Authority.
31. Modification of undertakings relating to grant-aided vessels and engines.
32. Financial provisions.

**Section**

- 33. Interpretation.
- 34. Orders.
- 35. Northern Ireland.
- 36. Channel Islands and Isle of Man.
- 37. Amendments and repeals.
- 38. Short title.

**SCHEDULES:**

First Schedule—Procedure for revising charges at fishery harbours.

Second Schedule—Consequential amendments of enactments.

Third Schedule—Further amendments of *Sea Fish Industry Act, 1951*.

Fourth Schedule—Repeals and revocation.

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**An Act to make further provision, by way of financial assistance and otherwise, with respect to the white fish and herring industries, including provision relating to the White Fish Authority and the Herring Industry Board; to make further provision for the regulation of fishing for, and the landing and commercial use of, sea-fish, and with respect to shellfish; to enable the charges leviable at certain harbours to be varied, and to facilitate borrowing for certain harbour and marine work undertakings; and for purposes connected with the matters aforesaid.** [3rd July, 1962]

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

*Grants, advances, borrowing powers and marketing funds  
(white fish and herring industries)*

Extension of scope and duration, and provision for increase, of white fish and herring subsidies.

1.—(1) The persons to whom grants may be made in pursuance of a scheme under section five of the *White Fish and Herring Industries Act, 1953* (which provides for subsidies for fishing vessels engaged in catching white fish) shall include the owners or charterers of vessels registered in the United Kingdom, being vessels engaged in processing or transporting white fish caught by vessels registered in the United Kingdom or the products of any such white fish.

(2) The persons to whom grants may be made in pursuance of a scheme under section three of the *White Fish and Herring Industries Act, 1957* (which provides for subsidies for fishing vessels engaged in catching herring) shall include the owners or charterers of vessels registered in the United Kingdom, being

vessels engaged in processing or transporting herring caught by vessels registered in the United Kingdom or the products of any such herring.

(3) The voyages in respect of which grants may be made in pursuance of a scheme under either of the relevant sections shall be voyages made by the vessel in question for any one or more of the following purposes, that is to say—

- (a) catching white fish or herring, as the case may be ;
- (b) processing white fish or herring, as the case may be, being fish caught wholly or mainly by the vessel in question, or by other vessels registered in the United Kingdom, or by the vessel in question and by other vessels so registered ;
- (c) transporting such white fish or herring (as the case may be) as are mentioned in the last preceding paragraph, or the products of such white fish or herring,

where (in any such case) it is part of the purpose that the fish or the products of the fish are to be landed in the United Kingdom, whether by the vessel which caught them or by another vessel.

(4) So much of subsection (1) of the said section three as limits the making of grants to vessels not exceeding one hundred and forty feet in length, and so much of subsection (2) of that section as prevents the making of grants in respect of voyages beyond particular waters specified therein or in respect of herring taken in the course of such voyages, shall cease to have effect.

(5) The date before which applications for grants under either of the relevant sections must be received by the appropriate Minister shall be postponed from the first day of May, nineteen hundred and sixty-three, to the first day of January, nineteen hundred and seventy-three.

(6) The amount by which the aggregate amount of the grants made in pursuance of schemes under either of the relevant sections may be increased at any one time by an order under section four of the White Fish and Herring Industries Act, 1957, shall be five million pounds instead of three million pounds.

(7) In this section “the relevant sections” means section five of the White Fish and Herring Industries Act, 1953, and section three of the White Fish and Herring Industries Act, 1957 ; and “white fish” has the same meaning as in the said section five.

2.—(1) The provisions of this section shall have effect in relation to any scheme made after the commencement of this Act under section five of the White Fish and Herring Industries Act, 1953, in so far as the scheme provides for the making of grants in the case of vessels to which this section applies.

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(2) This section applies to vessels of or over eighty feet in length; and nothing in this section shall affect any scheme in so far as it relates to vessels of less than that length.

(3) Any such scheme, in so far as it provides for the making of grants in the case of vessels to which this section applies, shall provide for rates of grants of either or both of the following descriptions, that is to say—

- (a) basic rates, payable either in respect of all vessels to which this section applies or in respect of all such vessels except vessels of any such class as may be specified in the scheme;
- (b) special rates, limited to such classes of vessels (whether being vessels to which the basic rates are applicable or not) as may be specified in the scheme:

Provided that a scheme shall not provide for special rates in the case of any class of vessels except where the Ministers are satisfied that they are needed by reason of special circumstances relating to that class of vessels.

(4) Subject to any limit for the time being in force on the aggregate amount of grants which may be made in pursuance of any such scheme, and subject to the following provisions of this section, any such rates as are mentioned in the last preceding subsection shall be of such amounts as may be determined by or under the scheme; and different rates (whether basic or special) may be so determined in relation to different classes of vessels.

(5) Basic rates determined by or under a scheme may be so determined either for one year or for two or more years; but special rates may be so determined in respect of any period (of whatever length) for which it appears to the Ministers that the special circumstances in question are likely to continue.

(6) The basic rates determined in accordance with the preceding provisions of this section in relation to any class of vessels shall be progressively reduced year by year, in such a way that the basic rates for any year shall be less than those for the immediate preceding year by an amount being not less than seven and one-half per cent. and not more than twelve and one-half per cent. of the initial basic rates for that class of vessels.

(7) Special rates determined by or under any such scheme in accordance with the preceding provisions of this section shall be such that—

- (a) the aggregate amount of the payments made by way of special rates in respect of any one year shall not exceed three hundred and fifty thousand pounds; and

(b) the aggregate amount of the payments so made in respect of the whole period beginning with the commencement of this Act and ending with the thirty-first day of December, nineteen hundred and seventy-two, shall not exceed two million five hundred thousand pounds.

(8) Where any such scheme provides for special rates but does not provide for basic rates, subsection (4) of section five of the White Fish and Herring Industries Act, 1957 (whereby a scheme is to be of no effect unless approved by a resolution of each House of Parliament) shall not apply; but any statutory instrument containing the scheme shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(9) In this section "year" means any period of twelve months for which basic rates are determined as therein mentioned, and "the initial basic rates", in relation to any class of vessels, means the basic rates so determined in relation to that class of vessels for the first year for which such rates are so determined.

3.—(1) The powers conferred on the White Fish Authority by section one of the White Fish and Herring Industries Act, 1953, and on the Herring Industry Board by section six of that Act (which sections respectively empower the Authority and the Board to make grants in respect of the acquisition of new fishing vessels and new engines for fishing vessels, but limited in each case to vessels not exceeding one hundred and forty feet in length) shall be extended and shall have effect in accordance with, and subject to, the following provisions of this section.

Extension of powers of White Fish Authority and Herring Industry Board to make grants.

(2) The expenditure in respect of which grants may be made in pursuance of a scheme made after the commencement of this Act under either of the relevant sections shall be expenditure incurred in the acquisition of any vessel to which that section applies, or in the acquisition, installation, modification, renewal or replacement of any part of a vessel to which that section applies, or of an engine, or any part of an engine, of or for such a vessel, or of any relevant equipment required for, or installed or used on, such a vessel:

Provided that no grant shall be so made in respect of expenditure incurred in the acquisition of any secondhand vessel, engine, part, equipment or apparatus.

(3) Section one of the said Act of 1953 shall apply to any vessel registered or intended to be registered in Great Britain, being a vessel engaged or to be engaged in any of the following activities, that is to say, catching or processing white fish or transporting white fish or the products of white fish; and for the purposes of that section a person shall be taken to be

engaged in the white fish industry in Great Britain if he carries on the business of operating one or more vessels registered in Great Britain (of whatever size and in whatever way propelled) in carrying on any of those activities.

(4) Section six of the said Act of 1953 shall apply to any vessel registered or intended to be registered in Great Britain, being a vessel engaged or to be engaged in any of the following activities, that is to say, catching or processing herring or transporting herring or the products of herring; and for the purposes of that section a person shall be taken to be engaged in the herring industry if he carries on the business of operating one or more boats (as defined by the Herring Industry Act, 1935) registered in Great Britain in carrying on any of those activities.

(5) The date before which applications for grants under either of the relevant sections must be approved by the White Fish Authority or the Herring Industry Board, as the case may be, shall be the first day of January, nineteen hundred and seventy-three (instead of any earlier date specified in that behalf in section one of the White Fish and Herring Industries Act, 1957).

(6) No grant in pursuance of a scheme made after the commencement of this Act under either of the relevant sections shall be made in respect of any expenditure, unless the White Fish Authority or the Herring Industry Board, as the case may be, are satisfied that it is incurred in pursuance of a contract made after the first day of November, nineteen hundred and sixty-one.

(7) The aggregate amount of the grants which may be made in pursuance of schemes under the relevant sections taken together (instead of the existing separate limits of fourteen million pounds for schemes under section one of the said Act of 1953 and seven hundred and fifty thousand pounds for schemes under section six of that Act) shall be seventeen million pounds or such greater sum as may be prescribed from time to time by an order made by the Ministers with the approval of the Treasury:

Provided that an order under this subsection shall not increase the aggregate amount of the grants by more than two million pounds at any one time.

(8) For the purposes of any scheme made after the commencement of this Act under either of the relevant sections, the limits imposed on the amount of a grant by subsection (3) of section one of the White Fish and Herring Industries Act, 1957 (which limits a grant to three-tenths of the expenditure in the case of a grant to a working owner for the acquisition of a new vessel or of an engine for a vessel, and to one-quarter of the expenditure in any other case) shall not apply; but no

grant made in pursuance of such a scheme in respect of any expenditure shall exceed the following amount, that is to say—

- (a) where the vessel in question is less than eighty feet in length, three-tenths of the expenditure, or
- (b) in any other case, one-quarter of the expenditure.

(9) In this section “the relevant sections” means sections one and six of the White Fish and Herring Industries Act, 1953, and “relevant equipment”, in relation to a vessel to which either of the relevant sections applies, means equipment or apparatus of any description constructed or adapted for the purposes of the particular activities referred to in subsection (3) or subsection (4) of this section by virtue of which the vessel is one to which that section applies; and for the purposes of this subsection equipment constructed or adapted for the purpose of transferring white fish or herring from one vessel to another shall be treated as equipment constructed or adapted for the purposes of those activities.

4.—(1) The limit on the aggregate amount of the grants which may be made under subsection (1) of section five of the White Fish and Herring Industries Act, 1948, in respect of expenses incurred by the Herring Industry Board for promoting the sale of herring and other purposes specified therein—

Grants to  
Herring  
Industry  
Board.

- (a) is hereby raised from three million five hundred thousand pounds to four million pounds, and
- (b) may be further raised from time to time, by an amount not exceeding five hundred thousand pounds at any one time, by an order made by the Ministers with the approval of the Treasury.

(2) The period during which expenses qualifying for grants under that subsection may be incurred by the Herring Industry Board shall not expire on the nineteenth day of May, nineteen hundred and sixty-three; but no such grant shall be made except in respect of expenses approved under that subsection before the end of the year nineteen hundred and seventy-two.

5.—(1) The expenditure in respect of which grants may be made to the White Fish Authority under subsection (2) of section seventeen of the Sea Fish Industry Act, 1951 (which relates to expenditure of the Authority on research or experiment) shall include any expenditure incurred by the Authority in the exercise of the powers conferred on them by subsection (1) of section four of the said Act of 1951 to do any of the things mentioned in paragraph (f) of that subsection (which, as amended by this Act, relates to the provision, acquisition, equipment and operation of plants for processing white fish and of plants for making ice in Great Britain).

Grants to  
White Fish  
Authority.

(2) The limit on the aggregate amount of such grants—

- (a) is hereby raised from one million pounds to two million pounds, and
- (b) may be further raised from time to time, by an amount not exceeding one million pounds at any one time, by an order made by the Ministers with the approval of the Treasury.

(3) The period during which grants may be made under subsection (2) of the said section seventeen shall not expire on the nineteenth day of May, nineteen hundred and sixty-three; but no such grants shall be made except in respect of expenditure approved by the Treasury before the end of the year nineteen hundred and seventy-two.

Borrowing powers of White Fish Authority and Herring Industry Board.

6.—(1) The limit on the amount outstanding at any time of the sums borrowed by the White Fish Authority under subsection (2) of section fifteen of the Sea Fish Industry Act, 1951,—

- (a) is hereby raised from twenty-five million pounds to thirty million pounds, and
- (b) may be further raised from time to time, by an amount not exceeding five million pounds at any one time, by an order made by the Ministers with the approval of the Treasury.

(2) The limit on the amount outstanding at any time of the sums borrowed by the Herring Industry Board under section seven of the Herring Industry Act, 1935, may be raised from time to time, by an amount not exceeding five hundred thousand pounds at any one time, by an order made by the Ministers with the approval of the Treasury.

Exchequer advances to White Fish Authority and Herring Industry Board.

7.—(1) The limit on the amount outstanding at any time of the sums advanced to the White Fish Authority under subsection (1) of section seventeen of the Sea Fish Industry Act, 1951,—

- (a) is hereby raised from twenty-five million pounds to thirty million pounds, and
- (b) may be further raised from time to time, by an amount not exceeding five million pounds at any one time, by an order made by the Ministers with the approval of the Treasury.

(2) The limit on the amount outstanding at any time of the sums advanced to the Herring Industry Board under subsection (2) of section seven of the White Fish and Herring Industries Act, 1953, or under subsection (1) of section four of the Herring Industry Act, 1944,—

- (a) is hereby raised from three million five hundred thousand pounds to four million pounds, and



(b) may be further raised from time to time, by an amount not exceeding five hundred thousand pounds at any one time, by an order made by the Ministers with the approval of the Treasury.

(3) The period during which any such advances as are mentioned in subsection (1) or subsection (2) of this section may be made shall not expire on the nineteenth day of May, nineteen hundred and sixty-three; but no such advance—

(a) if it is for the purpose of enabling the White Fish Authority or the Herring Industry Board to give financial assistance by way of loan, shall be made unless the application for that assistance is approved by the Authority or the Board, as the case may be, before the end of the year nineteen hundred and seventy-two, or

(b) in any other case, shall be made after the end of the year nineteen hundred and seventy-two.

8. The White Fish Marketing Fund and the Herring Marketing Fund shall be continued until the end of the year nineteen hundred and seventy-two; and accordingly in the following enactments, that is to say,—

Extension of duration of White Fish and Herring Marketing Funds.

(a) subsection (2) of section four and subsection (5) of section seven of the White Fish and Herring Industries Act, 1953 (which provide respectively for the payment into those Funds of certain sums received before the expiration of the period of ten years from the passing of that Act), and

(b) subsection (6) of section four of that Act and subsection (7) of section four of the Herring Industry Act, 1944 (which provide respectively for the winding up of those Funds at the expiration of that period),

for any reference to the expiration of the period of ten years from the passing of the said Act of 1953 there shall be substituted a reference to the end of the year nineteen hundred and seventy-two.

9.—(1) This section applies to any grant made (whether before or after the commencement of this Act) by the Government of the Isle of Man to the owners or charterers of vessels registered in the United Kingdom, in respect of herring landed in the Isle of Man or in respect of voyages made by the vessel in question for any one or more of the following purposes, that is to say—

Reimbursement of Isle of Man subsidies.

(a) catching herring;

(b) processing herring caught wholly or mainly by the vessel in question, or by other vessels registered in the

United Kingdom, or by the vessel in question and by other vessels so registered ;

(c) transporting such herring as are mentioned in the last preceding paragraph or the products of such herring, where (in any such case) it was part of the purpose that the herring or the products of the herring were to be landed in the Isle of Man, whether by the vessel which caught them or by another vessel.

(2) Subject to the next following subsection, the Ministers or either of them may repay to the Government of the Isle of Man the amount of any grant to which this section applies.

(3) Where any such grant (in this subsection referred to as "the Isle of Man grant") has been made in respect of any herring landed in the Isle of Man, or in respect of any voyage made for a purpose specified in subsection (1) of this section,—

(a) no repayment shall be made under this section unless a grant to the owners or charterers of the vessel could have been made in pursuance of a scheme under section three of the White Fish and Herring Industries Act, 1957, in force at the time of the Isle of Man grant, if the herring in question had been landed in the United Kingdom, or, as the case may be, the voyage had been made for the corresponding purpose specified in subsection (2) of that section, and

(b) the amount of the repayment shall not exceed the amount of the grant which could in those circumstances have been made in pursuance of that scheme.

(4) In this section any reference to the Government of the Isle of Man includes a reference to any department or agency of that Government.

*Regulation of fishing for, and landing and commercial use of, sea-fish*

10.—(1) In relation to the imposition of any prohibition—

(a) on fishing for salmon or migratory trout, whether within or outside the limits of the territorial waters adjacent to Great Britain, or

(b) on fishing for any other sea-fish within the limits of those territorial waters,

the power conferred by subsection (1) of section seven of the Sea Fish Industry Act, 1959 (which empowers the Ministers to restrict fishing for sea-fish in a specified area for the purpose of giving effect to international conventions or agreements) shall be exercisable wherever it appears to the Ministers to be necessary or expedient to exercise that power, whether for the purpose

Power to  
restrict  
fishing for  
sea-fish.

of giving effect to such a convention or agreement as is therein mentioned or not.

(2) Any order made under the said subsection (1), except an order which —

- (a) has effect in relation to salmon or migratory trout (whether it has effect in relation to any other description of fish or not), and
- (b) is not made for the sole purpose of giving effect to such a convention or agreement as is mentioned in that subsection,

may be made so as to continue in force either for a period specified in the order or without limitation of time.

(3) Any prohibition imposed by an order under the said subsection (1) may be made so as to have effect either at all times while the order is in force or at such times as (whether by reference to particular months, weeks, days or hours, or to any combination thereof) are specified in the order.

(4) In paragraph (c) of that subsection, for the reference to fishing for sea-fish by any method specified in an order under that section, there shall be substituted a reference to fishing for sea-fish, or for any description of sea-fish specified in the order, by any method so specified.

(5) Any prohibition imposed by an order under that section, in so far as it relates to fishing for salmon or migratory trout, shall apply to any fishing-boats which are British-owned but not registered under the Merchant Shipping Act, 1894, as it applies to such British fishing-boats as are mentioned in subsection (3) of that section; and subsection (6) of that section (which makes provision for the enforcement of orders under that section) shall have effect accordingly.

(6) The power conferred on British sea-fishery officers by subsection (6) of that section (as extended by the last preceding subsection) to seize any net or other fishing gear used in contravention of a prohibition imposed by an order under subsection (1) of that section shall include power to seize any fish caught in contravention of such a prohibition, where the fish are on the vessel used in contravention of the prohibition or are in the ownership or custody, or under the control, of the owner or master or the charterer (if any) of the vessel.

(7) Where any order under subsection (1) of the said section is not made for the sole purpose of giving effect to such a convention or agreement as is mentioned in that subsection, the order shall contain a statement to that effect.

Licensing  
of British  
fishing-boats.

**11.—(1)** In relation to the imposition of any restriction—

- (a) on fishing for salmon or migratory trout, whether within or outside the limits of the territorial waters adjacent to Great Britain, or
- (b) on fishing for any other sea-fish within the limits of those territorial waters,

subsection (6) of section two of the White Fish and Herring Industries Act, 1948 (whereby the power conferred by that section to restrict fishing by British fishing-boats in any area is limited by reference to measures taken by the governments of other countries) shall not apply.

(2) An order made under that section in respect of fishing in any area may be made so as to apply to fishing in that area generally, or may be made subject to any one or more, or any combination, of the following limitations, that is to say, limitations whereby the order applies to fishing in that area—

- (a) for fish of a description specified in the order and not for any other descriptions of fish, or for fish of any description except a description so specified ;
- (b) by a method specified in the order and not by any other method, or by any method except a method so specified ;
- (c) during a season of the year specified in the order and not during any other season of the year, or at any season of the year except a season so specified ;
- (d) during a period specified in the order and at no other time.

(3) Where an order under that section is made subject to any such limitations as are mentioned in the last preceding subsection, the licensing powers exercisable thereunder in pursuance of that order shall be exercisable only within those limitations.

(4) In exercising the licensing powers conferred by subsection (1) of that section, it shall be the duty of the Ministers (in substitution for any corresponding duty imposed by subsection (2) of that section) to exercise those powers in such a way as appears to the Ministers to be likely to cause the least possible hardship.

(5) An order under that section, made with the consent of the Treasury for the purposes of this subsection, may authorise any of the Ministers to make a charge, not exceeding such amount as may be specified in the order, for the granting of a licence under that section ; and different amounts may be so specified in relation to different classes of licences.

(6) In respect of fishing for salmon or migratory trout, subsection (1) of that section shall have effect in relation to fishing-boats which are British-owned but not registered under the

Merchant Shipping Act, 1894, as it has effect in relation to such British fishing-boats as are mentioned in that subsection; and subsection (5) of that section (which makes provision for the enforcement of orders under that section) shall have effect accordingly.

(7) The power of the court under subsection (3) of that section to order the forfeiture of any net or gear used in a contravention in respect of which a person is convicted under that subsection shall, in the case of a contravention committed after the passing of this Act, include power to order the forfeiture of any fish in respect of which the contravention was committed.

(8) The power conferred on British sea-fishery officers by subsection (5) of that section (as extended by subsection (6) of this section) to seize any net and gear used in contravening subsection (1) of that section shall include power to seize any fish caught by the use of the vessel in contravening the said subsection (1), where the fish are on that vessel or are in the ownership or custody, or under the control, of the owner or master or the charterer (if any) of the vessel.

12.—(1) The provisions of section two of the Sea-Fishing Industry Act, 1933 (which empowers the Ministers to impose temporary prohibitions on the landing in the United Kingdom of sea-fish caught in certain areas) shall have effect in relation to salmon and migratory trout as they have effect in relation to other sea-fish. Restrictions on landing of sea-fish.

(2) Any prohibition imposed by an order under that section in relation to sea-fish, or any particular description of sea-fish, caught in any waters specified in the order may be so imposed either for a period specified in the order or without limitation of time, and either free from, or subject to, all or any, or any combination, of the following limitations, that is to say, limitations whereby the prohibition has effect in relation to sea-fish, or sea-fish of that description, as the case may be,—

- (a) caught while in a condition specified in the order and not while in any other condition, or caught while in any condition except a condition so specified ;
- (b) caught by a method specified in the order and not by any other method, or caught by any method except a method so specified ;
- (c) caught at any such times as (whether by reference to particular months, weeks, days or hours, or to any combination thereof) are specified in the order.

(3) Without prejudice to the last preceding subsection, any prohibition imposed by an order under the said section two may

be imposed subject to such exceptions as may be specified in the order.

(4) If any sea-fish are landed from a vessel in contravention of an order under that section, the master, the owner and the charterer (if any) of the vessel shall each be guilty of an offence under this subsection.

(5) Any person guilty of an offence under the last preceding subsection shall be liable on summary conviction—

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

and the court by which the offender is convicted of any offence in respect of the landing of any fish from a vessel in contravention of an order under that section may order the forfeiture of any fish in respect of which the offence was committed, and of any net or other fishing gear used on that vessel in catching any fish landed in contravention of the order.

(6) Any person who, by virtue of section eleven of the Sea Fisheries Act, 1883, or of section twenty-five of the Sea Fish Industry Act, 1951, is a British sea-fishery officer—

- (a) may seize any fish landed in contravention of an order under the said section two, and any net or other fishing gear used in catching any fish so landed ;
- (b) may exercise with respect to any fishing-boat within the limits of the territorial waters adjacent to the United Kingdom, and with respect to any British fishing-boat registered in the United Kingdom wherever it may be, such of the powers conferred on British sea-fishery officers by paragraphs (1) to (8) of section twelve of the Sea Fisheries Act, 1883, as may be conferred on him by order of the Ministers, being powers which the Ministers consider necessary for the enforcement of orders under the said section two ; and
- (c) may exercise with respect to any fishing-boat which is British-owned but not registered under the Merchant Shipping Act, 1894, wherever it may be, such of the powers mentioned in the last preceding paragraph as may be conferred on him by order of the Ministers, being powers which (in so far as they are not exercisable with respect to any such fishing-boat by virtue of an order under the last preceding paragraph) the Ministers consider necessary for the enforcement of orders under the said section two in relation to the landing of salmon or migratory trout.

(7) For the purposes of the last preceding subsection and of any order made thereunder—

- (a) section twelve of the Sea Fisheries Act, 1883, shall apply as if any reference in paragraph (7) of that section to that Act or to an Order in Council thereunder included a reference to section two of the said Act of 1933 or to an order under the said section two; and
- (b) section fourteen of the Sea Fisheries Act, 1883 (which provides for the protection of sea-fishery officers and for the punishment of persons obstructing them) shall apply as if any reference in that section to that Act included a reference to the last preceding subsection.

**13.—**(1) Any person guilty of an offence to which this section applies shall, subject to the following provisions of this section, be liable on summary conviction to a fine not exceeding the value of the fish in respect of which the offence was committed. Additional fine instead of forfeiture.

(2) This section applies to any offence of which a person is convicted under any of the following enactments, that is to say, subsection (3) of section two of the White Fish and Herring Industries Act, 1948, subsection (4) of section seven of the Sea Fish Industry Act, 1959, and subsections (4) and (5) of section twelve of this Act, being an offence committed after the passing of this Act.

(3) A person shall not be liable to a fine under this section in respect of an offence if, under any of the enactments mentioned in the last preceding subsection, the court orders the forfeiture of the fish in respect of which the offence was committed; and, where a fine is imposed under this section, the court shall not have power to order the forfeiture of the fish under any of those enactments.

(4) Subject to the last preceding subsection, any fine to which a person is liable under this section in respect of an offence shall be in addition to any other penalty (whether pecuniary or otherwise) to which he is liable in respect of that offence under any of the enactments mentioned in subsection (2) of this section or under any other enactment.

**14.—**(1) In so far as any enactment or order to which this section applies imposes any prohibition or restriction on fishing for salmon or migratory trout within any waters which, for the purposes of the functions of a river board relating to fisheries, are included in the area of the river board, or on landing salmon or migratory trout at a place within a river board area,— Enforcement of orders in relation to salmon and migratory trout.

- (a) paragraph (d) of subsection (1) of section sixty-seven of the Salmon and Freshwater Fisheries Act, 1923 (which confers powers of seizure on water bailiffs) shall

apply as if the reference therein to that Act included references to this Act and the Acts mentioned in subsection (3) of this section, and the references to the said Act of 1923 in subsections (3) and (4) of the said section sixty-seven and in section seventy-nine of that Act (which contain provisions ancillary thereto) shall be construed accordingly as including references to that Act as applied by this subsection ;

- (b) the provisions of subsection (1) and subsections (4) to (8) of section sixteen, and section seventeen, of the River Boards Act, 1948 (which confer powers for the enforcement of that Act) shall apply as if any such enactment or order were an enactment relating to the functions of the river board.

(2) Where any enactment or order to which this section applies imposes any prohibition or restriction on fishing for salmon or migratory trout within any waters which form part of the district of a district board within the meaning of the Salmon and Freshwater Fisheries (Protection) (Scotland) Act, 1951, or on landing salmon or migratory trout at a place within such a district as aforesaid, any water bailiff, constable or any person appointed by the Secretary of State in pursuance of subsection (5) of section ten of the said Act of 1951 may exercise in relation to the contravention of such an enactment or order any of the powers conferred upon him in relation to a contravention of that Act by the following provisions thereof, that is to say—

- (a) sections eleven and twelve (which confer powers of search and arrest) ; and
- (b) paragraph (d) of subsection (1) of section ten, and section twenty, so far as those provisions relate to the seizure of fish, instruments or articles liable to forfeiture or to the disposal of such fish,

and subsections (3) and (6) of the said section ten (which contain provisions ancillary thereto) shall apply as if the Acts therein mentioned included a reference to this Act and the Acts mentioned in subsection (3) of this section.

(3) This section applies to the following enactments and orders, that is to say, subsection (1) of section two of the White Fish and Herring Industries Act, 1948, and any order made after the commencement of this Act under section seven of the Sea Fish Industry Act, 1959, or under section two of the Sea-Fishing Industry Act, 1933.

Size limits  
for fish.

**15.—**(1) Subject to any exemption granted under this section, no person shall in Great Britain have in his possession any fish to which this section applies for the purpose of processing or otherwise using it in the course of any business.



(2) This section applies to any fish which, under subsection (1) of section four of the Sea-Fishing Industry Act, 1933 (which imposes certain restrictions in relation to fish of a smaller size than that prescribed for the purposes of that subsection), is prohibited from being sold in Great Britain.

(3) Where it appears to an officer authorised in that behalf by the appropriate Minister that any fish which have been caught are fish to which this section applies, the officer may grant to any person such exemption from subsection (1) of this section as the officer considers requisite to enable the fish to be disposed of.

(4) Any person who contravenes this section shall be liable on summary conviction—

(a) in the case of a first offence under this section, to a fine not exceeding one hundred pounds ;

(b) in the case of a second or subsequent offence under this section, to a fine not exceeding two hundred pounds.

(5) Subsection (6) of section four of the said Act of 1933 (which relates to the enforcement of orders under that section) shall have effect for the purposes of this section as if any reference in that subsection to an order under that section were a reference to this section and any reference therein to contravention of that section were a reference to contravention of this section.

**16.**—(1) The maximum amount of the fine which may be imposed on any person under subsection (3) of section seven of the Sea Fisheries Act, 1883 (which relates to contraventions of the provisions of that section with respect to foreign sea-fishing boats within the exclusive fishery limits of the British Islands) shall be increased, in the case of a first conviction, from one hundred pounds to two hundred and fifty pounds and, in the case of a second or subsequent conviction, from two hundred pounds to five hundred pounds ; and accordingly, in that subsection, for the words from “ not exceeding ” to the end there shall be substituted the words “ not exceeding two hundred and fifty pounds or, in the case of a second or subsequent conviction, to imprisonment for a term not exceeding three months or a fine not exceeding five hundred pounds or both ”.

Increase of penalties in respect of foreign sea-fishing boats.

(2) This section shall not apply in relation to any contravention of the said section seven committed before the passing of this Act.

**17.**—(1) No enactment to which this section applies, and no order or byelaw made (whether before or after the passing of this Act) under any such enactment, shall restrict the carrying on of any operations which, under the authority of one of the Ministers, are conducted for the purposes of scientific investigation, or for

Exemption for operations for scientific and other purposes.

the purpose of transplanting sea-fish from one fishing ground to another, or shall restrict the landing of sea-fish caught in the course of any such operations.

(2) This section applies to any enactment contained in, or having effect as modified by, sections ten to twelve and section sixteen of this Act, and to any other enactment which provides for regulating the catching or landing of sea-fish.

(3) Subsection (1) of this section shall have effect in addition to, and not in derogation of, any express saving or exemption contained in any enactment to which this section applies, or in any order or byelaw made under such an enactment.

Appointment  
of British  
sea-fishery  
officers.

**18.**—(1) The power conferred on the Ministers by section twenty-five of the Sea Fish Industry Act, 1951, to appoint officers to be British sea-fishery officers shall include power to appoint any officer to exercise and perform the powers and duties of a British sea-fishery officer subject to such limitations as may be specified in the instrument appointing him; and an officer so appointed shall be a British sea-fishery officer within those limitations, but not otherwise, and references in any enactment to British sea-fishery officers shall be construed accordingly.

(2) An appointment made in accordance with the preceding subsection may be limited in any one or more, or any combination, of the following ways, that is to say, by reference—

- (a) to particular matters;
- (b) to a particular area;
- (c) to a particular order or class of orders.

#### *Shellfish*

Power to  
prohibit  
deposit of  
shellfish.

**19.**—(1) The appropriate Minister may by order designate any waters to which this section applies, and prohibit the deposit in those waters of shellfish of any description, or of shellfish of a description specified in the order, being (in either case) shellfish taken (as the order may provide) either—

- (a) from any shellfish bed outside the waters so designated,  
or
- (b) from any shellfish bed in an area specified in the order.

(2) This section applies to the following waters, that is to say—

- (a) all tidal waters (whether forming part of the sea or not) within the seaward limits of the territorial waters adjacent to Great Britain, and
- (b) all inland waters from which, in the opinion of the appropriate Minister, diseases or pests carried by shellfish deposited in them may be conveyed into any such

tidal waters as are mentioned in the preceding paragraph.

(3) An order under this section designating any waters may also designate any land adjacent to those waters, being land from which, in the opinion of the appropriate Minister, diseases or pests carried by shellfish deposited on it may be conveyed into those waters; and any prohibition imposed by the order on depositing shellfish in those waters shall apply also to depositing shellfish on that land.

(4) An order under this section may provide that the prohibition thereby imposed shall not apply to any shellfish if—

(a) they are deposited under the authority of a licence granted by the appropriate Minister, and

(b) the conditions (if any) specified in that licence are complied with.

(5) Where any person deposits any shellfish in any waters or on any land in contravention of an order under this section, and is convicted of an offence under this Act in respect of that contravention, the appropriate Minister shall have power to remove those shellfish from those waters or that land, and also to remove therefrom any other shellfish which, in his opinion, may have become affected by any disease or pest carried by the shellfish so deposited.

(6) The appropriate Minister may cause any shellfish removed under the last preceding subsection to be disposed of (whether by destruction, sale or otherwise) as he may think fit, and shall be entitled to recover from the person convicted as mentioned in that subsection any expenses reasonably incurred by the appropriate Minister in removing the shellfish under that subsection, or in disposing of them under this subsection.

(7) For the purposes of this section a person shall be taken to deposit shellfish in any particular waters if he causes the shellfish to enter those waters; and any reference in this section to depositing shellfish on land includes a reference to throwing down, dropping or otherwise discharging the shellfish on that land.

20.—(1) Where any waters are for the time being designated by an order under the last preceding section, the appropriate Minister may by order made under this section designate any area, consisting of any part of the coast or other land adjacent to those waters, and prohibit shellfish of any description specified in the order from being imported into that area, except at such places (if any) as may be specified in the order.

Power to prohibit importation of shellfish in certain cases.

(2) A person shall be taken to contravene an order under this section if any shellfish to which the prohibition imposed by the order applies are imported in contravention of the order, and he, whether as owner, consignor or consignee, agent or broker, is in possession, or is in any way entitled to the custody or control, of the shellfish at the time when they are imported.

(3) In this section "imported" means imported on board any vessel, whether from a place outside Great Britain or not.

Supple-  
mentary  
provisions as  
to orders  
under ss.  
19 and 20.

**21.**—(1) Where the appropriate Minister makes an order under section nineteen or section twenty of this Act, he shall take such steps (whether by the publication or display of notices or otherwise) as he may consider most suitable for informing all persons concerned of the effect of the order.

(2) Any person who contravenes the provisions of any order made under section nineteen or section twenty of this Act (including any person who contravenes those provisions by not complying with any conditions specified in a licence granted thereunder) shall be guilty of an offence under this subsection, and shall be liable on summary conviction—

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

(3) A person authorised in that behalf by the appropriate Minister (in this section referred to as an "inspector") shall, subject to the next following subsection, have the right, at any reasonable time, to enter any land designated by an order under section nineteen of this Act, or any waters, or land covered by waters, designated by such an order, where either—

- (a) the inspector has reasonable grounds for believing that the prohibition imposed by the order is being or has been contravened, or
- (b) entry is required for the purpose of removing any shellfish which the appropriate Minister is empowered to remove under subsection (5) of that section ;

and an inspector having a right to enter any land or waters under this subsection shall also have the right to obtain and take away samples (which shall be marked, labelled or otherwise made capable of identification) of any shellfish found there, and to dispose of any such sample as the inspector may determine :

Provided that where an inspector enters any land or waters by virtue of paragraph (a) of this subsection, he shall retain

any shellfish so taken for as long as may be necessary to secure that they are available for production in any proceedings for an offence under this section in respect of the contravention in question.

(4) A right of entry under the last preceding subsection shall not be exercisable in respect of any occupied land unless not less than twenty-four hours' notice of the intended entry has been given to the occupier; and the inspector shall, if so required, produce written evidence of his authority before entering.

(5) Any person who obstructs an inspector in the exercise of any right conferred by subsection (3) of this section shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding fifty pounds.

**22.—**(1) This section applies to any waters in which the public Public fisheries. have the right to fish, other than—

(a) waters which, for the purposes of Part III of the Sea Fisheries Act, 1868, are within the limits of a fishery in respect of which a right (whether a right of several fishery or of regulating a fishery) conferred by an order under that Part of that Act, or under the Oyster and Mussel Fisheries Act, 1866, is for the time being in force;

(b) waters (not falling within the preceding paragraph) in which a person has an exclusive right to take shellfish of any description.

(2) The appropriate Minister may take any action which appears to him to be requisite—

(a) for destroying any shellfish which are in any waters to which this section applies and which appear to him to be affected by a disease or pest, or

(b) for eliminating from any such waters any disease or pest affecting shellfish,

and (where he has taken any action in respect of any waters in accordance with paragraph (a) or paragraph (b) of this subsection) for causing those waters to be restocked with shellfish.

**23.—**(1) Any application made after the commencement of this Act for an order under Part III of the Sea Fisheries Act, 1868 (under which orders may be made for the establishment or improvement and the regulation of fisheries for oysters, mussels and cockles) shall be made in such form and manner as may be prescribed by regulations made by the appropriate Minister. Making and variation of orders for several and regulated fisheries.

(2) Where any such application is made, the appropriate Minister may either refuse the application or prepare a draft order and serve a copy of it on the applicants; and section thirty of the said Act of 1868 (under which the applicants are required, among other things, to publish copies of the draft of the order which they propose should be made) shall have effect as if for references therein to such a draft there were substituted references to a draft order prepared by the appropriate Minister under this subsection.

(3) In section thirty-six of the said Act of 1868 (which relates to expenses incurred in consequence of a memorial applying for an order), for references to a memorial and the presentation of a memorial, there shall be substituted respectively references to an application and the making of an application.

(4) Section thirty-seven of the said Act of 1868 (which makes provision as to the coming into operation of orders under Part III of that Act and, in particular, provides that such an order shall, if objection to it is made and is not withdrawn, be subject to special parliamentary procedure) shall cease to have effect.

(5) Any order under Part III of the said Act of 1868, whether made before or after the commencement of this Act, may be varied by a subsequent order made thereunder; and the provisions of the said Part III, and the preceding provisions of this section, shall apply in relation to any such subsequent order, and to any application for such an order, as they apply in relation to an original order made under the said Part III on an application made after the commencement of this Act and to an application for such an order to be made.

(6) The power to make regulations under subsection (1) of this section shall be exercisable by statutory instrument.

Inspection of  
several and  
regulated  
fisheries.

**24.**—(1) This section applies to the provisions of section forty-five of the Sea Fisheries Act, 1868 (which provides for the termination in certain circumstances of the rights conferred by an order under Part III of that Act, and confers powers of inquiry and examination and of requiring information with respect to fisheries comprised in such orders) in so far as those provisions relate to the making of any inquiry or examination, or requiring information, with respect to any such fishery as is therein mentioned, and impose on the grantees or other persons a duty to afford facilities for any such inquiry or examination or to give information.

(2) For the purpose of carrying out any inquiry or examinations in respect of a fishery, in pursuance of the provisions to which this section applies, a person authorised in that behalf by the appropriate Minister shall, subject to the next following

subsection, have the right, at any reasonable time, to enter any land which, for the purposes of Part III of the said Act of 1868, is within the limits of the fishery, and to obtain and take away samples (which shall be marked, labelled or otherwise made capable of identification) of any shellfish found within those limits; and, notwithstanding anything contained in the said Act of 1868, when the purpose for which any such sample was taken has been satisfied, the person by whom the sample was taken may dispose of it as he may determine.

(3) A right of entry under the last preceding subsection shall not be exercisable in respect of any land unless not less than twenty-four hours' notice of the intended entry has been given to the occupier of the land, and also to the grantees or company referred to in the provisions to which this section applies, if they are not the occupiers of the land; and the person exercising the right shall, if so requested, produce written evidence of his authority before entering.

(4) Any duty imposed on any person by the provisions to which this section applies to afford facilities for any inquiry or examination in respect of a fishery shall include a duty to afford facilities for the exercise of any right exercisable in respect of the fishery in accordance with the preceding provisions of this section.

(5) Any person who obstructs an inspector or other person in the exercise of any power or right conferred by the provisions to which this section applies, or by this section, or who refuses or without reasonable excuse fails to provide any information reasonably required by an inspector or other person in the exercise of any such power or right, shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding fifty pounds.

25.—(1) This section applies to any order made (whether before or after the commencement of this Act) under Part III of the Sea Fisheries Act, 1868, being such an order as is mentioned in section forty-one of that Act (which relates to orders which confer a right of regulating a fishery without conferring a right of several fishery). Powers of grantees of regulated fisheries.

(2) The restrictions imposed by an order to which this section applies may include restrictions prohibiting all persons from dredging, fishing for or taking, within the limits of the fishery, shellfish of the description to which the order applies, except under the authority of a licence issued in that behalf by the grantees.

(3) Any power to vary an order to which this section applies shall (without prejudice to the generality of that power) include

power to vary the order (whether made before or after the commencement of this Act) so as to impose restrictions in accordance with the last preceding subsection.

(4) Where an order to which this section applies (either as originally made or as varied) imposes any such restrictions, licences may (subject to the provisions of the order and of this section) be issued thereunder in such numbers and to such persons, and operative for such periods, and may authorise the dredging, fishing for or taking of shellfish at such times, in such manner and to such extent, as the grantees may determine.

(5) Where in pursuance of such an order the grantees propose to issue licences, they shall (unless they propose to issue licences to all such persons as may apply for them) notify the appropriate Minister of their intention; and the appropriate Minister may give directions to the grantees as to the exercise of their powers under the last preceding subsection.

(6) If the grantees issue or withhold licences without complying with the requirements of the last preceding subsection or of any directions given thereunder, then for the purposes of section forty-five of the said Act of 1868 (and without prejudice to the generality of that section) the grantees shall be taken not to be properly carrying into effect the restrictions imposed by the order; but no licence issued in contravention of any such requirements shall be invalid by reason only that it was so issued.

(7) Any licence issued under an order to which this section applies may with the consent of the appropriate Minister be cancelled by the grantees of the fishery if the person to whom the licence is issued, having been convicted of an offence of contravening a restriction imposed by the order, is subsequently convicted of another such offence; but, except as provided by this subsection, a licence so issued shall not be cancelled before it is due to expire, unless the person to whom it was issued dies or surrenders the licence.

(8) So much of the said section forty-one as requires restrictions thereunder to be imposed on and apply to all persons equally shall have effect subject to the preceding provisions of this section.

(9) In this section any reference to the imposition of restrictions includes a reference to the making of regulations.

Grants and loans for restoration of oyster, mussel and cockle fisheries.

**26.**—(1) The appropriate Minister may, with the approval of the Treasury, make grants or loans to any person in respect of any expenses incurred or to be incurred by him in cleansing and reinstating (including restocking) any shellfish beds to which this subsection applies which have been affected by any disease or pest.



(2) The preceding subsection applies—

- (a) to any shellfish bed within the limits of a fishery in respect of which an order under Part III of the Sea Fisheries Act, 1868, or under the Oyster and Mussel Fisheries Act, 1866, is for the time being in force, and
- (b) to any other shellfish bed used for the propagation or cultivation of oysters, mussels or cockles, being a shellfish bed in respect of which a person has an exclusive right to take oysters, mussels or cockles.

*Miscellaneous and supplementary provisions*

27.—(1) The provisions of the First Schedule to this Act shall have effect with respect to charges to which this section applies; and so much of any existing statutory provision as prescribes a procedure for the revision of any such charges, or as confers upon the undertakers any power of revising any such charges with the approval or sanction of the Minister, or within defined limits, shall cease to have effect:

Revision of charges at fishery harbours in England and Wales.

Provided that any such provision conferring upon the undertakers a power of revising any such charge within defined limits shall not cease to have effect by virtue of this subsection unless and until that charge is revised by an order made under the provisions of the First Schedule to this Act.

(2) This section applies to any charges which, in pursuance of any statutory provision (whether passed or made before or after the passing of this Act), are for the time being authorised to be demanded and taken by undertakers in connection with any works at a fishery harbour in England or Wales:

Provided that this section does not apply—

- (a) to charges in connection with any 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 for the harbour in question;
- (b) to any charge which, by the statutory provision authorising the charge, is left to the discretion of the undertakers without any restriction or subject only to a requirement that the charge shall be reasonable.

(3) Any reference (however expressed) in any existing statutory provision to any charges to which this section applies shall be construed as including a reference to charges for the time being authorised by virtue of an order made under the provisions of the First Schedule to this Act.

(4) For the purposes of the promotion by any undertaking of a Bill containing a provision revising any charges to which this section applies, it shall be deemed, notwithstanding the passing of this section, that the objects of that provision cannot be attained except with new authority from Parliament.

(5) In this section "charges" includes rates, tolls, fees and dues of every description, "statutory provision" means a provision whether of a general or a special nature contained in, or in any document made or issued in pursuance of a power conferred by or under, any Act other than this Act, whether of a general or a special nature, "existing statutory provision" means a statutory provision passed or made before the passing of this Act and any local Act passed at any time in the present Session of Parliament, "undertakers", in relation to any charges, includes any persons who, by or under the statutory provision in question, are authorised to demand and take those charges, and "undertaking" shall be construed accordingly, and "the Minister" means the Minister of Agriculture, Fisheries and Food.

(6) This section shall not apply to Scotland.

Rates of interest on sums borrowed by certain harbour authorities.

**28.**—(1) Where, under or by virtue of any order or Act to which this section applies, undertakers are empowered to borrow money at interest at a rate not exceeding that specified in the order or Act, the appropriate Minister shall have power by virtue of this section to authorise the undertakers to borrow money under that order or Act at a rate exceeding the rate so specified.

(2) This section applies to any order made before the commencement of this Act under the General Pier and Harbour Act, 1861, and to any local Act passed before the commencement of this Act in so far as the order or Act in question relates to the construction, improvement, management or maintenance of a fishery harbour in England or Wales, or, in Scotland, of a marine work within the meaning of the Harbours, Piers and Ferries (Scotland) Act, 1937.

Membership of White Fish Authority and Herring Industry Board.

**29.**—(1) The number of persons who, under subsection (2) of section one of the Sea Fish Industry Act, 1951, may be appointed to be members of the White Fish Authority shall be such number as the Ministers may from time to time determine.

(2) The number of persons who, under subsection (1) of section one of the Herring Industry Act, 1938, may be appointed to be members of the Herring Industry Board in addition to the chairman of that Board shall be such number as the Ministers may from time to time determine.

**30.**—(1) The powers conferred on the White Fish Authority by subsection (1) of section four of the Sea Fish Industry Act, 1951, shall include power— Powers of White Fish Authority.

- (a) to provide or acquire, equip and operate plants for making ice 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 ;
- (b) to give financial assistance by way of loan to others to meet capital expenditure incurred in providing, acquiring, reconditioning or improving plants for making ice in Great Britain, if the Authority think it necessary to give such assistance to promote the interests of the fishing industry.

(2) In so far as those powers relate to the matters specified in paragraph (b) of that subsection (which relates to the encouragement of co-operative arrangements in the white fish industry) they shall have effect as if in that paragraph the reference to bringing arrangements into operation included a reference to continuing or extending them.

**31.**—(1) This section applies to any undertaking given to the White Fish Authority by a person to whom the Authority have made a grant, in pursuance of a scheme made before the commencement of this Act under section one of the White Fish and Herring Industries Act, 1953, being an undertaking by virtue of which the use of the vessel or engine in question for fishing outside certain waters is restricted. Modification of undertakings relating to grant-aided vessels and engines.

(2) The Ministers may with the consent of the Treasury direct that the restrictions imposed by undertakings to which this section applies shall be relaxed to such extent as may be specified in the direction.

(3) Any such direction may require the White Fish Authority to take such steps as may be specified therein for bringing the direction to the notice of persons affected thereby.

**32.**—(1) There shall be paid out of moneys provided by Parliament— Financial provisions.

- (a) any expenditure incurred by the Minister of Agriculture, Fisheries and Food or the Secretary of State under section nine, section nineteen, section twenty-one, section twenty-two or section twenty-six of this Act ;
- (b) any increase attributable to this Act in the sums payable out of moneys provided by Parliament under any other Act.

(2) There shall be paid into the Exchequer—

- (a) any receipts of the Minister of Agriculture, Fisheries and Food or of the Secretary of State in pursuance of an order made in accordance with subsection (5) of section eleven of this Act, or in pursuance of subsection (6) of section nineteen of this Act, and any sums received by that Minister or the Secretary of State by way of interest on, or repayment of, loans under section twenty-six of this Act ;
- (b) any increase attributable to this Act in the sums payable into the Exchequer under any other Act.

**Interpretation.**

**33.**—(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say :—

- “ British-owned ”, in relation to a fishing-boat, means owned by a person who is (within the meaning of the Merchant Shipping Act, 1894) a person qualified to own a British ship, or owned by two or more persons any one of whom is (within the meaning of that Act) a person so qualified ;
- “ fishery harbour ” has the same meaning as in section twenty-one of the Sea Fish Industry Act, 1951 ;
- “ fishing-boat ” means a vessel of whatever size, and in whatever way propelled, which is for the time being employed in sea-fishing ;
- “ land ” includes land covered by water ;
- “ migratory trout ” means trout which migrate to and from the sea ;
- “ oyster ” and “ mussel ” have the same meanings as in Part III of the Sea Fisheries Act, 1868 ;
- “ processing ” has the same meaning as in Part I of the Sea Fish Industry Act, 1951 ;
- “ products ”, in relation to fish, means anything produced by processing the fish ;
- “ salmon ” includes any fish of the salmon species ;
- “ sea-fish ” means fish of any description found in the sea, including shellfish and salmon and migratory trout ;
- “ shellfish ” includes crustaceans and molluscs of any kind, and includes any part of a shellfish and any (or any part of any) brood, ware, half-ware or spat of shellfish, and any spawn of shellfish, and the shell, or any part of the shell, of a shellfish, and references in this Act to shellfish of any particular description shall be construed accordingly ;

“shellfish bed” means any bed or ground used for the propagation or cultivation of shellfish ;

“white fish” (subject to subsection (7) of section one of this Act) has the same meaning as in Part I of the Sea Fish Industry Act, 1951.

(2) In this Act “the appropriate Minister”, in relation to England and Wales (and, in section one, in relation to Northern Ireland) means the Minister of Agriculture, Fisheries and Food, and, in relation to Scotland, means the Secretary of State concerned with the sea-fishing industry in Scotland, and “the Ministers”—

(a) except in sections ten to twelve and sections seventeen and eighteen, and subject to the provisions of section thirty-five, of this Act, means the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with the sea-fishing industry in Scotland ;

(b) in sections ten to twelve and section eighteen of this Act, means the Minister of Agriculture, Fisheries and Food, the said Secretary of State, and the Secretary of State concerned with the sea-fishing industry in Northern Ireland ; and

(c) in section seventeen of this Act, means the Minister of Agriculture, Fisheries and Food, the Secretary of State concerned with the sea-fishing industry in Scotland, and the Ministry of Commerce for Northern Ireland.

(3) Subsections (2) and (3) of section thirteen of the White Fish and Herring Industries Act, 1953, and subsection (4) of section one of the White Fish and Herring Industries Act, 1957 (which relate to the construction of references to the length of a vessel and to expenditure incurred in the acquisition of a vessel or engine) shall have effect for the purposes of this Act as they have effect for the purposes of the said Act of 1953.

(4) For the purposes of the application to England and Wales of any provision of this Act relating to fishery harbours, subsection (8) of section twenty-one of the Sea Fish Industry Act, 1951, shall apply as it applies for the purposes of that section.

(5) Except in so far as the context otherwise requires, references in this Act to any enactment are references to that enactment as amended by or under any other enactment, including this Act.

34.—(1) Any power conferred by this Act to make an order Orders. includes power to vary or revoke the order by a subsequent order.

(2) Any power to make orders under any of the following provisions of this Act, that is to say—

(a) sections three to seven, and

(b) sections nineteen and twenty,

shall be exercisable by statutory instrument; and an order under any of the sections mentioned in paragraph (a) of this subsection shall be of no effect unless it is approved by a resolution of the Commons House of Parliament.

(3) Any power to make orders under Part III of the Sea Fisheries Act, 1868, under section two of the Sea-Fishing Industry Act, 1933, or under subsection (1) of section two of the White Fish and Herring Industries Act, 1948, shall be exercisable by statutory instrument; and any instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Where an order under subsection (1) of section seven of the Sea Fish Industry Act, 1959, is made so as to have effect in relation to salmon or migratory trout (whether it is made so as to have effect in relation to any other description of fish or not), then, if the order contains a statement in accordance with subsection (7) of section ten of this Act, the order shall be of no effect unless it is approved by a resolution of each House of Parliament.

(5) Notwithstanding anything in subsection (4) of section twelve of the said Act of 1959, a statutory instrument containing an order to which the last preceding subsection applies shall not be subject to annulment in pursuance of a resolution of either House of Parliament.

Northern  
Ireland.

**35.**—(1) Section twenty of the Sea Fish Industry Act, 1951 (which provides for the extension of Part I of that Act to Northern Ireland) shall have effect as if the following provisions of this Act, that is to say, the provisions—

- (a) of section five, subsection (1) of section six, subsection (1) of section seven, subsection (1) of section twenty-nine, section thirty and the Third Schedule;
- (b) of subsection (3) of section seven in so far as it relates to subsection (1) of that section;
- (c) of section eight in so far as it relates to section four of the White Fish and Herring Industries Act, 1953; and
- (d) of sections thirty-three and thirty-seven, and the Second and Fourth Schedules to this Act, in so far as they have effect for the purposes of any provisions falling within the preceding paragraphs,

were contained in Part I of the said Act of 1951 and had been extended to Northern Ireland (without modification) by an Order in Council under section twenty of that Act; and the power of

Her Majesty to revoke or vary an Order in Council under that section shall accordingly include power to repeal or amend the provisions of this subsection.

(2) Subsections (2) to (4) of section fifteen of the Herring Industry Act, 1935 (which contain consequential provisions relating to the extension of that Act to Northern Ireland) shall have effect as if the following provisions of this Act, that is to say, the provisions—

- (a) of section four, subsection (2) of section six, subsection (2) of section seven and subsection (2) of section twenty-nine ;
- (b) of subsection (3) of section seven in so far as it relates to subsection (2) of that section ;
- (c) of section eight in so far as it relates to section seven of the White Fish and Herring Industries Act, 1953, or to section four of the Herring Industry Act, 1944 ; and
- (d) of sections thirty-three and thirty-seven, and the Second and Fourth Schedules to this Act, in so far as they have effect for the purposes of any provisions falling within the preceding paragraphs,

were contained in the said Act of 1935 and had been extended to Northern Ireland under subsection (1) of section fifteen of that Act.

(3) Subsection (1) of section ten and subsection (1) of section eleven of this Act shall not apply to the imposition of any prohibition or restriction on fishing within the limits of the territorial waters adjacent to Northern Ireland ; and subsection (1) of section twelve of this Act, and the amendment of subsection (1) of section nine of the Sea-Fishing Industry Act, 1933, contained in the Second Schedule to this Act, shall not apply to the landing of salmon or migratory trout in Northern Ireland.

(4) So much of sections ten to twelve of this Act (as modified by the last preceding subsection), and of section thirteen thereof and the amendments effected by paragraphs 5, 10 and 25 of the Second Schedule thereto, as relates to matters in respect of which the Parliament of Northern Ireland has power to make laws shall be deemed for the purposes of section six of the Government of Ireland Act, 1920, to be contained in an Act passed before the day appointed for the purposes of that section.

(5) Sections three, nine, fourteen, fifteen, nineteen to twenty-eight and thirty-one of, and the First Schedule to, this Act shall not extend to Northern Ireland.

**36.**—(1) Section sixteen of this Act shall extend to the Channel Islands and the Isle of Man. Channel  
Islands and  
Isle of Man.

(2) In section eleven of the Sea Fish Industry Act, 1959 (which provides for the extension to the Channel Islands and the Isle of Man of certain enactments, including section seven of that Act and section two of the White Fish and Herring Industries Act, 1948), references to the said section seven and the said section two shall be construed as referring to those sections as amended by the Second Schedule to this Act, and as including references—

(a) to sections ten and eleven of this Act, and

(b) to section thirteen of this Act except in so far as it relates to offences under section twelve of this Act.

(3) Her Majesty may by Order in Council direct that, subject to such extensions, adaptations and modifications (if any) as may be specified in the Order, the provisions of sections fifteen and seventeen of this Act shall extend to the Isle of Man or any of the Channel Islands.

**Amendments  
and repeals.**

**37.—**(1) Subject to the following subsection—

(a) the enactments specified in the Second Schedule to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the preceding provisions of this Act ;

(b) the Sea Fish Industry Act, 1951, shall have effect subject to the further amendments specified in the Third Schedule to this Act, being amendments for extending the provisions of that Act so as to apply to certain classes of vessels which are not fishing vessels as defined in that Act ;

(c) the enactments specified in Part I of the Fourth Schedule to this Act are hereby repealed to the extent specified in relation thereto in the third column of that Schedule ; and the statutory instrument specified in Part II of that Schedule is hereby revoked to the extent specified in that column.

(2) The amendment or repeal of any enactment by this Act shall not have effect so as to restrict the expenditure in respect of which grants may be made in pursuance of any scheme made before the commencement of this Act under section one or section six of the White Fish and Herring Industries Act, 1953, or so as to reduce or prevent the payment of any grant made under such a scheme ; and the amendment by this Act of subsection (3) of section two of the White Fish and Herring Industries Act, 1948, shall not have effect in relation to any contravention of subsection (1) of that section committed before the passing of this Act.

**Short title.**

**38.** This Act may be cited as the Sea Fish Industry Act, 1962.



## SCHEDULES

### FIRST SCHEDULE

Section 27.

#### PROCEDURE FOR REVISING CHARGES AT FISHERY HARBOURS

1. An application may be made to the Minister at any time—
  - (a) by the undertakers, or
  - (b) by any person, or any body representative of persons, appearing to the Minister to have a substantial interest,for the revision of any charges to which section twenty-seven of this Act applies.
2. If, on any such application with respect to any of the charges which the undertakers are authorised to demand and take, the Minister is satisfied that in the circumstances then existing it is proper to do so, he may (subject to the following provisions of this Schedule) make an order revising all or any of those charges, whether or not the subject matter of the application, including any classification by reference to which the amount of any of those charges is to be determined.
3. Subject to the following provisions of this Schedule, an order under the last preceding paragraph may revise any of the charges in question in such manner, and with effect from such date, as the Minister may think fit; and any such order shall have effect notwithstanding anything in any statutory provision relating to the subject matter of the order.
4. On an application under this Schedule the Minister shall not vary any charge other than those to which the application relates except after consultation with the undertakers, and such other persons, or such bodies representative of other persons, appearing to him to have a substantial interest as may appear to him appropriate.
5. Where on an application under this Schedule for an increase or decrease in any charge the Minister has made an order, or has decided that it is not proper to make an order, the Minister shall not entertain an application for a further increase, or, as the case may be, a further decrease in that charge, or for a further revision of any other charge revised by the order (if any) so made, if that application is made before the end of the period of twelve months from the date of the making of the order, or, as the case may be, from the date when the Minister gave notice of his decision not to make an order.
6. In making an order on an application under this Schedule, the Minister shall have regard to the financial position and future prospects of the undertaking, and (subject to the next following paragraph) shall not make any revision of charges which in his opinion would be likely to result in the undertaking receiving an annual revenue either substantially less or substantially more than adequate to meet such expenditure on the working, management

**1st Sch.** and maintenance of the undertaking, and such other costs, charges and expenses of the undertaking, as are properly chargeable to revenue, including reasonable contributions to any reserve, contingency or other fund, and, where appropriate, a reasonable return upon the paid-up share capital of the undertaking.

7. Where the Minister is satisfied that, in view of the financial position of the undertaking during such period immediately preceding the application as may appear to him appropriate, there are special circumstances affecting the undertaking, the Minister may make such revision of charges as he may consider just and reasonable in the light of those special circumstances, notwithstanding that it is in his opinion likely to result in the undertaking receiving an annual revenue substantially less than adequate for the purposes mentioned in the last preceding paragraph.

8. Where an application is made under this Schedule, the applicant, and, where the application is made otherwise than by the undertakers, the undertakers shall furnish the Minister with such information and particulars, certified in such manner, as the Minister may require; and the applicant shall publish in such newspapers as the Minister may require a notice stating—

- (a) the general effect of the application, and
- (b) that, within a period of forty-two days from the date of the first publication of the notice, any person having a substantial interest may object to the application by giving notice to the Minister, accompanied by the grounds of his objection, with a copy to the applicant.

9. Before making an order on an application under this Schedule, the Minister shall, if required by the applicant or by any person who has objected to the application and has not withdrawn his objection, or, where the order would vary any charge other than those to which the application relates, by any person or body whom he has consulted in pursuance of paragraph 4 of this Schedule, and in any other case may if he thinks fit, cause a local inquiry to be held by such person as he may appoint for the purpose.

10. Where an inquiry is held under the last preceding paragraph, subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the giving of evidence at, and defraying the cost of, local inquiries), shall apply as if it were an inquiry held in pursuance of subsection (1) of that section and the undertakers were a local authority.

11. Any order under this Schedule may be varied or revoked by a subsequent order made thereunder.

12. Any power to make orders under this Schedule shall be exercisable by statutory instrument.

13. Any reference in this Schedule to the revision or variation of charges shall be construed as including a reference to amending or varying the statutory provision in question so as to impose new charges (in addition to those previously authorised) either in

respect of the same works or in respect of any new works constructed or to be constructed for use in connection therewith; and (without prejudice to the generality of this paragraph) paragraphs 4 and 9 of this Schedule shall apply to the imposition of new charges not proposed in the application as they apply to the variation of charges other than those to which the application relates.

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14. Subject to the last preceding paragraph, expressions used in this Schedule and in section twenty-seven of this Act have the same meanings in this Schedule as in that section.

## SECOND SCHEDULE

Section 37.

### CONSEQUENTIAL AMENDMENT OF ENACTMENTS

#### *The Sea Fisheries Act, 1868*

1. In section twenty-nine, for the words "by a memorial in that behalf presented to the Board of Trade" there shall be substituted the words "made in accordance with subsection (1) of section twenty-three of the Sea Fish Industry Act, 1962".

2. In section thirty, for the words from "on consideration of the memorial" to "the Board of Trade require" there shall be substituted the words "a draft order is prepared and a copy thereof is served on the promoters in accordance with the said section twenty-three, the promoters shall cause printed copies of the draft order".

3. In section thirty-three, for the word "approved" there shall be substituted the word "made".

4. In section thirty-six, for the word "memorial", in the first place where it occurs, there shall be substituted the word "application", and for the words "presentation of the memorial" there shall be substituted the words "making of the application".

#### *The Sea-Fishing Industry Act, 1933*

5. In section two, in subsections (3) and (4), for the words from "during" to "section" there shall be substituted the words "while any order under this section is in force".

6. In subsection (1) of section nine, in the definition of "sea-fish", after the word "but" there shall be inserted the words "(except in section two of this Act)".

#### *The Herring Industry Act, 1935*

7. In section seven, after the words "four million pounds" there shall be added the words "or such greater amount as may be prescribed by an order for the time being in force under subsection (2) of section six of the Sea Fish Industry Act, 1962".

#### *The Herring Industry Act, 1938*

8. In section one, in subsection (1), the words "and two other members" shall be omitted, and after the words "the Ministers" there shall be inserted the words "and such number of other members so appointed as the Ministers may from time to time determine".

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*The Herring Industry Act, 1944*

9. In section four, in subsection (7), for the words "expiration of the period of ten years beginning with the date of the passing of the White Fish and Herring Industries Act, 1953" there shall be substituted the words "end of the year nineteen hundred and seventy-two".

*The White Fish and Herring Industries Act, 1948*

10.—(1) In section two, in subsection (2), for the words from "secure" to the end of the subsection there shall be substituted the words "exercise those powers in such a way as appears to them to be likely to cause the least possible hardship".

(2) In subsection (3) of that section, after the word "forfeiture" there shall be inserted the words "of any fish in respect of which the contravention was committed and".

(3) In subsection (5) of that section, after the word "seize" there shall be inserted the words "any fish caught by the use of a fishing boat in contravening subsection (1) of this section, where the fish are on the fishing boat or are in the ownership or custody, or under the control, of the owner or master or the charterer (if any) of the fishing boat, and", and for the words "an order under this subsection" there shall be substituted the words "this subsection and any order made thereunder".

11. In section five, in subsection (1), for the words "during the period beginning with" there shall be substituted the word "after", the words "and ending ten years after the passing of the White Fish and Herring Industries Act, 1953" shall be omitted, and after the word "approved" there shall be inserted the words "before the end of the year nineteen hundred and seventy-two"; and the words from "not exceeding" to "pounds" shall be omitted, and after the word "determine" there shall be added the words "not exceeding in the aggregate four million pounds, or such greater amount as may be prescribed by an order for the time being in force under section four of the Sea Fish Industry Act, 1962".

*The Sea Fish Industry Act, 1951*

12. In section one, in subsection (2), for the words "five members appointed by the Ministers, and of the five" there shall be substituted the words "such number of members appointed by the Ministers as the Ministers may from time to time determine, and of those members".

13. In section four, in subsection (1), at the end of paragraph (b), there shall be inserted the words "or in continuing or extending any such arrangements"; in paragraph (f) of that subsection, after the words "Great Britain" there shall be inserted the words "or for making ice in Great Britain"; and after paragraph (g) of that subsection there shall be inserted the following paragraph:—

"(gg) to give financial assistance by way of loan to others to meet capital expenditure incurred in providing, acquiring, reconditioning or improving plants for making

ice in Great Britain, if the Authority think it necessary to give such assistance to promote the interests of the fishing industry”.

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14. In section fifteen, in subsection (2), for the words “twenty-five million pounds” there shall be substituted the words “thirty million pounds, or such greater amount as may be prescribed by an order for the time being in force under subsection (1) of section six of the Sea Fish Industry Act, 1962”.

15.—(1) In section seventeen, in subsection (1), there shall be inserted at the beginning the words “Subject to the provisions of subsection (3) of section seven of the Sea Fish Industry Act, 1962”; the words from “during the period” to “White Fish and Herring Industries Act, 1953” shall be omitted; and at the end of the subsection there shall be added the words “so long as the amount outstanding at any time of the sums advanced does not exceed thirty million pounds, or such greater amount as may be prescribed by an order for the time being in force under subsection (1) of section seven of the Sea Fish Industry Act, 1962”.

(2) After subsection (1), there shall be inserted the following subsection:—

“(1A) The foregoing subsection shall not be construed as extending the powers of the Authority to borrow money under subsection (2) of section fifteen of this Act.”

(3) In subsection (2) of that section, the words “During the said period” shall be omitted; after the word “Treasury” there shall be inserted the words “given before the end of the year nineteen hundred and seventy-two”; for the words “one million pounds” there shall be substituted the words “two million pounds, or such greater amount as may be prescribed by an order for the time being in force under section five of the Sea Fish Industry Act, 1962”; and at the end of the subsection there shall be added the words “or any expenditure incurred by the Authority in the exercise of the powers conferred on them by subsection (1) of section four of this Act to do any of the things mentioned in paragraph (f) of that subsection.”

#### *The White Fish and Herring Industries Act, 1953*

16.—(1) In section one, in subsection (1), for paragraphs (a) and (b) there shall be substituted the following paragraphs:—

“(a) in the acquisition of any vessel to which this section applies;

(b) in the acquisition, installation, modification, renewal or replacement of any part of a vessel to which this section applies, or of an engine, or any part of an engine, or of for such a vessel, or of any relevant equipment required for, or installed or used on, such a vessel”.

and at the end of that subsection there shall be inserted the following proviso:—

“Provided that no such grant shall be made in respect of expenditure incurred in the acquisition of any secondhand vessel, engine, part, equipment or apparatus”.

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(2) In subsection (3) of that section, for the words from "for the catching or landing of white fish" to the end there shall be substituted the words "in carrying on any of the activities specified in the next following subsection".

(3) After the said subsection (3) there shall be inserted the following subsection:—

"(3A) This section applies to any vessel registered or intended to be registered in Great Britain, being a vessel engaged or to be engaged in any of the following activities, that is to say, catching or processing white fish or transporting white fish or the products of white fish; and in this section—

'relevant equipment', in relation to a vessel to which this section applies, means equipment or apparatus of any description constructed or adapted for the purposes of the particular activities referred to in this subsection by virtue of which the vessel is one to which this section applies; and for the purposes of this definition equipment constructed or adapted for the purpose of transferring white fish from one vessel to another shall be treated as equipment constructed or adapted for the purposes of those activities; and

'white fish' has the same meaning as in Part I of the Sea Fish Industry Act, 1951".

17. In section four, in subsection (2), for the words "expiration of the period of ten years beginning with the passing of this Act", and in subsection (6), for the words "expiration of the period of ten years beginning with the date of the passing of this Act", there shall be substituted the words "end of the year nineteen hundred and seventy-two".

18.—(1) In section five, in subsection (1), for the words from "grants" to "United Kingdom" there shall be substituted the words "to the owners or charterers of vessels registered in the United Kingdom, being vessels engaged in catching white fish, or in processing or transporting white fish caught by vessels registered in the United Kingdom or the products of any such white fish, grants".

(2) In subsection (2) of that section (as set out in section two of the White Fish and Herring Industries Act, 1957) for the words from "white fish" to "or in respect" there shall be substituted the words—

"(a) white fish landed from the vessel in the United Kingdom,  
or

(b) voyages made by the vessel for any one or more of the following purposes, that is to say—

(i) catching white fish;

(ii) processing white fish, being fish caught wholly or mainly by the vessel in question, or by other vessels registered in the United Kingdom, or by the vessel in question and by other vessels so registered;

(iii) transporting such white fish as are mentioned in the last preceding sub-paragraph, or the products of such white fish,

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where (in any such case) it is part of the purpose that the fish or the products of the fish are to be landed in the United Kingdom, whether by the vessel which caught them or by another vessel, or

(c) any such other matter as may be specified in the scheme, or in respect."

(3) In subsection (3) of that section (as set out in the said section two) for the words from "first day of May", in the first place where they occur, to the end there shall be substituted the words "first day of January, nineteen hundred and seventy-three".

19.—(1) In section six, in subsection (1), for paragraphs (a) and (b) there shall be substituted the following paragraphs:—

"(a) in the acquisition of any vessel to which this section applies;

(b) in the acquisition, installation, modification, renewal or replacement of any part of a vessel to which this section applies, or of an engine, or any part of an engine, or of for such a vessel, or of any relevant equipment required for, or installed or used on, such a vessel",

and at the end of that subsection there shall be inserted the following proviso:—

"Provided that no such grant shall be made in respect of expenditure incurred in the acquisition of any secondhand vessel, engine, part, equipment or apparatus".

(2) In subsection (4) of that section, for the words "for the catching or landing of herring" there shall be substituted the words "in carrying on any of the activities specified in the next following subsection".

(3) After subsection (4) of that section, there shall be inserted the following subsection:—

"(4A) This section applies to any vessel registered or intended to be registered in Great Britain, being a vessel engaged or to be engaged in any of the following activities, that is to say, catching or processing herring or transporting herring or the products of herring; and in this section 'relevant equipment', in relation to a vessel to which this section applies, means equipment or apparatus of any description constructed or adapted for the purposes of the particular activities referred to in this subsection by virtue of which the vessel is one to which this section applies; and for the purposes of this subsection equipment constructed or adapted for the purpose of transferring herring from one vessel to another shall be treated as equipment constructed or adapted for the purposes of those activities."

20. In section seven, in subsection (2), after the words "section seven" there shall be inserted the words "and subsection (3) of section seven of the Sea Fish Industry Act, 1962", and the words from "during the period" to "the passing of this Act" shall be omitted, and for the words "three million five hundred thousand pounds" there shall be substituted the words "four million pounds,

## 2ND SCH.

or such greater amount as may be prescribed by an order for the time being in force under subsection (2) of section seven of the Sea Fish Industry Act, 1962"; and in subsection (5), for the words "expiration of the period of ten years beginning with the date of the passing of this Act" there shall be substituted the words "end of the year nineteen hundred and seventy-two".

*The White Fish and Herring Industries Act, 1957*

21.—(1) In section one, for subsection (2) there shall be substituted the following subsection:—

"(2) No grant shall be made in pursuance of a scheme under section one or section six of the principal Act except in pursuance of an application approved by the Authority or the Board, as the case may be, in accordance with the scheme before the first day of January, nineteen hundred and seventy-three".

(2) For subsection (3) of that section there shall be substituted the following subsection:—

"(3) The amount of a grant which may be made in pursuance of a scheme under section one or section six of the principal Act in respect of any expenditure shall not exceed the following amount, that is to say—

- (a) where the vessel in question is less than eighty feet in length, three-tenths of the expenditure, or
- (b) in any other case, one-quarter of the expenditure".

(3) After the said subsection (3) there shall be inserted the following subsection:—

"(3A) Subsections (6) and (7) of section three of the Sea Fish Industry Act, 1962, shall have effect in relation to the making of grants in pursuance of schemes under section one or section six of the principal Act."

(4) In subsection (4) of that section, for the words "a new engine" there shall be substituted the words "an engine".

22.—(1) In section three, in subsection (1), for the words from "grants" to "United Kingdom" there shall be substituted the words "to the owners or charterers of vessels registered in the United Kingdom, being vessels engaged in catching herring, or in processing or transporting herring caught by vessels registered in the United Kingdom or the products of any such herring, grants".

(2) In subsection (2) of that section, for the words from "herring", where that word first occurs, to "or in respect" there shall be substituted the words—

- "(a) herring landed from the vessel in the United Kingdom, or
- (b) voyages made by the vessel for any one or more of the following purposes, that is to say—
  - (i) catching herring;
  - (ii) processing herring, being herring caught wholly or mainly by the vessel in question, or by other vessels registered in the United Kingdom, or by the vessel in question and by other vessels so registered;



(iii) transporting such herring as are mentioned in the last preceding sub-paragraph, or the products of such herring,

where (in any such case) it is part of the purpose that the herring or the products of the herring are to be landed in the United Kingdom, whether by the vessel which caught them or by another vessel, or

(c) any such other matter as may be specified in the scheme, or in respect ”

(3) In subsection (3) of that section, for the words from “ first day of May ”, in the first place where they occur, to the end there shall be substituted the words “ first day of January, nineteen hundred and seventy-three ”.

23. In section four, after the word “ prescribed ” there shall be inserted the words “ from time to time ”; and at the end of the section there shall be added the following proviso :—

“ Provided that an order under this section shall not increase the aggregate amount of the grants by more than five million pounds at any one time ”.

24. In section six, in subsection (1), there shall be added at the end the words “ and ‘ the principal Act ’ means the White Fish and Herring Industries Act, 1953 ”.

#### *The Sea Fish Industry Act, 1959*

25.—(1) In section seven, in paragraph (c) of subsection (1), for the words “ by any method specified in the order ” there shall be substituted the words “ or for any description of sea-fish specified in the order, by any method so specified ”.

(2) For subsection (2) of that section there shall be substituted the following subsection :—

“ (2) Where an order under subsection (1) of this section is made in respect of a description of sea-fish specified in the order, and, in the course of any fishing operations conducted in an area so specified and at a time when a prohibition imposed by the order in relation to sea-fish of that description has effect in that area, any sea-fish of that description (or, if the prohibition applies only to fishing for sea-fish of that description by a method specified in the order, any sea-fish of that description caught by that method) are taken on board a fishing-boat to which the obligation imposed by this subsection applies, those sea-fish shall be returned to the sea forthwith ”.

(3) In subsection (6) of that section, after the words “ subsection (1) of this section ” there shall be inserted the words “ and any fish caught in contravention of such a prohibition, where the fish are on the fishing-boat used in contravention of the prohibition or are in the ownership or custody, or under the control, of the owner or master or the charterer (if any) of the fishing-boat ”, and for the words “ an order under this subsection ” there shall be substituted the words “ this subsection and any order made thereunder ”.

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26. In section thirteen, in subsection (1), for the definition of "sea-fish" there shall be substituted the words "'sea-fish' has the same meaning as in the Sea Fish Industry Act, 1962", the definition of "shell-fish" shall be omitted, and, in the definition of "the Ministers", for the words "sections one and two" there shall be substituted the words "section one".

## Section 37.

## THIRD SCHEDULE

## FURTHER AMENDMENTS OF SEA FISH INDUSTRY ACT, 1951

1. In section four, in paragraphs (b), (e) and (g) of subsection (1), for the words "fishing vessels", wherever they occur, there shall be substituted the words "vessels to which this Part of this Act applies"; in subsection (2), for the words "fishing vessels for the catching and landing of white fish" there shall be substituted the words "vessels to which this Part of this Act applies for catching or processing white fish or for transporting white fish or the products of white fish"; and in subsection (3), for the words "fishing vessel for the catching and landing of white fish" there shall be substituted the words "vessel for catching or processing white fish or for transporting white fish or the products of white fish".

2. In section five, in subsection (1), in paragraph (a), for the words "fishing vessels" there shall be substituted the words "vessels to which this Part of this Act applies, being vessels", and in paragraph (b), the word "fishing" shall be omitted; in paragraph (a) of subsection (2), in sub-paragraph (i), for the words "fishing vessels" there shall be substituted the words "vessels to which this Part of this Act applies", and in sub-paragraph (ii), for the word "fishing" there shall be substituted the word "such"; and in subsection (8), for the words "fishing vessel" there shall be substituted the words "vessel to which this Part of this Act applies", and for the word "skipper" there shall be substituted the word "master".

3. In section seven, in subsection (3), for the words "fishing vessels" there shall be substituted the words "vessels to which this Part of this Act applies".

4. In section eight, in subsection (1), for the words "fishing vessel", in the first place where those words occur, there shall be substituted the words "vessel to which this Part of this Act applies, being a vessel", and the word "fishing", in the second, third and fourth places where it occurs, shall be omitted; in subsection (2), for the words "fishing vessel" there shall be substituted the words "vessel to which this Part of this Act applies"; in the said subsection (2) and in subsections (6) and (7), for the word "skipper" there shall be substituted the word "master"; in subsections (7) and (8), for the words "fishing vessels" there shall be substituted the words "vessels to which this Part of this Act applies"; and in subsection (10), for the word "fishing" there shall be substituted the word "any".

5. In section eleven, in subsection (2), for the words "fishing vessel" there shall be substituted the words "vessel to which this Part of this Act applies".

6. In section twelve, in subsection (1), for the words "fishing vessel" there shall be substituted the words "vessel to which this Part of this Act applies, being a vessel".

7. In section fourteen, in subsection (2), for the words "skipper of a fishing boat" there shall be substituted the words "master of a vessel engaged in catching or processing sea fish or transporting sea fish or the products of sea fish", for the words "of the boat" there shall be substituted the words "of the vessel", and for the words "transmitted to the skipper" there shall be substituted the words "transmitted to the master".

8. In section eighteen, in paragraph (b) of subsection (3), the word "fishing" shall be omitted, and for the words "caught by the vessel while so used" there shall be substituted the words "caught or transported by the vessel, or (as the case may be) the value of the products of the fish processed thereon or of the products transported thereby, while the vessel was so used".

9. In section nineteen, the definition of "fishing vessel" shall be omitted; after the definition of "prescribed" there shall be inserted the words "'products', in relation to fish, means anything produced by processing the fish"; in the definition of "processing", for the words "manufacturing products" there shall be substituted the words "producing any substance or article"; and in the definition of "white fish industry", for the words "fishing vessels for the catching or landing of white fish" there shall be substituted the words "vessels to which this Part of this Act applies for catching or processing white fish or for transporting white fish or the products of white fish"; and at the end of the section there shall be added the following subsection:—

"(2) Any reference in this Part of this Act to a vessel to which this Part of this Act applies is a reference to a vessel (of whatever size and in whatever way propelled) which either—

- (a) being registered in Great Britain, is for the time being employed in the business of catching or processing sea-fish, or transporting sea-fish or the products of sea-fish, or
- (b) not being registered in Great Britain, is for the time being employed in the business of making voyages for the purpose of catching or processing sea-fish, or transporting sea-fish or the products of sea-fish, where (in any such case) it is part of the purpose of the voyage that the fish or the products of the fish are to be landed in Great Britain, whether by the vessel which caught them or by another vessel :

Provided that, for the purposes of the application of this subsection to any enactment contained in this Part of this Act which relates to the provision, acquisition or equipment of vessels, paragraphs (a) and (b) of this subsection shall apply with the substitution, for the word 'registered', of the words 'intended to be registered', and for the words 'is for the time being employed', of the words 'is to be employed'."

## Section 37.

## FOURTH SCHEDULE

## REPEALS AND REVOCATION

## PART I

## ENACTMENTS REPEALED

| Session and Chapter       | Short Title                                          | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 31 & 32 Vict.<br>c. 45.   | The Sea Fisheries Act, 1868.                         | Sections thirty-seven to thirty-nine.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 40 & 41 Vict.<br>c. 42.   | The Fisheries (Oyster, Crab, and Lobster) Act, 1877. | Section seven.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 1 & 2 Geo. 6.<br>c. 30.   | The Sea Fish Industry Act, 1938.                     | In section fifty-eight, subsection (3).<br><br>In section sixty-one, in subsection (2), the words from "and section thirty-seven" to "section fifty-eight".                                                                                                                                                                                                                                                                                                                                                                         |
| 1 & 2 Geo. 6.<br>c. 42.   | The Herring Industry Act, 1938.                      | In section one, in subsection (1), the words "and two other members".                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 11 & 12 Geo. 6.<br>c. 51. | The White Fish and Herring Industries Act, 1948.     | In section five, in subsection (1), the words from "and ending" to "White Fish and Herring Industries Act, 1953", and the words from "not exceeding" to "pounds".                                                                                                                                                                                                                                                                                                                                                                   |
| 14 & 15 Geo. 6.<br>c. 30. | The Sea Fish Industry Act, 1951.                     | In section five, in paragraph (b) of subsection (1), the word "fishing".<br>In section eight, in subsection (1), the word "fishing" in the second, third and fourth places where it occurs.<br>In section seventeen, in subsection (1), the words from "during the period" to "White Fish and Herring Industries Act, 1953"; and in subsection (2), the words "During the said period".<br>In section eighteen, in paragraph (b) of subsection (3), the word "fishing".<br>In section nineteen, the definition of "fishing vessel". |
| 1 & 2 Eliz. 2.<br>c. 17.  | The White Fish and Herring Industries Act, 1953.     | Section three.<br>In section five, in subsection (5), the definition of "the inshore, near and middle waters".<br>In section six, subsection (2).<br>In section seven, in subsection (2), the words from "during the period" to "the passing of this Act".<br>Section eight.                                                                                                                                                                                                                                                        |

4TH SCH.

| Session and Chapter                   | Short Title                                                   | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 & 2 Eliz. 2.<br>c. 17— <i>cont.</i> | The White Fish and Herring Industries Act, 1953— <i>cont.</i> | In section thirteen, in subsection (1), the words "or order"; and in subsection (3), the word "new" in the first place where it occurs, and the words from "and any such reference" to the end.                                                                                                                                                                                           |
| 3 & 4 Eliz. 2.<br>c. 7.               | The Fisheries Act, 1955.                                      | Section one.                                                                                                                                                                                                                                                                                                                                                                              |
| 5 & 6 Eliz. 2.<br>c. 22.              | The White Fish and Herring Industries Act, 1957.              | In section one, subsection (1); in subsection (4), at the end of paragraph (a), the word "and", and paragraph (b); subsection (5); and, in subsection (6), the words from "'working owner'" to the end.                                                                                                                                                                                   |
| 8 & 9 Eliz. 2.<br>c. 7.               | The Sea Fish Industry Act, 1959.                              | In section three, in subsection (2), the words from "but no such grant" to the end.<br>In section five, in subsection (4), the words from "and an order" to "of this Act".                                                                                                                                                                                                                |
| 9 & 10 Eliz. 2.<br>c. 18.             | The White Fish and Herring Industries Act, 1961.              | Section two.<br>In section eight, paragraph (b) of subsection (2).<br>In section nine, paragraph (d) of subsection (1), and subsection (2).<br>In section twelve, in subsection (2), the words "section two or"; and subsection (3).<br>In section thirteen, the definition of "shell-fish".<br>In section fourteen, in subsection (1), the words "except section two".<br>The whole Act. |

## PART II

## STATUTORY INSTRUMENT

| Number of Instrument  | Title                                                                | Extent of Revocation                                                                    |
|-----------------------|----------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| S.I. 1949<br>No. 2393 | The Statutory Orders (Special Procedure) (Substitution) Order, 1949. | In the First and Second Schedules, the entries relating to the Sea Fisheries Act, 1868. |

Table of Statutes referred to in this Act

| Short Title                                                        | Session and Chapter         |
|--------------------------------------------------------------------|-----------------------------|
| General Pier and Harbour Act, 1861 ... ..                          | 24 & 25 Vict. c. 45.        |
| Oyster and Mussel Fisheries Act, 1866 ... ..                       | 29 & 30 Vict. c. 85.        |
| Sea Fisheries Act, 1868 ... ..                                     | 31 & 32 Vict. c. 45.        |
| Sea Fisheries Act, 1883 ... ..                                     | 46 & 47 Vict. c. 22.        |
| Merchant Shipping Act, 1894 ... ..                                 | 57 & 58 Vict. c. 60.        |
| Government of Ireland Act, 1920 ... ..                             | 10 & 11 Geo. 5. c. 67.      |
| Salmon and Freshwater Fisheries Act, 1923 ... ..                   | 13 & 14 Geo. 5. c. 16.      |
| Sea-Fishing Industry Act, 1933 ... ..                              | 23 & 24 Geo. 5. c. 45.      |
| Local Government Act, 1933 ... ..                                  | 23 & 24 Geo. 5. c. 51.      |
| Herring Industry Act, 1935 ... ..                                  | 25 & 26 Geo. 5. c. 9.       |
| Harbours, Piers and Ferries (Scotland) Act, 1937... ..             | 1 Edw. 8 & 1 Geo. 6. c. 28. |
| Herring Industry Act, 1938 ... ..                                  | 1 & 2 Geo. 6. c. 42.        |
| Herring Industry Act, 1944 ... ..                                  | 7 & 8 Geo. 6. c. 32.        |
| River Boards Act, 1948 ... ..                                      | 11 & 12 Geo. 6. c. 32.      |
| White Fish and Herring Industries Act, 1948 ... ..                 | 11 & 12 Geo. 6. c. 51.      |
| Salmon and Freshwater Fisheries (Protection) (Scotland) Act, 1951. | 14 & 15 Geo. 6. c. 26.      |
| Sea Fish Industry Act, 1951 ... ..                                 | 14 & 15 Geo. 6. c. 30.      |
| White Fish and Herring Industries Act, 1953 ... ..                 | 1 & 2 Eliz. 2. c. 17.       |
| White Fish and Herring Industries Act, 1957 ... ..                 | 5 & 6 Eliz. 2. c. 22.       |
| Sea Fish Industry Act, 1959 ... ..                                 | 8 & 9 Eliz. 2. c. 7.        |

## CHAPTER 32

An Act to extend certain provisions of the Marriage Act, 1949, to Wales and Monmouthshire. [3rd July, 1962]

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

**1.**—(1) The following provisions of the Marriage Act, 1949 (which, being among the provisions specified in the Sixth Schedule to that Act, do not extend to Wales or Monmouthshire), that is to say,—

subsection (4) of section six

section nine

subsection (2) of section eleven

paragraph (b) of subsection (1) of section fifteen

paragraph (b) of subsection (1) of section sixteen, so far as it relates to marriages to be solemnized in the usual place of worship of one of the parties

Publication of banns, etc. in usual place of worship or by layman.

12, 13 & 14  
Geo. 6. c. 76.

subsection (3) of section thirty-five  
section seventy-two

shall extend to Wales and Monmouthshire; and accordingly the said Sixth Schedule shall be amended by the omission of the references to those provisions.

(2) In its application to Wales and Monmouthshire section seventy-two of the Marriage Act, 1949, shall have effect as if it defined the expression "church electoral roll" as meaning an electoral roll of a parish kept in accordance with the constitution and regulations of the Church in Wales for the time being in force.

2. Any parish which is treated for the purposes of the Welsh Church Act, 1914, as being wholly within or wholly without Wales or Monmouthshire shall be so treated also for the purposes of the Marriage Act, 1949, and of this Act.

Meaning of  
Wales and  
Monmouth-  
shire.

3.—(1) This Act may be cited as the Marriage (Wales and Monmouthshire) Act, 1962.

Short title  
and citation.

(2) This Act, the Marriage Acts, 1949 to 1960, and the Marriage (Secretaries of Synagogues) Act, 1959, may be cited together as the Marriage Acts, 1949 to 1962.

7 & 8 Eliz. 2.  
c. 13.

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## CHAPTER 33

### *Health Visiting and Social Work (Training) Act, 1962*

#### ARRANGEMENT OF SECTIONS

##### Section

1. Councils for training of health visitors and training in social work.
2. Functions of Council for the Training of Health Visitors.
3. Functions of Council for Training in Social Work.
4. Expenses of Councils.
5. Powers of Ministers and local authorities with respect to research.
6. Exercise of powers of Privy Council.
7. Short title, interpretation, commencement and extent.

##### SCHEDULES:

- First Schedule—Constitution, etc., of Councils.  
Second Schedule—Advisory Committees.

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An Act to establish two Councils with functions relating to the training of health visitors and training in social work; to extend the powers of the Minister of Health, the Secretary of State and local authorities with respect to research into matters of social welfare; and for purposes connected therewith. [3rd July, 1962]

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

Councils for training of health visitors and training in social work.

1.—(1) There shall be constituted two Councils, to be called respectively the Council for the Training of Health Visitors and the Council for Training in Social Work, which shall have such functions relating to the training of health visitors and training in social work as are or may be assigned to them by or under the following provisions of this Act.

(2) The provisions of the First Schedule to this Act shall have effect with respect to the constitution and proceedings of the Councils and the keeping and audit of their accounts; and the provisions of the Second Schedule to this Act shall have effect with respect to the establishment of committees to advise the Councils on the exercise of their functions so far as they concern Scotland and Northern Ireland.

(3) Each of the Councils may appoint such officers and servants, upon such terms as to remuneration, pension rights and other conditions of service, as the Council may, with the approval of the Health Ministers, determine.

(4) Each of the Councils may pay to its members and to the members of any committee appointed by it such travelling, subsistence and other allowances as the Council may, with the approval of the Health Ministers, determine.

Functions of Council for the Training of Health Visitors.

2.—(1) The Council for the Training of Health Visitors—

- (a) shall promote the training of health visitors by seeking to secure suitable facilities for the training of persons intending to become health visitors, by approving courses as suitable to be attended by such persons and by seeking to attract persons to such courses;
- (b) if it appears to them that adequate provision is not being made for the further training of health visitors, shall provide or secure the provision of courses for this purpose;
- (c) may conduct or make arrangements for the conduct of examinations in connection with such courses as are mentioned in the preceding paragraphs; and
- (d) may carry out or assist other persons in carrying out research into matters relevant to the training of health visitors.

(2) An approval under paragraph (a) of subsection (1) of this section shall be given by the Council in accordance with rules made by the Council and approved by the Health Ministers, and



those rules may specify subjects to be comprised in the courses to be approved and shall specify the conditions for admission to the courses and for the award by the Council of certificates of their successful completion.

**3.—(1) The Council for Training in Social Work—**

Functions of  
Council for  
Training in  
Social Work.

- (a) shall promote training in such social work as is required in the health and welfare services by seeking to secure suitable facilities for training persons in such work, by approving courses as suitable to be attended by persons engaged or intending to engage in such work and by seeking to attract persons to such courses ;
- (b) if it appears to them that adequate provision is not being made for further training in such work, shall provide or secure the provision of courses for this purpose ;
- (c) may conduct or make arrangements for the conduct of examinations in connection with such courses as are mentioned in the preceding paragraphs ; and
- (d) may carry out or assist other persons in carrying out research into matters relevant to training for social work in the health and welfare services.

(2) An approval under paragraph (a) of subsection (1) of this section shall be given by the Council in accordance with rules made by the Council and approved by the Privy Council, and those rules may specify subjects to be comprised in the courses to be approved and shall specify the conditions for admission to the courses and for the award by the Council of certificates of their successful completion.

(3) Her Majesty may by Order in Council make provision for conferring on the Council for Training in Social Work such functions in relation to other social work as are conferred on it by subsections (1) and (2) of this section in relation to the social work therein mentioned ; and, in connection therewith, for making such modifications in the constitution of that Council as She may deem expedient.

(4) An Order in Council under this section may be varied or revoked by a subsequent Order in Council and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) In this section “health and welfare services” means services provided by a local authority in carrying out their functions under Part III of the National Health Service Act, 1946, Part III of the National Health Service (Scotland) Act, 1947, Part III of the National Assistance Act, 1948, or any corresponding enactment in force in Northern Ireland, or similar services provided by a voluntary organisation.

Expenses of  
Councils.

4. The Minister of Health and the Secretary of State shall pay to each of the Councils mentioned in section one of this Act such sums out of moneys provided by Parliament as may be necessary to defray the expenditure incurred by the Council with the approval of the Health Ministers, so far as that expenditure exceeds any income derived from the exercise of the Council's functions and is not met out of moneys provided by the Parliament of Northern Ireland.

Powers of  
Ministers  
and local  
authorities  
with respect to  
research.

5.—(1) Without prejudice to any powers conferred on them by any other Act,—

- (a) the Minister and the Secretary of State may promote research into any matter relating to the functions of local authorities under Part III of the National Assistance Act, 1948, and, in particular, may participate with or assist other persons in conducting such research ;
- (b) any authority which is a local authority for the purposes of the said Part III may conduct or assist other persons in conducting research into any matter relating to the functions of local authorities under that Part ; and
- (c) any local health authority in England or Wales may conduct or assist other persons in conducting research into matters relating to the functions of local health authorities under Part III of the National Health Service Act, 1946.

(2) Any expenditure incurred under this section by such an authority as is mentioned in the preceding subsection shall be relevant expenditure for the purposes of sections two and three of the Local Government Act, 1958, or, as the case may be, of sections two and three of the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958 (which relate to general grants).

Exercise of  
powers of  
Privy Council.

6. The powers conferred by this Act on the Privy Council may be exercised by any three or more members of the Privy Council.

Short title,  
interpretation,  
commence-  
ment and  
extent.

7.—(1) This Act may be cited as the Health Visiting and Social Work (Training) Act, 1962.

(2) In this Act “ the Health Ministers ” means the Minister of Health, the Secretary of State and the Minister of Health and Local Government for Northern Ireland.

(3) This Act shall come into force on such day as the Minister of Health and the Secretary of State may by order made by statutory instrument appoint.

(4) This Act, except section five, extends to Northern Ireland.

(5) 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.

## SCHEDULES

### FIRST SCHEDULE

Section 1.

#### CONSTITUTION, ETC., OF COUNCILS

##### *Status and composition*

1. The Council for the Training of Health Visitors shall consist of a chairman and thirty-one other members and the Council for Training in Social Work of a chairman and thirty-two other members, and each of those Councils shall be a body corporate.

2. The Privy Council shall appoint one person to be chairman of both Councils.

3. The other members of the Council for the Training of Health Visitors shall be appointed as follows:—

- (a) fourteen by the Health Ministers ;
- (b) six by the Health Ministers and the Minister of Education ;
- (c) three by the County Councils Association ;
- (d) one by the London County Council ;
- (e) three by the Association of Municipal Corporations ;
- (f) one by the Association of County Councils in Scotland ;
- (g) one by the Convention of Royal Burghs of Scotland ;
- (h) one by the Scottish Counties of Cities Association ;
- (i) one by the Governor of Northern Ireland.

4. The other members of the Council for Training in Social Work shall be appointed as follows:—

- (a) fourteen by the Health Ministers ;
- (b) seven by the Health Ministers and the Minister of Education ;
- (c) three by the County Councils Association ;
- (d) one by the London County Council ;
- (e) three by the Association of Municipal Corporations ;
- (f) one by the Association of County Councils in Scotland ;
- (g) one by the Convention of Royal Burghs of Scotland ;
- (h) one by the Scottish Counties of Cities Association ;
- (i) one by the Governor of Northern Ireland.

**1ST SCH.***Supplementary provisions as to appointment of members*

5. Of the members mentioned in sub-paragraph (a) of paragraph 3 of this Schedule thirteen shall be appointed as follows:—

- (a) eight after consultation with associations appearing to the Health Ministers to represent health visitors ;
- (b) three after consultation with the British Medical Association and the Society of Medical Officers of Health ;
- (c) two after consultation with the General Nursing Council for England and Wales and the General Nursing Council for Scotland.

6. The members mentioned in sub-paragraph (b) of paragraph 3 of this Schedule shall be appointed after consultation with such universities and other bodies concerned with the training of health visitors as the Health Ministers and the Minister of Education think fit.

7. Of the members mentioned in sub-paragraph (a) of paragraph 4 of this Schedule twelve shall be appointed as follows:—

- (a) ten after consultation with organisations appearing to the Health Ministers to represent social workers or to be otherwise concerned with social work ; and
- (b) two after consultation with the British Medical Association and the Society of Medical Officers of Health.

8. The members mentioned in sub-paragraph (b) of paragraph 4 of this Schedule shall be appointed after consultation with such universities and other bodies concerned with the training of social workers as the Health Ministers and the Minister of Education think fit.

9. In making any appointments under this Schedule regard shall be had to the desirability of securing an association between the two Councils and, in particular, the County Councils Association and the Association of Municipal Corporations shall each appoint one person as a member of both Councils.

10. Of the members of each Council who are appointed by the Health Ministers, one at least shall be a fully registered medical practitioner engaged in general medical practice, and that member shall be among those appointed after consultation with the British Medical Association and the Society of Medical Officers of Health.

11. The Health Ministers and the Minister of Education shall ensure that one member at least of each Council is a person who at the time of his appointment is ordinarily resident in Wales and shall, if necessary, make their appointments accordingly.

*Terms of Office*

12. The chairman of the Councils shall be appointed for a term not exceeding five years.

13. Each of the other members of each Council shall be appointed for a term of three years, except that a member appointed to fill a casual vacancy shall be appointed for the remainder of the term for which his predecessor was appointed.

14. A member may at any time resign his office.

1st SCH.

15. A person who is or has been a member of either Council ~~shall~~ be eligible for appointment as a member of that Council.

#### *Committees*

16. Each of the Councils may appoint one or more committees consisting wholly or partly of members of that Council, and where not less than two-thirds of the members of such a committee are members of the Council, the Council may delegate to it any of the Council's functions.

#### *Proceedings*

17. The proceedings of either of the Councils or any committee appointed by the Council shall not be invalidated by any vacancy in the membership of the Council or committee, or by any defect in the appointment of any member.

18. Each of the Councils and, subject to any directions of the Council, any committee appointed by it, may regulate its own procedure and fix a quorum for its own proceedings.

#### *Accounts and audit*

19. Each of the Councils shall keep proper accounts and other records in relation to the accounts and prepare in respect of each financial year and transmit to the Health Ministers a statement of account in such form as the Health Ministers may, with the approval of the Treasury, determine.

20. The Minister of Health and the Secretary of State shall transmit those statements on or before the thirtieth day of November following the financial year to the Comptroller and Auditor General, who shall examine and certify them and lay copies of them together with his report thereon before each House of Parliament.

## SECOND SCHEDULE

Section 1.

### ADVISORY COMMITTEES

#### *Scotland*

1. The Secretary of State shall appoint to each of the Councils mentioned in section one of this Act a committee whose duty it shall be to advise the Council on matters relating to the exercise of its functions so far as they concern Scotland, and the committees shall be called respectively the Scottish Advisory Committee to the Council for the Training of Health Visitors and the Scottish Advisory Committee to the Council for Training in Social Work.

2. The Scottish Advisory Committee to the Council for the Training of Health Visitors shall consist of a chairman and twelve other members and the Scottish Advisory Committee to the Council for Training in Social Work of a chairman and eleven other members, and each of the members of each Committee shall hold office in accordance with the terms of his appointment.

2ND SCH. 3. Each of the members of each Committee shall hold office for a term not exceeding three years.

4. A person who is or has been a member of either Committee shall be eligible for appointment as a member of that Committee.

5. The chairman and five of the other members of each committee shall be appointed from among the members of the Council to which the committee is appointed.

6. The Secretary of State may appoint a secretary to the committees appointed under paragraph 1 of this Schedule.

7. The Secretary of State shall pay out of moneys provided by Parliament—

(a) to each of the committees appointed under paragraph 1 of this Schedule, such sums as may be necessary to defray the expenditure incurred by the committee with his approval; and

(b) to the secretary appointed under paragraph 6 of this Schedule, such remuneration as he may determine;

and may pay out of moneys provided by Parliament the like allowances to members of the committees appointed under paragraph 1 of this Schedule as are payable under subsection (4) of section one of this Act to members of a committee appointed under paragraph 16 of the First Schedule to this Act.

#### *Northern Ireland*

8. The Minister of Health and Local Government for Northern Ireland may appoint to each of the Councils mentioned in section one of this Act a committee to advise the Council on matters relating to its functions so far as they concern Northern Ireland.

*Table of Statutes referred to in this Act*

| Short Title                                                                   | Session and Chapter    |
|-------------------------------------------------------------------------------|------------------------|
| Government of Ireland Act, 1920 ... ..                                        | 10 & 11 Geo. 5. c. 67. |
| National Health Service Act, 1946 ... ..                                      | 9 & 10 Geo. 6. c. 81.  |
| National Health Service (Scotland) Act, 1947 ...                              | 10 & 11 Geo. 6. c. 27. |
| National Assistance Act, 1948 ... ..                                          | 11 & 12 Geo. 6. c. 29. |
| Local Government Act, 1958 ... ..                                             | 6 & 7 Eliz. 2. c. 55.  |
| Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958. | 6 & 7 Eliz. 2. c. 64.  |

## CHAPTER 34

An Act to provide for the numbering and citation of future Acts of Parliament by reference to the calendar year in which they are passed. [19th July, 1962]

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

1. The chapter numbers assigned to Acts of Parliament passed in the year nineteen hundred and sixty-three and every subsequent year shall be assigned by reference to the calendar year, and not the Session, in which they are passed; and any such Act may, in any Act, instrument or document, be cited accordingly. Numbering and citation of future Acts.

2. This Act may be cited as the Acts of Parliament Numbering and Citation Act, 1962. Short title.

## CHAPTER 35

An Act to exempt shops at certain airports, and the carrying on of any retail trade or business in connection with such shops, from the provisions of Part I of the Shops Act, 1950; and for purposes connected therewith. [19th July, 1962]

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

1.—(1) The provisions of Part I of the Shops Act, 1950 (which relate to hours of closing) shall not apply— Exemption of traders at certain airports from Part I of Shops Act, 1950. 14 Geo. 6. c. 28.

(a) to any shop at a designated airport which is situated in a part of the airport to which this Act applies, or

(b) to the sale (otherwise than at a shop) of any goods at a designated airport, where the sale takes place in a part of the airport to which this Act applies, and is effected by or on behalf of a person carrying on a retail trade or business at a shop situated in such a part of the airport.

(2) This Act applies to every part of a designated airport, except any part which is not ordinarily used by persons travelling by air to or from the airport; and in this Act "designated airport" means an airport designated for the purposes of this

Act by an order made by the Minister of Aviation, as being an airport at which there appears to him to be a substantial amount of international passenger traffic.

(3) The power conferred by subsection (2) of this section to make orders shall include power to vary or revoke any order made thereunder by a subsequent order.

(4) Any power to make orders under this Act shall be exercisable by statutory instrument.

(5) Expressions used in this Act and in the Shops Act, 1950, have the same meanings in this Act as in that Act.

Short title,  
citation and  
extent.

2.—(1) This Act may be cited as the Shops (Airports) Act, 1962; and the Shops Act, 1950, and this Act may be cited together as the Shops Acts, 1950 and 1962.

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

## CHAPTER 36

An Act to make provision for contributions by local authorities towards the repair and maintenance of buildings of historic or architectural interest and the upkeep of gardens occupied therewith; and for purposes connected therewith. [19th July, 1962]

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

Power of local  
authority to  
contribute to  
preservation  
of historic  
buildings.

1.—(1) A local authority in England or Wales may by grant or loan—

(a) contribute towards the expenses incurred or to be incurred in the repair or maintenance of a building which is situate in or in the vicinity of their area and is for the time being included in a list of buildings of special architectural or historic interest compiled or approved under section thirty of the Town and Country Planning Act, 1947; and

(b) with the consent of the Minister of Housing and Local Government, contribute towards the expenses incurred or to be incurred in the repair or maintenance of a

10 & 11 Geo. 6.  
c. 51.



building in their area appearing to them to be of architectural or historic interest, other than such a building as is referred to in the foregoing paragraph,

and, at the time of making a contribution under this section towards the expenses of the repair or maintenance of a building may also, by grant or loan, contribute towards the expenses incurred, or to be incurred in the upkeep of any garden occupied with the building and contiguous or adjacent thereto.

(2) A contribution by way of loan under the foregoing subsection may be made upon such terms and conditions as the local authority may determine including, without prejudice to the generality of the foregoing words, a term that the loan shall be free of interest; and the local authority may at any time renounce their right to repayment of the loan or any interest for the time being outstanding, and, by agreement with the borrower, may otherwise vary any of the terms and conditions on which the loan is made.

(3) A local authority may require as a condition of the making by them of a contribution under this section by way of grant towards the expenses of the repair or maintenance or upkeep of any property that the person to whom the grant is made shall enter into an agreement with them for the purpose of enabling the public to have access to the property or part thereof during such period and at such times as the agreement may provide.

(4) In this section—

“building” includes any structure or erection and any part of a building as so defined;

“local authority” means the council of a county, county borough, metropolitan borough or county district, and a joint planning board constituted under section four of the said Act of 1947, but does not include the London County Council.

2.—(1) If, during the period of three years beginning with the day on which a grant is made under this Act to a person towards the repair or maintenance or upkeep of any property, that person disposes of the interest, or any part thereof, held by him in the property on that day by way of sale or exchange or lease for a term of not less than twenty-one years, the local authority may recover from that person, in any court of competent jurisdiction, the amount of the grant, or such part thereof as to them seems fit.

Recovery of grants on disposal of property within three years.

(2) If, in the case of property towards the repair or maintenance or upkeep of which a grant is made under this Act, a person becomes entitled by way of gift from the grantee, whether directly or indirectly (but otherwise than by will), to a part of the interest

held by the grantee, in the property on the day on which the grant is made, a disposal by the donee in any manner mentioned in the foregoing subsection of the interest so acquired by him in the property, or any part of that interest, shall be treated, for the purposes of that subsection, as a disposal by the grantee of a part of the interest so held by him, and, if, in the case of any such property, a person becomes entitled by way of such a gift to the whole of the interest held by the grantee therein on the day aforesaid the foregoing subsection shall have effect as if the grant had been made to the donee instead of to the grantee and that interest had then been held by the donee.

(3) Subsection (1) of this section shall not be taken as conferring on a local authority a right to recover, in the event of proceedings thereunder being brought in relation to disposals of several parts of an interest in property, amounts in the aggregate exceeding the amount of the grant.

Expenses.

3. Any increase attributable to the provisions of this Act in the sums payable out of moneys provided by Parliament by way of Rate-deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland shall be paid out of moneys so provided.

Short title

4. This Act may be cited as the Local Authorities (Historic Buildings) Act, 1962.

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## CHAPTER 37

### *Building Societies Act, 1962*

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An Act to consolidate (with corrections and improvements made under the Consolidation of Enactments (Procedure) Act, 1949) the Building Societies Acts, 1874 to 1960, and certain related enactments, except certain provisions of those Acts relating to the winding up of building societies and provisions relating to unincorporated societies. [19th July, 1962]

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

**PART I****CONSTITUTION OF BUILDING SOCIETIES***General provisions*

**Establishment  
of building  
society.**

1.—(1) The purpose for which a society may be established under this Act is that of raising, by the subscriptions of the members, a stock or fund for making advances to members out of the funds of the society upon security by way of mortgage of freehold or leasehold estate.

(2) A society so established may be either—

- (a) a permanent society, that is to say, a society which has not by its rules any fixed date at which, or specified result on the attainment of which, it is to terminate, or
- (b) a terminating society, that is to say, a society which by its rules is to terminate at a fixed date, or when a result specified in the rules is attained.

(3) Any number of persons, not being less than ten, may establish a society under this Act by—

- (a) agreeing upon rules for the government of the society, being rules which comply with the requirements of this Act relating to rules of building societies, and
- (b) sending to the central office two copies of those rules, signed by not less than ten of those persons (or, if there are only ten, by all of them) and by the intended secretary or other officer.

(4) In this Act “building society” means a society incorporated under this Act or under the enactments repealed by this Act:

Provided that, except where it is otherwise expressly stated, “building society” in this Act does not include a Northern Ireland society.

(5) In the application of this Act to Scotland—

- (a) for any reference to freehold or leasehold estate there shall be substituted a reference to an interest in land, and any reference to making an advance upon security by way of mortgage of freehold or leasehold estate, or on the security of such estate as aforesaid or other the like reference, shall be construed as a reference to making an advance upon a heritable security;
- (b) “a mortgage” means a heritable security, “mortgagor” and “mortgagee” mean respectively the debtor and creditor in a heritable security, and the expressions “on mortgage”, “mortgaged” and “mortgage deed” shall be construed accordingly.

2.—(1) Where copies of rules have been sent to the central office in accordance with subsection (3) of the preceding section, the central office, if satisfied that the rules comply with the requirements mentioned in that subsection, shall (subject to the next following subsection) retain and register one copy of the rules and return the other copy to the secretary or other officer of the society, together with a certificate of incorporation. Registration of rules and name of society.

(2) A society shall not be registered under this section in a name which, in the opinion of the central office, is undesirable.

3.—(1) On the receipt by a society of a certificate of incorporation under the last preceding section, the society shall become a body corporate by the name in which it is registered thereunder, having perpetual succession and a common seal. Incorporation of society.

(2) The common seal of a building society shall bear the registered name of the society.

**PART I**  
Contents of  
rules.

- 4.—(1) The rules of every building society shall set out—
- (a) the name of the society and its chief office or place of meeting ;
  - (b) the manner in which the stock or funds of the society is or are to be raised ;
  - (c) the terms on which unadvanced subscription shares are to be issued, and the manner in which contributions are to be paid to the society and withdrawn by the members, with tables (where, in the opinion of the central office, they are applicable) showing the amount due by the society for principal and interest respectively ;
  - (d) the terms on which paid-up shares (if any) are to be issued and withdrawn, with tables (where, in the opinion of the central office, they are applicable) showing the amount due by the society for principal and interest respectively ;
  - (e) whether preferential shares are to be issued, and if so, within what limits ;
  - (f) the purposes to which the funds of the society are to be applied ;
  - (g) the manner in which advances are to be made and repaid, the deductions (if any) for premiums, and the conditions on which a borrower can redeem the amount due from him before the end of the period for which the advance was made, with tables (where, in the opinion of the central office, they are applicable) showing the amount due from the borrower after each stipulated payment ;
  - (h) the manner in which losses are to be ascertained and provided for ;
  - (i) whether the society intends to borrow money, and if so, within what limits, not exceeding those prescribed by this Act ;
  - (j) the manner in which membership is to cease ;
  - (k) the manner of remunerating auditors, and the manner of appointing, remunerating and removing the board of directors and other officers ;
  - (l) the powers and duties of the board of directors and other officers ;
  - (m) provision for the custody of the mortgage deeds and other securities belonging to the society ;
  - (n) whether disputes between the society and any of its members, or any person claiming by or through a member, or under the rules, are (subject to the provisions of this Act) to be settled by reference to the court, to the central office or to arbitration ;



- PART I**
- (o) the fines and forfeitures to be imposed on members of the society ;
  - (p) provision for the device, custody and use of the society's common seal ;
  - (q) the manner in which the society (whether permanent or terminating) may be terminated or dissolved.

(2) The rules of a building society shall also provide for the calling and holding of meetings, and in particular—

- (a) for the right of members to requisition meetings ;
- (b) for the manner in which notice of any resolutions to be moved at meetings is to be given to members ;
- (c) for the procedure to be observed at meetings ;
- (d) for the form of notice for the convening of a meeting, and the manner of its service ; and
- (e) for the voting rights of members, the right to demand a poll and the manner in which a poll is to be taken.

(3) In the case of a building society incorporated on or after the first day of October, nineteen hundred and sixty, the rules shall include provision authorising the issue of paid-up shares in accordance with subsection (1) of section thirteen of this Act :

Provided that this subsection shall not apply to a building society which, before its incorporation, was an unincorporated society certified under the Act of 1836.

(4) The rules of a building society may describe in a schedule thereto the forms of conveyance, mortgage, transfer, agreement, bond, security for deposit or loan or other instrument necessary for carrying its purposes into execution.

(5) The preceding provisions of this section shall have effect without prejudice to the provisions of this Act as to rules which are void as therein mentioned, and shall have effect subject to the provisions of Part VIII of this Act with respect to societies established before the commencement of this Act.

5. The rules of a building society are binding upon each of the members and officers of the society, and on all persons claiming on account of a member or under the rules ; and all such members, officers and persons shall be deemed to have full notice of the rules. Effect of rules.

6.—(1) A building society may from time to time raise funds by the issue of shares of one or more denominations, either as shares paid up in full or as shares to be paid by periodical or other subscriptions, and with or without accumulating interest. Power to raise and repay funds.

**PART I**

(2) A building society may repay any funds so raised when they are no longer required for the purposes of the society.

**Powers in relation to land.**

7.—(1) A building society shall, so far as is necessary for the purpose for which it is established, have power to hold land with the right of foreclosure.

(2) A building society may purchase, build, hire or take on lease a building for conducting its business and may adapt and furnish it.

(3) A building society may purchase or hold on lease any land for the purpose only of erecting on it a building for conducting the business of the society.

(4) A building society may sell, exchange or let the whole or part of any such building or land as is mentioned in subsection (2) or subsection (3) of this section.

*Membership*

**Members who are not shareholders.**

8.—(1) The rules of a building society may allow a person to become a member without holding a share in the society.

(2) Such of the rules as concern the making of advances to members need not be expressed in terms which treat a member to whom an advance is made as being, by reason of the making of the advance, the holder of a share in the society.

**Members under age of twenty-one.**

9. A person under the age of twenty-one years may, if the rules do not otherwise provide, be admitted as a member of a building society, and can give all necessary receipts; but, while he is under that age, he cannot vote or hold any office in the society.

**Joint shareholders.**

10.—(1) Two or more persons may jointly hold shares in a building society.

(2) The provisions of section one hundred and sixteen of this Act apply to any shares so held.

**Liability of members.**

11.—(1) The liability of a member of a building society in respect of a share on which no advance has been made shall be limited to the amount actually paid, or in arrear, on the share.

(2) The liability of a member of a building society in respect of a share on which an advance has been made shall be limited to the amount payable thereon under any mortgage or other security or under the rules of the society.

(3) The liability of a member of a building society to whom an advance is made under rules made in pursuance of section

eight of this Act shall be no greater than it would be if the rules treated him as being, by reason of the making of the advance, the holder of a share in the society.

PART I

*Commencement of business*

12.—(1) If a society formed under this Act, or under the enactments repealed by this Act, or any persons representing themselves to be a building society, commence business without having first obtained a certificate of incorporation under this Act or under those enactments, the person or persons by whom business has been so commenced shall be liable on summary conviction, on information laid by the central office, to a fine not exceeding five pounds for every day on which business is carried on without a certificate of incorporation having been obtained.

Business not to be commenced before incorporation.

(2) In the application of the preceding subsection to Scotland, the words "on information laid by the central office" shall be omitted.

13.—(1) A building society incorporated on or after the first day of October, nineteen hundred and sixty, shall not commence any business or borrow any money unless there has been produced to the central office evidence satisfying them that ten of the members of the society who signed copies of the society's rules for transmission to the central office as mentioned in subsection (3) of section one of this Act—

Minimum subscription by founding members.

(a) have each been issued with shares in the society to the value of five hundred pounds on terms which comply with the requirements of the First Schedule to this Act, and

(b) have each paid to the society in cash for those shares a sum of five hundred pounds,

and the central office have issued to the society their certificate that the requisite evidence has been so produced.

(2) If at the end of the period of two months beginning with the date on which the building society became a body corporate the requisite evidence has not been produced to the central office under the preceding subsection, the central office may if they think fit cancel the registration of the building society, and the society shall cease to enjoy the privileges of a society under this Act.

(3) Notice of the cancellation of registration of a society under the last preceding subsection shall be published by the central office in the London, Edinburgh and Belfast Gazettes, and in such other ways as appear to the central office expedient for informing the public.

(4) The provisions of the First Schedule to this Act shall have effect with respect to shares issued in compliance with subsection (1) of this section, for the purpose of ensuring that the

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## PART I

conditions attaching to the shares are observed until the end of the period of five years beginning with the date on which the central office issued their certificate to the building society under subsection (1) of this section.

(5) If a building society commences business or borrows any money in contravention of this section, the building society shall be liable on conviction on indictment or on summary conviction to a fine which, on summary conviction, shall not exceed two hundred pounds; and every officer of the building society who is in default shall be liable—

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

(6) This section shall not apply to a building society which, before its incorporation, was an unincorporated society certified under the Act of 1836.

Commence-  
ment of  
advertising.

14.—(1) A building society incorporated on or after the first day of October, nineteen hundred and sixty, shall not issue or cause to be issued any advertisement until the Chief Registrar has given to the society permission in writing to commence advertising on an application in writing made in accordance with the following provisions of this section.

(2) An application for permission under this section—

- (a) may not be made in the financial year in which the building society is incorporated, or, unless it was incorporated on the first day of any year, in the financial year next following that in which it was incorporated, and
- (b) may not be made at any time in any financial year before the society has, in accordance with the provisions of this Act, sent to the Chief Registrar its annual return (with the auditors' report annexed) for the last preceding financial year, and a copy of the corresponding balance sheet, including every document required by law to be annexed or attached thereto.

(3) On an application by a building society under this section the Chief Registrar shall grant permission if all the requirements set out in the Second Schedule to this Act are fulfilled in relation to the society.

(4) If a building society contravenes subsection (1) of this section, the society, and every officer of the society who is in default, shall be guilty of an offence under this section; and if,

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after any person has been convicted of an offence under this section in respect of an advertisement which is on display in any public place, the society does not take all practicable steps to have the advertisement removed, the society, and every officer of the society who is in default, shall be guilty of a further offence under this section.

(5) If a building society is guilty of an offence under this section, it shall be liable on conviction on indictment or on summary conviction to a fine which, on summary conviction, shall not exceed two hundred pounds; and if an officer of a building society is guilty of an offence under this section he shall be liable—

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

(6) This section shall not apply to a building society which, before its incorporation, was an unincorporated society certified under the Act of 1836.

*Further provisions as to name and rules*

15.—(1) A building society shall not use any name or title other than its registered name. Building society to use its registered name.

(2) If a building society contravenes the preceding subsection, the society, and every director of the society who is a party to the contravention, shall be liable on summary conviction to a fine not exceeding ten pounds, and, in the case of a continuing offence, to an additional fine not exceeding ten pounds for every week during which the offence continues.

16.—(1) A building society may change its name by special resolution. Change of name.

(2) Notice of any such change shall be sent to the central office and registered by them, and they shall give a certificate of registration:

Provided that a building society shall not be registered under this section in a name which, in the opinion of the central office, is undesirable.

(3) Any such change of name shall not affect the rights and obligations of the society or of any of its members or of any other person concerned.

(4) If a building society fails to send to the central office a notice which it is required to send to them under subsection (2) of this section, the society, and every officer of the society who is in default, shall be liable on summary conviction to a fine not exceeding two hundred pounds.

**PART I**  
Alteration  
of rules.

**17.—(1)** A building society may alter its rules by special resolution.

(2) Where a building society by special resolution alters its rules, it shall send to the central office two copies of the alteration (or, in the case of the rescission of a rule, two copies of the resolution) signed by three members and the secretary, and a statutory declaration by an officer of the society that the resolution has been passed as a special resolution.

(3) Where copies are sent to the central office in accordance with the last preceding subsection, and the central office find that the alteration is in conformity with this Act, they shall return one of the copies to the secretary or other officer of the society with a certificate of registration, and shall retain and register the other copy.

(4) Any provision in the rules of a building society that the rules may be altered without passing a special resolution shall be void.

(5) If a building society fails to comply with subsection (2) of this section, the society, and every officer of the society who is in default, shall be liable on summary conviction to a fine not exceeding two hundred pounds.

*Union and transfer of engagements*

Building  
societies  
may unite.

**18.—(1)** Two or more building societies may unite and become one society, with or without a dissolution or division of the funds of any one or more of those societies, if—

(a) the terms of the union are approved by a special resolution of each of the societies, and

(b) the union obtains the consent in writing of the holders of not less than two-thirds of the whole number of shares in each society, whether they are present at the meeting or not, or the union is confirmed under subsection (4) of section twenty of this Act.

(2) Notice of any union of building societies shall be sent to the central office and shall be registered by them.

(3) If a building society fails to send to the central office a notice which it is required to send to them under the last preceding subsection, the society, and every officer of the society who is in default, shall be liable on summary conviction to a fine not exceeding two hundred pounds.

Transfer of  
engagements.

**19.—(1)** Subject to the following provisions of this section, a building society may by special resolution transfer its engagements to another building society which undertakes to fulfil those engagements; and a building society may—

(a) by special resolution, or

(b) with the consent of the central office, by resolution of a general meeting or of the board of directors, undertake to fulfil the engagements of another building society.

(2) It shall be the duty of a building society transferring its engagements under this section to send notice of the transfer to the central office.

(3) A transfer of engagements between building societies under this section shall not have effect unless—

(a) the holders of not less than two-thirds of the whole number of shares of each of the societies have consented in writing to the transfer, or the transfer has been confirmed under subsection (4) of the next following section, and

(b) notice of the transfer has been registered.

(4) If a building society fails to comply with subsection (2) of this section, the society, and every officer of the society who is in default, shall be liable on summary conviction to a fine not exceeding two hundred pounds.

**20.**—(1) A building society (in this section referred to as “the relevant society”) desiring to unite with one or more other building societies, or to transfer its engagements to another building society, or to undertake to fulfil the engagements of another building society, shall (unless the Chief Registrar has by notice in writing exempted it from the requirements of this subsection) send to each of its members, at his address as recorded in the register of members, a statement the contents of which have been approved by the Chief Registrar concerning—

Supplementary provisions as to union and transfer of engagements.

(a) the financial position of the relevant society and that of the other building society or societies concerned ;

(b) the interest of the directors of the relevant society in the union or transfer of engagements ;

(c) the compensation or other consideration proposed to be paid to the directors or other officers of the relevant society, and of the other building society or societies concerned ; and

(d) the payments (if any) to be made to members of the relevant society, and of the other building society or societies concerned, in consideration of the union or transfer of engagements.

(2) A statement under the preceding subsection shall be sent so that any member to whom the relevant society sends a notice to which this subsection applies will receive the statement not later than he receives that notice.

This subsection applies to any notice of a resolution, to be moved at a meeting of the relevant society, for the union or (as

## PART I

the case may be) the transfer of engagements to which the statement relates.

(3) Where for the purposes of section eighteen or section nineteen of this Act the relevant society applies to all or any of its members to obtain their consent to the proposals, the statement shall (without prejudice to the provisions of the last preceding subsection) be sent so as to be received by a member at or before the time when the application is made to him.

(4) The relevant society may apply to the central office to confirm the union or transfer of engagements, notwithstanding that the consent in writing of the holders of two-thirds of the whole number of shares of the relevant society has not been obtained, and, where such an application is made, shall publish notice of the application in the London and Edinburgh Gazettes, and, if the central office so require, in one or more newspapers; and the central office, after hearing the relevant society and any other persons whom they consider entitled to be heard, may confirm the union or transfer of engagements accordingly.

(5) The registration by the central office of notice of the union or transfer of engagements shall operate, by virtue of this subsection and without further assurance, as an effectual conveyance, transfer and assignment, as at the date of the registration, of the funds, property and assets of the relevant society to the united society, or to the society to which the engagements are transferred, as may be provided by the instrument of union or transfer of engagements, as the case may be:

Provided that this subsection shall not apply to stocks and securities in the public funds of the United Kingdom.

(6) The union or transfer of engagements shall not affect the rights of any creditor of the relevant society.

(7) A failure to comply with the provisions of subsections (1) to (3) of this section shall not invalidate the union or transfer of engagements; but, if the relevant society fails to comply with those provisions, the society, and every officer of the society who is in default, shall be liable on summary conviction to a fine not exceeding two hundred pounds.

## PART II

## ADVANCES ON MORTGAGE

*Special advances*

Meaning of  
"special  
advance".

21.—(1) In this Act "special advance" means an advance made by a building society on the security of freehold or leasehold estate, being an advance of one of the following descriptions, that is to say—

(a) an advance of any amount to a body corporate;



## PART II

- (b) an advance of a sum exceeding five thousand pounds, or such other sum as may be prescribed under this section, to a person other than a body corporate ;
- (c) an advance of any amount to a person other than a body corporate, being a person who, after the advance is made to him, is indebted to the society in an amount exceeding the limit in force for the purposes of this paragraph.

(2) For the purposes of paragraph (c) of the preceding subsection, the amount by which a person is indebted to a building society after the making of an advance shall be ascertained so as to take into account both that advance and all other debts of any description (whether immediately repayable or not) in which he is indebted to the society, and shall be so ascertained both—

- (a) immediately after the making of the advance, and
- (b) at the end of a period of three months beginning with the date of the advance or (if sooner) at the end of the financial year in which the advance was made.

(3) In relation to an advance made to a person by a building society, he shall be taken, for the purposes of paragraph (c) of subsection (1) of this section, to be indebted to the society in an amount exceeding the limit in force for those purposes if either—

- (a) the amount of his indebtedness to the society, ascertained in accordance with the last preceding subsection at the time mentioned in paragraph (a) thereof, exceeds ten thousand pounds and, where the advance is one in relation to which a sum is prescribed under this section, exceeds twice the sum so prescribed, or
- (b) the amount of his indebtedness to the society, ascertained in accordance with the last preceding subsection at the time mentioned in paragraph (b) thereof, exceeds five thousand pounds and, where the advance is one in relation to which a sum is prescribed under this section, exceeds the sum so prescribed.

(4) The Chief Registrar may, by an order made with the consent of the Treasury and contained in a statutory instrument, prescribe under this section a sum exceeding five thousand pounds in relation to advances made by building societies in any financial year beginning on or after the date of the coming into operation of the order.

(5) The power to make orders under this section shall include power to vary or revoke any previous order made thereunder.

(6) No order shall be made under this section unless a draft of the order has been approved by a resolution of each House of Parliament.

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(7) For the purposes of this section, and of sections twenty-two to twenty-four of this Act, any transaction to which a building society is a party whereby the mortgagor's interest under a mortgage securing an advance made by the society is, subject to the mortgage, transferred from one person to another shall be treated as an advance made by the society to that other person of an amount equal to the amount of the mortgage debt remaining unpaid immediately after the transfer, together with any arrears of interest then outstanding.

(8) An advance made jointly to two or more persons shall, for the purposes of this Act, be taken to be a special advance if an advance of the like amount made under the like conditions to any one of those persons would be a special advance in accordance with the preceding provisions of this section.

Ordinary  
limitations  
on special  
advances.

**22.**—(1) Subject to the following provisions of this Part of this Act, a building society shall so conduct its business as to secure that special advances are not made by it except as authorised by this section.

(2) At the end of each financial year a building society shall review the advances made by the society on the security of freehold or leasehold estate which are outstanding at the end of that year, and shall ascertain—

- (a) the total amount of those advances which at that time has not been repaid to the building society, together with any arrears of interest in respect of those advances, and
- (b) the proportion of that amount which is in respect of advances made to a body corporate, or made to a person who at that time is indebted to the society (taking into account any kind of debts, whether immediately repayable or not) in an amount exceeding five thousand pounds or such other sum as may be prescribed under the last preceding section, or made jointly to two or more persons any one of whom is so indebted to the society.

(3) If the proportion ascertained at the end of a financial year in accordance with paragraph (b) of the last preceding subsection (in this and the next following section referred to, in relation to that year, as “the ascertained proportion” for that year) does not exceed ten per cent., the building society may make special advances in the next following financial year, but so that the total amount of special advances made by it in that following financial year does not exceed ten per cent. of the total amount of all advances made by the society on the security of freehold or leasehold estate during that following financial year.

## PART II

(4) If the ascertained proportion for a financial year exceeds ten per cent., but does not exceed twenty-five per cent., the building society may make special advances in the next following financial year, but so that the total amount of special advances made by it in that following financial year does not exceed two and one-half per cent. of the total amount of all advances made by the society on the security of freehold or leasehold estate in that following financial year.

(5) If the ascertained proportion for a financial year exceeds twenty-five per cent., the building society shall not make any special advances in the next following financial year, and shall not make in that year any advance unless, at the time when it is made, it can be ascertained that it will not be a special advance.

(6) A building society shall not make any special advances in the calendar year in which it is established, and shall not make in that year any advance unless, at the time when it is made, it can be ascertained that it will not be a special advance.

(7) If a building society does not comply with the requirements of this section, the society shall be liable on conviction on indictment or on summary conviction to a fine which, on summary conviction, shall not exceed two hundred pounds; and every officer of the society who is in default shall be liable—

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

(8) Without prejudice to the last preceding subsection, if a building society does not comply with the requirements of this section, the Chief Registrar may present a petition for the winding up of the society under the Companies Act, 1948.

- 23.—**(1) The provisions of this section shall have effect where Permission to exceed limit for advances on property for letting as houses or flats.
- (a) a building society is, in accordance with the provisions of the last preceding section, empowered to make special advances up to the limit specified in subsection (3) of that section, or up to the limit specified in subsection (4) thereof, and
  - (b) the society makes, or proposes to make, special advances on the security of freehold or leasehold estate consisting wholly or mainly of dwelling-houses or flats

## PART II

which it is proposed to construct, or which are in course of construction or have recently been constructed, and, on an application to the Chief Registrar, the society shows to his satisfaction that the dwelling-houses or flats are being, or will be, made available for renting by tenants.

(2) For the purpose of authorising the building society to exceed the limit specified in subsection (3) or subsection (4) of the last preceding section, as the case may be, by an amount equal to the whole, or some proportion, of the amount of the advances in respect of which the application is made, the Chief Registrar may, if he thinks fit, grant to the society permission in writing to make special advances in the financial year in question in excess of that limit, but subject to such other limit under the said subsection (3) or subsection (4) as may be specified in the permission for that purpose.

(3) Where in the case of a building society—

- (a) the ascertained proportion for a financial year exceeds ten per cent. but does not exceed twenty-five per cent., and accordingly subsection (4) of the last preceding section applies to the next following financial year, and
- (b) the society shows to the satisfaction of the Chief Registrar that that proportion represents, in whole or in part, advances by reference to which permission has been granted under the preceding provisions of this section, on an application made thereunder at any time in respect of those advances,

the Chief Registrar may, if he thinks fit, grant to the society permission in writing to make special advances in that following financial year in excess of the limit specified in subsection (4) of the last preceding section, but subject to such other limit under that subsection as may be specified in the permission.

(4) The limit specified in any permission granted under this section in relation to a financial year may be expressed as a percentage of the total of all advances made by the building society in that year, or in any other manner.

(5) Where permission is granted under this section, the provisions of the last preceding section shall have effect accordingly.

Permission to make special advance to purchaser of mortgaged property.

**24.**—(1) The provisions of this section shall have effect where a building society, in the exercise of its powers as mortgagee, proposes to sell any freehold or leasehold estate mortgaged to the society, and to make to the purchaser an advance upon the security of that estate which will constitute a special advance.

(2) If, on an application to the Chief Registrar, the society shows to his satisfaction—

- (a) that the person entitled to redeem the mortgage is a body corporate, or a person who is indebted to the

## PART II

society (taking into account the advance secured by the mortgage and all other debts of any description, whether immediately repayable or not) in an amount exceeding five thousand pounds, or such other sum as may be prescribed under section twenty-one of this Act, and

- (b) that the amount of the mortgage debt which, at the time of the application, has not been repaid to the society, together with any arrears of interest in respect of the advance secured by the mortgage, exceeds the amount of the advance which the society proposes to make to the purchaser of the freehold or leasehold estate,

the Chief Registrar may, if he thinks fit, grant to the society permission in writing to make the special advance to which the application relates.

(3) Any special advance for which permission is granted under this section shall be left out of account for the purposes of subsections (3) to (5) of section twenty-two of this Act.

#### *General provisions*

**25.**—(1) It shall be the duty of every director of a building society to satisfy himself that the arrangements made for assessing the adequacy of the security to be taken in respect of advances to be made by the society are such as may reasonably be expected to ensure that—

Valuation of security.

- (a) the adequacy of any security to be so taken will be assessed either by the directors of the society or by a director or other officer of the society who is competent to make the assessment, and
- (b) there will be made available to every person who has to assess the adequacy of any security to be so taken an appropriate report as to the value of any freehold or leasehold estate comprised in the security and as to any matter likely to affect the value thereof.

(2) In paragraph (b) of the preceding subsection the reference to an appropriate report, in relation to any freehold or leasehold estate, is a reference to a written report prepared and signed by a competent and prudent person who—

- (a) is experienced in the matters relevant to the determination of the value of the estate, and
- (b) is for the purposes of that paragraph not disqualified by virtue of the following provisions of this section for reporting on that estate.

(3) Subject to the next following subsection, a person who is a director or the manager or secretary of a building society shall

**PART II**

for the purposes of paragraph (b) of subsection (1) of this section be disqualified for reporting on any freehold or leasehold estate comprised in security to be taken by the society in respect of any advance.

(4) During the period of ten years beginning with the first day of October, nineteen hundred and sixty, the last preceding subsection shall not apply to a person who has at all times since that day been a director or the manager or secretary of the building society in question, if, at the first annual general meeting of the society held after the thirty-first day of December, nineteen hundred and sixty, and at every subsequent annual general meeting, he has by special resolution been authorised, until the next annual general meeting, to make reports for the purposes of paragraph (b) of subsection (1) of this section.

For the purposes of this subsection retirement from office followed by immediate reappointment shall not be regarded as a break in the tenure of office.

(5) A person to whom a building society has made, or undertaken to make, a payment for introducing to the society an applicant for an advance shall for the purposes of paragraph (b) of subsection (1) of this section be disqualified for reporting on any freehold or leasehold estate comprised in security to be taken by the society in respect of any advance to be made to the applicant on that application.

(6) Where an advance is to be made by a building society following a disposition of freehold or leasehold estate which is comprised in security to be taken for the advance, any person having a financial interest in the disposition of that freehold or leasehold estate, and any person receiving a commission or gift for introducing the parties to the transaction involving that disposition, shall for the purposes of paragraph (b) of subsection (1) of this section be disqualified for reporting on that estate.

(7) A director of a building society who fails to carry out his duty under subsection (1) of this section, and any person who prepares a report on any estate with respect to which he is for the purposes of paragraph (b) of that subsection disqualified for reporting thereon, knowing or having reason to believe that the report will be used or is likely to be used for the purposes of that paragraph, shall be liable on summary conviction to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding six months.

**Additional security for advances.**

**26.—(1)** In determining the amount of an advance made by a building society to any of its members on the security of freehold or leasehold estate, the society shall not have power to take into account the value of any additional security taken by the society for the advance, except security of a class specified in the Third Schedule to this Act.

## PART II

(2) Where a charge on a policy of life assurance is taken as additional security for such an advance, the value of the policy shall be assessed at an amount not exceeding the surrender value of the policy at the time when the advance is made.

(3) Where a guarantee given in pursuance of a continuing arrangement (not being such a guarantee as is mentioned in paragraph 3 of the Third Schedule to this Act) is taken as additional security for such an advance, the advance shall not exceed the amount of the purchase price for the defraying of which the advance is made, the basic advance shall not exceed eighty per cent. of that amount, and the excess advance shall not exceed twenty per cent. of that amount.

(4) The provisions of the Fourth Schedule to this Act shall have effect for the purposes of this section.

(5) The Chief Registrar shall have power, by order made with the consent of the Treasury and contained in a statutory instrument, to amend the Third Schedule or Part I or Part II of the Fourth Schedule to this Act for the purpose of extending the classes of additional security specified in the said Third Schedule, and shall have power to include in an order under this subsection provisions varying or revoking a previous order and such transitional, supplemental and incidental provisions as appear to him necessary or desirable.

(6) References in this Part of this Act to a member of a building society—

- (a) include references to a person who has succeeded to any of the rights or liabilities of a member of the society, and
- (b) in relation to anything done or to be done before the making of an advance, include references to a person who is a member of the society when the advance is made.

27.—(1) Every building society shall cause records to be kept showing, with respect to every advance made by the building society on or after the first day of October, nineteen hundred and sixty, on the security of freehold or leasehold estate,—

Record of  
advances.

- (a) the value placed upon the estate in the report thereon under paragraph (b) of subsection (1) of section twenty-five of this Act, and the name of the person by whom the report was made, and
- (b) particulars of any additional security taken by the society.

(2) If any building society fails to comply with the preceding subsection, the society, and every officer of the society who is in default, shall be liable on summary conviction to a fine not exceeding two hundred pounds.

**PART II**  
**Security**  
**taken from**  
**third party.**

**28.—(1)** This section applies to any advance made by a building society to one of its members (in this section referred to as “the borrower”) for the purpose of its being used in defraying the purchase price of freehold or leasehold estate, where the society takes any security for the advance from another person :

Provided that this section does not apply to such an advance made to an individual where the only security taken for the advance from a third party is a guarantee given by an individual, not being a guarantee secured by a charge on any property.

(2) Except by leave of the court, no sums shall be recoverable, either by the building society or by any other person, in respect of an advance to which this section applies, or in respect of any security given for such an advance, whether by the borrower or otherwise, and no rights shall be exercisable by virtue of any such security, unless, before any contract requiring the borrower to repay the advance is entered into, the society gives to the borrower a notice fulfilling the requirements of the next following subsection.

(3) The said requirements are that the notice is in writing and in the prescribed form and—

- (a) states the amount of the basic advance and of the excess advance (if any), and
- (b) contains such particulars as may be prescribed relating to any security for the advance which is taken or is to be taken from any person other than the borrower :

Provided that, where the borrower is an individual, the notice need not refer to any guarantee by an individual, not being a guarantee secured by a charge on any property.

(4) Where a building society makes an advance to which this section applies without giving notice to the borrower in accordance with the provisions of subsection (2) of this section, the court may, either on an application for leave for the purposes of that subsection, or on an application made by the borrower, re-open the transaction, and may make such orders as to the sums which may be recovered in respect of the advance and in respect of any security given for it, as to the exercise of any rights conferred by any such security, and otherwise, as the court considers just.

(5) In this section “the court”, in relation to a transaction in which the advance has not at any time exceeded six hundred pounds, means the county court, and, in relation to any other transaction, means the High Court :



## PART II

Provided that Her Majesty may by Order in Council direct that this subsection shall have effect as if for the words "six hundred pounds" there were substituted such higher sum as may be specified in the Order; and any such Order may be revoked or varied by a subsequent Order made in like manner.

(6) In the application of this section to Scotland, "the court" shall include the Court of Session, and the last preceding subsection shall not apply.

29.—(1) This section applies to any contract for the acquisition of freehold or leasehold estate where, at the time when the contract is made, there is in force, between a building society and any person having a financial interest in the disposition of the estate, an arrangement in pursuance of which, in the event of the society making an advance comprising an excess advance for the purpose of its being used in defraying the purchase price of that estate, a person will or may provide additional security in respect of the advance. Arrangement for excess advance in connection with sale of property.

(2) The person by whom a freehold or leasehold estate is to be acquired in pursuance of a contract to which this section applies may rescind the contract unless, before the contract was made, there was given to him a notice fulfilling the requirements of the next following subsection.

(3) The said requirements are that the notice is in writing and in the prescribed form and states that the security taken by the society for any advance made by the society for the purpose of its being used in defraying the purchase price of the estate in question may include additional security provided in pursuance of such an arrangement as is mentioned in subsection (1) of this section.

(4) Where a person is entitled by virtue of this section to rescind a contract, and he has paid a deposit in respect of the contract, he may recover an amount equal to the deposit from the person to whom the deposit was paid.

30. Where a building society makes to a member an advance for the purpose of its being used in defraying the purchase price of freehold or leasehold estate, the society shall be deemed to warrant to the member that the purchase price is reasonable, unless, before any contract requiring the member to repay the advance is entered into, the society gives to the member a notice in writing in the prescribed form stating that the making of the advance implies no such warranty. Implied warranty on advance to purchaser.

**PART II**  
**Representations as to sufficiency of security.**

**31.—(1)** The provisions of this section shall have effect where—

- (a) a building society makes an advance on the security of freehold or leasehold estate, and
- (b) a person to whom this section applies makes any representation that the making of that advance by the society imports or implies an assurance to the person to whom the advance is made that the estate is sufficient security for the amount of the advance.

(2) This section applies to any person having a financial interest in the disposition of the estate in question or in the erection of a building thereon, and to any person who is the servant or agent of such a person.

(3) Where a person to whom this section applies makes such a representation as is mentioned in subsection (1) of this section in the circumstances therein mentioned, then (without prejudice to any other remedy in respect of the representation) he shall, unless he satisfies the court that he had reasonable grounds for believing the representation to be true, 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.

**Restrictions on second mortgages.**

**32.—(1)** A building society shall not advance money on the security of any freehold or leasehold estate which is subject to a prior mortgage, other than a charge of a class specified in the Fifth Schedule to this Act, unless the prior mortgage is in favour of the society.

(2) If a building society makes an advance in contravention of this section, the directors of the society who authorised the advance shall be jointly and severally liable for any loss on the advance occasioned to the society.

**Advance for single premium life policy.**

**33.—(1)** For the purpose of facilitating the repayment to a building society of an advance made by the society to a member (in this section referred to as “the borrower”) on the security of freehold or leasehold estate, the society shall have power to make to the borrower, by way of addition to the advance, a further advance of the whole or part of such sum as may be necessary to enable payment to be made of a single premium payable in respect of an appropriate policy of life assurance.

(2) A policy of life assurance is for the purposes of this section an appropriate policy if—

- (a) it is a policy of life assurance on the life of the borrower or the spouse or son or daughter of the borrower, and

(b) it provides, in the event of the death, before the advance has been repaid, of the person on whose life the policy is effected, for payment of a sum not exceeding the amount sufficient to defray the sums which are, at and after the time of the death, payable to the society in respect of the advance as increased by the additional advance made by the society under the power conferred by this section.

(3) A sum added to an advance in pursuance of the power conferred by this section shall be treated as not forming part of the advance for the purpose of determining whether the advance is beyond the powers of the society on the grounds that—

- (a) the amount of the advance is excessive, or
- (b) the amount of any excess advance included in the advance is greater than that authorised by section twenty-six of this Act.

#### *Supplementary provisions*

34.—(1) Subject to the provisions of this section, it shall not be lawful—

Restriction on commissions for introduction of mortgage business.

- (a) for a building society, or any officer, servant or agent of a building society, to offer or give or agree to give to a person known to the society, officer, servant or agent to have a financial interest in the disposition of any freehold or leasehold estate, or to be a servant of a person having such an interest, or
- (b) for a person having such an interest, or a servant of such a person, to receive or agree to receive from a building society, or from any officer, servant or agent of a building society,

any commission in consideration of the introduction of mortgage business to the society in connection with the disposition of the freehold or leasehold estate in question, or in consideration of a promise to introduce such business to the society.

(2) Where a building society has a financial interest in the disposition of any freehold or leasehold estate, the preceding subsection—

- (a) does not prohibit the society, or any officer, servant or agent of the society, from offering or giving or agreeing to give, in relation to the disposition of that estate, any commission to a servant of the society, unless, to the knowledge of the society, or of the officer, servant

## PART II

or agent of the society, as the case may be, he is a disqualified person for the purposes of this subsection, and

- (b) does not prohibit a servant of the society, not being a disqualified person for the purposes of this subsection, from receiving or agreeing to receive, in relation to the disposition of that estate, a commission from the society or from an officer, servant or agent of the society.

(3) Any reference in the last preceding subsection to a disqualified person for the purposes of that subsection is a reference to a person who either himself has a financial interest in the disposition of the estate in question or, in addition to being a servant of the building society, is also a servant of another person who has such an interest.

(4) For the purposes of this section a person who is employed, otherwise than in pursuance of a contract of service, in connection with the disposition of any freehold or leasehold estate by a person who has a financial interest in the disposition thereof shall be treated, in relation to the disposition of that estate, as a servant of the person having that interest, unless he carries on, independently of that person, the business of a solicitor, estate agent, surveyor or auctioneer.

(5) Any person who contravenes the provisions of this section shall be liable on summary conviction to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding three months, or to both.

- (6) In this section "commission" includes a gift.

Prohibition  
of balloting  
for advances.

35. A building society shall not cause or permit applicants for advances to ballot for precedence, or in any way make the granting of an advance dependent on any chance or lot.

Provisions as  
to sale  
of mortgaged  
property.

36.—(1) Where any freehold or leasehold estate has been mortgaged to a building society as security for an advance, and a person sells that estate in the exercise of a power (whether statutory or express) exercisable by virtue of the mortgage, it shall be his duty—

- (a) in exercising that power, to take reasonable care to ensure that the price at which the estate is sold is the best price which can reasonably be obtained, and
- (b) within twenty-eight days from the completion of the sale, to send by registered post to the mortgagor, at

the mortgagor's last known address, a notice containing the prescribed particulars of the sale.

(2) In so far as any agreement relieves, or may have the effect of relieving, a building society or any other person from the obligation imposed by paragraph (a) of the preceding subsection, the agreement shall be void.

(3) If a building society fails without reasonable excuse to comply with paragraph (b) of subsection (1) of this section, the society shall be guilty of an offence; and every officer of the society who is bound by the rules of the society to fulfil the duty imposed by that paragraph, or, if there is no such officer, every director of the society, unless it appears that he was ignorant of, or attempted to prevent, the default, shall also be guilty of an offence.

(4) If a person other than a building society fails without reasonable excuse to comply with paragraph (b) of subsection (1) of this section, he shall be guilty of an offence.

(5) A building society or other person guilty of an offence under subsection (3) or subsection (4) of this section shall be liable on summary conviction to a fine not exceeding twenty pounds, and to an additional fine not exceeding five pounds for each week during which the offence continues.

(6) Nothing in this section shall affect the operation of any rule of law relating to the duty of a mortgagee to account to a mortgagor.

(7) In subsection (1) of this section "mortgagor", in relation to a mortgage in favour of a building society, includes any person to whom, to the knowledge of a person selling the estate as mentioned in that subsection, any of the rights or liabilities of the mortgagor under the mortgage have passed, whether by operation of law or otherwise.

**37.—**(1) When all moneys intended to be secured by a Discharge of mortgage given to a building society have been fully paid or mortgagor discharged, the society may endorse on or annex to the mortgage one or other of the following, that is to say—

(a) a receipt under the society's seal, countersigned by any person acting under the authority of the board of directors, in the form set out in the Sixth Schedule to this Act;

(b) a reconveyance of the mortgaged property to the mortgagor;

**PART II**

(c) a reconveyance of the mortgaged property to such person of full age, and on such trusts, if any, as the mortgagor may direct.

(2) Where in pursuance of the preceding subsection such a receipt as is therein mentioned is endorsed on or annexed to a mortgage, not being a charge or incumbrance registered under the Land Registration Act, 1925, the receipt shall operate in accordance with the provisions of subsections (1), (3), (6) and (8) of section one hundred and fifteen of the Law of Property Act, 1925 (which provides for the discharge of mortgages by a receipt) in the like manner as a receipt which fulfils all the requirements of subsection (1) of that section.

(3) Subsection (9) of section one hundred and fifteen of the Law of Property Act, 1925, shall not apply to a receipt endorsed or annexed by a building society which is in the form set out in the Sixth Schedule to this Act; and in the application of that subsection to a receipt so endorsed or annexed which is not in that form, the receipt shall be taken to be executed in the manner required by the statute relating to the society if it is under the society's seal and countersigned as mentioned in paragraph (a) of subsection (1) of this section.

(4) In the case of a mortgage of registered land within the meaning of the Land Registration Act, 1925, the preceding provisions of this section shall have effect without prejudice to the operation of the provisions of that Act or of any rules made thereunder, whether before or after the commencement of this Act.

(5) In this section "mortgage" includes a further charge, and "the mortgagor", in relation to a mortgage, means the person for the time being entitled to the equity of redemption.

(6) This section shall not apply to Scotland.

Application  
of Part II to  
Northern  
Ireland  
societies.

**38.** In sections twenty-eight to thirty-one, section thirty-four, and subsections (1) and (2) of section thirty-six, of this Act "building society" includes a Northern Ireland society:

Provided that, in relation to a Northern Ireland society, subsection (1) of section thirty-six of this Act shall have effect as if paragraph (b) of that subsection were omitted.

**PART III****BORROWING POWERS, AND GENERAL PROVISIONS AS TO INVESTORS AND DEPOSITORS AND OTHER LENDERS**

Borrowing  
powers.

**39.**—(1) Subject to the provisions of this Act, a building society may borrow money, and accordingly may receive deposits or loans, at interest, to be applied for the purposes of the society.

## PART III

(2) In the case of a permanent building society, the total amount so received and not repaid by the society shall not at any time exceed two-thirds of the amount for the time being secured to the society by mortgages from its members.

(3) In the case of a terminating building society, the total amount so received and not repaid by the society shall not at any time exceed whichever is the greater of the following amounts, that is to say,—

- (a) two-thirds of the amount for the time being secured to the society by mortgages from its members, and
- (b) twelve months' subscriptions on the shares for the time being in force.

(4) In calculating, for the purposes of subsections (2) and (3) of this section, the amount for the time being secured to a building society by mortgages from its members, no account shall be taken of any amount secured on a property if, at the date of the society's last preceding annual return,—

- (a) payments in respect of that property were more than twelve months in arrear, or
- (b) the society had been in possession of that property for twelve months.

(5) For the purposes of this section money deposited with a building society as security for an advance made by the society to a member, or as security for a guarantee given in respect of such an advance, shall be treated as money borrowed by the society.

**40.** If a building society receives loans or deposits in excess of the limits prescribed by this Act, the directors of the society receiving the loans or deposits on its behalf shall be personally liable for the amount of the excess.

Liability for borrowing in excess of powers.

**41.—(1)** In or upon every deposit book or acknowledgment or security of any kind which after the commencement of this Act is given by a building society for a deposit or loan the whole of the following provisions of this Act shall be set out in writing, that is to say, subsections (1) and (2) of section eleven, subsections (1) to (3) of section thirty-nine, and this subsection.

Provisions of Act to be inserted in certain documents.

(2) If a building society makes default in complying with the preceding subsection, the person by whom the default is made shall, on information laid by the central office, be liable on summary conviction to a fine not exceeding five pounds.

**PART III**

(3) In the application of the last preceding subsection to Scotland, the words "on information laid by the central office" shall be omitted.

**Minimum notice of withdrawal.**

**42.—**(1) A building society shall not accept a deposit except on terms enabling the managers of the society to require notice (not being less than one month's notice) before repayment or withdrawal.

(2) If a building society contravenes the preceding subsection, the society, and every director who is a party to the contravention, shall be liable on summary conviction to a fine not exceeding ten pounds.

**Guarantee fund.**

**43.—**(1) Subject to the provisions of this section, a building society, or any two or more building societies, may enter into arrangements with a person carrying on the business of insurance, for the purpose of making funds available to meet losses incurred by persons investing in, or lending money to, a building society which is a party to the arrangements; and any two or more building societies may enter into any other kind of arrangements for that purpose.

(2) Subject to the provisions of this section, a building society shall have power to make contributions under arrangements made in accordance with this section.

(3) Arrangements under this section may in particular provide for the vesting of a fund in trustees appointed under the arrangements.

(4) Arrangements under this section shall not come into force, and no contributions shall be made thereunder by a building society, until they have been approved by the Chief Registrar; and the Chief Registrar shall not approve arrangements under this section unless they provide that any variation of their terms shall also require the approval of the Chief Registrar.

**Assistance by building societies to other societies**

**44.** Where it appears to the Chief Registrar that a society (being either a building society or a Northern Ireland society) is in financial difficulties he may, with the consent of the Treasury, authorise any building society to lend money to the first-mentioned society, and the building society shall have power to do so accordingly.

**New investors and depositors to receive copies of accounts.**

**45.—**(1) Every person who subscribes for shares in, or deposits money with, a building society shall, on first becoming a subscriber for shares or depositor therein, be given by the society a copy of the latest revenue and appropriation account and balance sheet of the society, together with a copy of the auditors' report and the directors' report.



(2) For the purposes of this section a subscription for shares to a value of less than one pound, made in order that the subscriber shall qualify as a person to whom the society may make advances, shall be disregarded.

(3) Subject to the next following subsection, if a building society fails to comply with this section, the society, and every officer of the society who is in default, shall be liable on summary conviction to a fine not exceeding two hundred pounds.

(4) On a prosecution under the last preceding subsection, it shall be a defence to prove that the building society had taken reasonable steps to make arrangements to comply with this section, and that the offence was due to inadvertence or exceptional circumstances.

46.—(1) The provisions of this section shall have effect where a member of, or depositor with, a building society dies intestate, having a sum of money in the funds of the society not exceeding one hundred pounds. Members or depositors dying intestate.

(2) On receipt by the society of satisfactory evidence of the death, and of the requisite statutory declaration, the amount due may, without the grant of letters of administration or confirmation, be paid to the person who appears to the directors of the society to be entitled to receive it under the law for the time being in force in England and Wales, or in Scotland, as the case may be, with respect to the distribution of the estates of persons dying intestate.

(3) In the last preceding subsection the reference to the requisite statutory declaration is a reference to a statutory declaration that the member or depositor in question died intestate, and that the person claiming the amount is entitled to receive it as mentioned in that subsection.

(4) Where, after the death of a member or depositor, a building society, in the belief that he died intestate, has paid any such sum to the person who at that time appeared to be entitled to his effects, the payment shall be valid and effectual with respect to any demand against the funds of the society from any other person as next of kin or as the lawful representative of the deceased member or depositor; but any such next of kin or representative shall nevertheless have his remedy for the amount of the payment against the person who received it.

47. Any receipt or acknowledgment given to a building society by a person under the age of twenty-one years, in respect of the payment to him of any sum due in respect of the principal of, or interest on, sums lent by him to the society, shall not be invalid on the ground that he is under that age. Depositor under age of twenty-one.

## PART IV

## POWERS OF CONTROL OF CHIEF REGISTRAR

Power to suspend borrowing and subscription for shares.

48.—(1) If, with respect to any building society, the Chief Registrar considers it expedient to do so in the interests of investors and depositors, he may, by an order made with the consent of the Treasury, apply subsection (2) of this section to the society.

(2) Subject to the provisions of this section, while this subsection applies to a building society, the society shall not—

- (a) accept the deposit of, or otherwise borrow, any money, or
- (b) accept any payment representing the whole or any part of the amount due by way of subscription for a share in the society, other than a payment which fell due before the making of the order applying this subsection to the society.

(3) This section shall not make it unlawful for a building society to borrow from a banking or finance company, or from a director or other officer of the society, if the society has obtained the consent in writing of the Chief Registrar.

(4) If a building society contravenes the provisions of subsection (2) of this section, it shall be liable on conviction on indictment or on summary conviction to a fine which, on summary conviction, shall not exceed two hundred pounds; and every officer of the society who is in default shall be liable—

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

(5) References in this section to the amount due by way of subscription for a share in a building society do not include amounts due in respect of a share which represent interest on, or the repayment of, an advance made to the holder of the share.

(6) In this and the next following section “investors and depositors”, in relation to a building society, means persons who have invested or deposited, or may invest or deposit, money with the society.

Supplementary provisions as to orders under s. 48.

49.—(1) Not less than fourteen days before making an order applying subsection (2) of the last preceding section to a building society, the Chief Registrar shall serve on the society, and on every director of the society, a notice stating that he proposes to make such an order.

**PART IV**

(2) Any such notice served on a building society shall specify the considerations which have led the Chief Registrar to conclude that it would be in the interests of investors and depositors to make the order.

(3) The Chief Registrar shall consider any representations with respect to the notice which may be made to him by the building society within such period (not being less than fourteen days) from the date on which the society is served with the notice as the Chief Registrar may allow, and, if the society so requests, shall afford to it an opportunity of being heard by him within that period.

(4) On making an order applying subsection (2) of the last preceding section to a building society, the Chief Registrar shall serve on the society, and on every director of the society, a notice of the making of the order, and shall serve on the society a notice specifying the considerations which have led him to conclude that it is expedient to make the order in the interests of investors and depositors; and the Chief Registrar shall not have power to make an order unless all the considerations so specified were those, or were among those, which were specified in the notice served on the building society under subsections (1) and (2) of this section.

(5) A notice under this section may be served on a director of a building society by sending it by post to his address, or latest address, as notified to the Chief Registrar or the central office by the society or the director; and failure to serve a notice under this section on a director shall not affect the validity of an order under the last preceding section.

(6) Notice of the making of an order under the last preceding section shall be published by the Chief Registrar in the London, Edinburgh and Belfast Gazettes, and in such other ways as appear to him expedient for informing the public.

(7) Any order under the last preceding section may be revoked by a subsequent order made by the Chief Registrar with the consent of the Treasury.

**50.**—(1) The provisions of this section shall have effect where an order is made applying subsection (2) of section forty-eight of this Act to a building society.

**Provisions consequential on orders under s. 48.**

(2) Where, at the time when the order is made, a member is under an obligation to make payments to the society, representing instalments of the amount due by way of subscription for a share in the society, the obligation shall (subject to anything in the rules of the society or any agreement between the society and the member) be suspended in respect of each instalment for

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**PART IV**

the period for which the order is in force ; and accordingly, if the order is revoked, the sum due shall again become payable by instalments.

(3) Subject to the last preceding subsection, any obligation to make a payment which, under section forty-eight of this Act, the building society is prohibited from accepting shall be wholly rescinded.

(4) It shall be the duty of the society to make reasonable arrangements for using the funds of the society to meet applications by depositors or holders of shares in the society (being applications duly made in accordance with the rules of the society) for repayment of the money deposited or subscribed by them.

(5) If it appears to the Chief Registrar that, where an order under section forty-eight of this Act is in force, the building society has been applying an undue proportion of the funds of the society in making advances, in preference to meeting such applications as are mentioned in the last preceding subsection, he may, after giving notice to the society and affording it an opportunity of making representations, present a petition for the winding up of the society under the Companies Act, 1948.

(6) Subsection (5) of section forty-eight of this Act shall apply for the purposes of this section as it applies for the purposes of that section.

Power to  
control  
advertising.

**51.—**(1) If, with respect to any building society, the Chief Registrar considers it expedient to do so in the interests of persons who may invest or deposit money with the society, he may with the consent of the Treasury serve on the society a notice giving a direction under this section.

(2) A direction given to a building society under this section may—

- (a) prohibit the issue by the society of advertisements of all descriptions, or
- (b) prohibit the issue by the society of advertisements of any description specified in the direction, or
- (c) prohibit the issue by the society of any advertisements which are, or are substantially, repetitions of an advertisement which has been issued and which is specified in the direction, or
- (d) require the society to take all practicable steps to withdraw any advertisement, or any description of advertisement, specified in the direction which is on display in any place,

or may contain two or more such prohibitions or requirements as are mentioned in this subsection.

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(3) If a building society contravenes a direction under this section, it shall be liable on conviction on indictment or on summary conviction to a fine which, on summary conviction, shall not exceed two hundred pounds; and every officer of the society who is in default shall be liable—

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

**52.**—(1) Not less than one week before giving a direction under the last preceding section with respect to a building society, the Chief Registrar shall serve on the society, and on every director of the society, a notice stating that he proposes to give the direction. Supplementary provisions as to directions under s. 51.

(2) Any such notice served on a building society shall specify the considerations which have led the Chief Registrar to conclude that it would be in the interests of persons who may invest or deposit money with the society to give the direction.

(3) The Chief Registrar shall consider any representations with respect to the notice which may be made to him by the building society within the period of one week from the date on which the society is served with the notice, and, if the society so requests, shall afford to it an opportunity of being heard by him within that period.

(4) On giving a direction under the last preceding section the Chief Registrar shall serve on the building society, and on every director of the society, a notice of the giving of the direction, and shall serve on the society a notice specifying the considerations which have led him to conclude that it is expedient to give the direction in the interests of persons who may invest or deposit money with the society; and the Chief Registrar shall not have power to give a direction under the last preceding section unless all the considerations so specified were those, or were among those, which were specified in the notice served on the society under subsections (1) and (2) of this section.

(5) A notice under this section may be served on a director of a building society by sending it by post to his address, or latest address, as notified to the Chief Registrar or the central office by the society or the director; and failure to serve a notice under this section on a director shall not affect the validity of a direction under the last preceding section.

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(6) Any direction under the last preceding section may be varied or revoked at any time by a subsequent direction thereunder.

(7) References in subsections (1) and (4) of this section to a direction under the last preceding section do not include a direction revoking a previous direction.

Power to  
require docu-  
ments and  
information.

**53.—**(1) The Chief Registrar may at any time serve a notice on a building society, or on any person who has in his possession or under his control any books, accounts, deeds or other documents relating to the business of a building society, requiring the society or other person to produce to the Chief Registrar such of those documents as the Chief Registrar considers necessary for the exercise of his powers under sections forty-eight to fifty-two of this Act:

Provided that the Chief Registrar shall not have power to require the production of documents which do not belong to the building society, and which are not deeds relating to property mortgaged to the society,—

- (a) from a person who is or has been an auditor of the society, or
- (b) from anyone other than a person who is or has been an officer or servant of the society.

(2) The Chief Registrar may also at any time serve a notice on a building society, or on any person who is or has been an officer or servant of a building society, requiring the society or other person to furnish him with such information relating to the business of the society as the Chief Registrar considers necessary for the exercise of his powers under sections forty-eight to fifty-two of this Act.

(3) Any notice under the last preceding subsection may contain a requirement that any information to be given in accordance with the notice shall be verified by statutory declaration.

(4) If a building society fails to comply with the requirements of a notice under this section, the society shall be liable on summary conviction to a fine not exceeding two hundred pounds, and every officer of the society who is in default shall be liable on summary conviction to a fine not exceeding two hundred pounds, or to imprisonment for a term not exceeding three months, or to both.

(5) If any person other than a building society fails to comply with the requirements of a notice under this section, he shall be liable on summary conviction to a fine not exceeding two hundred pounds, or to imprisonment for a term not exceeding three months, or to both.

**54.**—(1) The Chief Registrar may, if he considers it just, direct that all or any of the expenses incurred by him under the last preceding section in relation to a building society shall, either wholly or to such extent as he may determine, be defrayed out of the funds of the society, or by the officers or former officers of the society or any of them.

**PART IV**  
Expenses  
of Chief  
Registrar  
under s. 53.

(2) A building society, or officer or former officer of a building society, directed to pay any sum under the preceding subsection may appeal to the High Court against the direction, on the ground that the sum ought to be defrayed by some other of the persons who may be directed to defray expenses under that subsection, and the High Court shall have jurisdiction to vary any such direction accordingly.

(3) Subject to the last preceding subsection, any sum which a building society or other person is required to pay by a direction under this section shall be a debt to the Chief Registrar from that society or person.

(4) In the application of this section to a building society whose chief office is in Scotland, for references to the High Court there shall be substituted references to the Court of Session.

**55.**—(1) Where, in the case of a building society the assets of which do not exceed one hundred thousand pounds in value,—

Special  
power in  
relation to  
small  
societies.

- (a) there has in the opinion of the Chief Registrar been a change in the scale or character of the business carried on by the society, or arrangements have in his opinion been made for such a change, and
- (b) the Chief Registrar considers it expedient to do so in the interests of persons who have invested or deposited, or may invest or deposit, money with the society,

then, subject to the provisions of the next following section, the Chief Registrar may serve a notice on the society under this section.

(2) A notice under this section shall state that, unless within such period (not being less than two months) from the service of the notice as may be specified in the notice, there has been produced to the Chief Registrar evidence to his satisfaction as to the matters specified in the next following subsection, he proposes to give a direction that the society shall not—

- (a) issue any shares or lend or borrow any money, or
- (b) issue or cause to be issued any advertisement.

(3) The said matters are—

- (a) that the directors of the society, or, as the case may be, one or more of them, have been issued with shares in

## PART IV

the society on terms which comply with the requirements of the First Schedule to this Act ;

- (b) that the value of the shares (taking into account, in a case where more than one director has been issued with such shares, the shares issued to all the directors) amounts to five thousand pounds or more ; and
- (c) that there has been paid to the society in cash for those shares a sum or sums amounting in all to five thousand pounds or more.

(4) Where a notice under this section has been served on a building society, the Chief Registrar shall consider any representations made to him within the period of one month from the service of the notice on the society, and, if the society so requests, shall afford it an opportunity of being heard by him within that period.

(5) If, at the end of the period specified in such a notice, the Chief Registrar has not received evidence to his satisfaction as to the matters specified in subsection (3) of this section, he may at any time thereafter give to the society a direction that, while the direction is in force, the society shall not—

- (a) issue any shares or lend or borrow any money, or
- (b) issue or cause to be issued any advertisement ;

and if, at the end of the period of two months beginning with the date on which he gives the direction, such evidence has not been received by him, he may present a petition for the winding up of the society under the Companies Act, 1948.

(6) If at any time after the Chief Registrar gives a direction under this section, and before he presents a petition in accordance with the last preceding subsection for the winding up of the building society, he receives such evidence as is mentioned in that subsection, he shall rescind the direction.

(7) If a building society contravenes a direction under this section, it shall be liable on conviction on indictment or on summary conviction to a fine which, on summary conviction, shall not exceed two hundred pounds ; and every officer of the society who is in default shall be liable—

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

Supplementary provisions as to small societies.

**56.**—(1) The Chief Registrar shall not serve a notice under the last preceding section on a building society at any time within five years from the date on which the society was established.



## PART IV

(2) In the case of a building society where the directors have subscribed for shares in the society in compliance with a notice under the last preceding section, the Chief Registrar shall not serve a further notice under that section at any time within five years from the date of service of the previous notice.

(3) It shall be the duty of every building society whose assets do not exceed one hundred thousand pounds in value to furnish the Chief Registrar with such information as he may from time to time require for the purpose of ascertaining whether there has been a change in the scale or character of the business carried on by the society, or whether arrangements are being made for such a change.

(4) A building society shall have power to issue shares in compliance with the last preceding section, notwithstanding anything in the rules of the society.

(5) The provisions of the First Schedule to this Act shall have effect with respect to shares issued in compliance with the last preceding section, for the purpose of ensuring that the conditions attaching to the shares are observed until the end of the period of five years beginning with the date of the sending of the notice under the last preceding section.

(6) Where the Chief Registrar intends to present a petition for the winding up of a building society under subsection (5) of the last preceding section, he shall give notice of his intention to the society not less than one month before presenting the petition.

(7) If a building society fails to comply with any requirements of the Chief Registrar under subsection (3) of this section, the society, and every officer of the society who is in default, shall be liable on summary conviction to a fine not exceeding two hundred pounds.

57.—(1) The Chief Registrar shall have power, with the consent of the Treasury, to make regulations with respect to the matter and form of any kinds of communications which a building society may issue or cause to be issued, and in particular—

General control of advertisements and other communications.

- (a) of any kinds of advertisements, or
- (b) of any kinds of invitations, whether or not addressed to particular persons, to invest in or lend money to a building society.

(2) Regulations under this section may in particular—

- (a) require that in any specified kinds of advertisements, or invitations to invest in or lend money to a building

**PART IV**

society, there shall be included a statement in the prescribed form concerning the general financial position of the building society, or giving any particular information with respect to the affairs of the society ;

(b) require a building society to take the prescribed steps to withdraw advertisements which are on display in public places and which do not comply with the requirements of the regulations.

(3) The power to make regulations under this section shall be exercisable by statutory instrument ; and any such regulations—

(a) may make different provision for different cases, and

(b) may contain such transitional, supplemental and incidental provisions as appear to the Chief Registrar to be desirable.

(4) If a building society contravenes any provisions contained in regulations under this section it shall be liable on conviction on indictment or on summary conviction to a fine which, on summary conviction, shall not exceed two hundred pounds ; and every officer of the society who is in default shall be liable—

(a) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding two years, or to both, or

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

(5) If an officer or servant of a building society contravenes any provisions contained in regulations under this section he shall be liable—

(a) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding two years, or to both, or

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

(6) In this section “ prescribed ” means prescribed by regulations under this section.

**PART V****INVESTMENT AND BANKING OF SURPLUS FUNDS**

**Authorised  
investments.**

**58.**—(1) A building society shall not invest any part of the surplus funds of the society except in a manner authorised by an order made under this section by the Chief Registrar with the consent of the Treasury.

## PART V

(2) An order under this section may contain—

- (a) provisions authorising the application of funds of a building society in any form of investment subject to any limitations as to amount, whether by reference to a fixed sum or by reference to a proportion of the total investments of the society or otherwise;
- (b) provisions varying or revoking a previous order, and such transitional, supplemental and incidental provisions as appear to the Chief Registrar to be necessary or desirable.

(3) The power to make orders under this section shall be exercisable by statutory instrument.

(4) In this Part of this Act “surplus funds”, in relation to a building society, means funds of the society which are not immediately required for its purposes.

**59.**—(1) Subject to the following provisions of this Part of this Act, in so far as any surplus funds of a building society— Authorised banks.

- (a) are not invested in accordance with the last preceding section, and
- (b) are not kept in cash in the custody of officers of the society,

the society shall keep them on current account with, or otherwise on loan to, a bank which is for the time being authorised under this section to hold funds of building societies.

(2) The Chief Registrar shall, by an order made with the consent of the Treasury, designate the banks which are authorised as mentioned in the preceding subsection.

(3) Any order under this section—

- (a) may be varied by a subsequent order made by the Chief Registrar with the consent of the Treasury, and
- (b) shall be published in the London, Edinburgh and Belfast Gazettes.

(4) Where a bank ceases to be authorised as mentioned in subsection (1) of this section, and any funds of a building society on loan to that bank thereupon cease to be kept in a manner permitted by that subsection, the society shall take all practicable steps to call in and realise the loan within the period of three months from the time when the bank ceased to be so authorised, or, if that is not possible, as soon after the end of that period as possible.

(5) In this section “bank” means a body corporate or partnership carrying on the business of banking, and a trustee savings bank or other savings bank established under any Act of Parliament, whether public or local.

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**PART V**  
**Exemption of**  
**investments**  
**made before**  
**1st January,**  
**1961.**

**60.—(1)** Subsection (1) of the last preceding section shall not apply to surplus funds of a building society represented by any investment made before the first day of January, nineteen hundred and sixty-one, under the enactments specified in the next following subsection, so long as the society—

- (a) continues to hold that investment, and
- (b) does not enter into any transaction the effect of which is to alter the terms on which the investment is held.

**(2)** The said enactments are—

- (a) section twenty-five of the Building Societies Act, 1874 (which prescribed the manner in which building societies might invest surplus funds);
- (b) section sixteen of the Building Societies Act, 1894, (which authorised building societies, within certain limits, to deposit money in, or invest in government stock through, a savings bank); and
- (c) in relation to a building society which, before its incorporation, was an unincorporated society certified under the Act of 1836, section thirteen of the Friendly Societies Act, 1829 (which, as applied by virtue of section four of the Building Societies Act, 1836, and section seven of the Building Societies Act, 1874, prescribes the manner in which an unincorporated society so certified may invest surplus funds).

**Offences**  
**under Part V.**

**61.—(1)** If a building society contravenes subsection (1) of section fifty-eight or subsection (1) or subsection (4) of section fifty-nine of this Act, the society shall be liable on conviction on indictment or on summary conviction to a fine which, on summary conviction, shall not exceed two hundred pounds; and every officer of the society who is in default shall be liable—

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

**(2)** Where a bank (within the meaning of section fifty-nine of this Act) ceases to be authorised as mentioned in subsection (1) of that section, and any funds of a building society on loan to the bank thereupon cease to be kept in a manner permitted by that subsection, the society shall not on that account be guilty of an offence under that subsection, but without prejudice to the operation of subsection (4) of that section or of subsection (1) of this section in relation to the said subsection (4).

## PART VI

## MANAGEMENT AND ADMINISTRATION

*Register of members*

**62.—(1)** Every building society shall maintain a register of the names and addresses of the members of the society. Duty to keep register.

(2) Subject to the next following subsection, the register shall be kept at the chief office of the society.

(3) With the consent in writing of the central office, the register, or parts of it, may be kept at one or more of the offices of the building society other than its chief office.

(4) If a building society contravenes subsection (1) of this section the society, and every officer of the society who is in default, shall be liable on summary conviction to a fine not exceeding two hundred pounds.

**63.—(1)** At any time—

(a) when an order is in force with respect to a building society under section forty-eight of this Act, or under section six of the Building Societies Act, 1960, or section eleven of the Prevention of Fraud (Investments) Act, 1958, or section eleven of the Prevention of Fraud (Investments) Act, 1939, or Right of member to obtain particulars from register.

(b) when a written request to withdraw any share in a building society has been given to the society more than six months previously, and the society has (whether in reliance on a provision in the rules of the society or otherwise) not yet complied with the request, or

(c) in the twelve months following a financial year in which the holders of shares in a building society did not become entitled to any interest or dividend on their shares,

a member of the society shall have the right to obtain, from the register kept under the last preceding section, the names and addresses of members of the society, for the purpose of communicating with them on a subject relating to the affairs of the society.

(2) If, at any time not falling within any of paragraphs (a) to (c) of the preceding subsection, a member of a building society makes a written application to the Chief Registrar for the right to obtain names and addresses from the register, the Chief Registrar, if satisfied that the applicant requires that right for the purpose of communicating with members of the society on a subject relating to its affairs, and having regard to the interests of the members as a whole and to all the other circumstances, may direct that the applicant shall have the right to

**PART VI** obtain from the register the names and addresses of the members for the purpose of communicating with them on such a subject.

(3) Any direction under the last preceding subsection may be given subject to such limitations or conditions as the Chief Registrar may think fit.

(4) Before giving a direction under this section, the Chief Registrar shall give particulars of the application to the building society, and shall afford the society an opportunity of making representations with respect to the application; and the Chief Registrar shall, if the applicant or the society so requests, afford to the applicant and to the society an opportunity of being heard by him.

(5) A member entitled under this section to obtain the names of members of a building society may apply in writing to the society, describing in the application the subject on which he proposes to communicate with other members of the society; and the society shall give him all necessary information as to the place or places where the register or part of it is kept, and reasonable facilities for inspecting the register and taking a copy of any names and addresses in the register.

(6) A building society shall not be obliged to disclose to a member making an application under this section any particulars contained in the register other than the names of the members and their addresses, and may construct the register in such a way that it is possible to open the names and addresses to inspection without exposing any such other particulars.

#### *Meetings and resolutions*

**Annual  
general  
meeting.**

**64.**—(1) Subject to the following provisions of this section, every building society shall in the first four months of each financial year hold a meeting as its annual general meeting, in addition to any other meetings held in that year.

(2) The annual general meeting shall be described as such in the notices calling it.

(3) A building society need not hold an annual general meeting in the calendar year in which it is incorporated, unless before its incorporation it was an unincorporated society certified under the Act of 1836.

(4) If in any financial year default is made in holding a meeting of a building society in accordance with the preceding provisions of this section, the Chief Registrar may call, or direct the calling of, an annual general meeting in that financial year, and give such ancillary or consequential directions as

he thinks expedient, including directions modifying or supplementing the operation of the rules of the society in relation to the calling, holding and conducting of the meeting.

(5) If default is made in holding an annual general meeting of a building society in accordance with subsections (1) to (3) of this section, or in complying with any directions of the Chief Registrar under the last preceding subsection, the society, and every officer of the society who is in default, shall be liable on summary conviction to a fine not exceeding two hundred pounds.

65.—(1) Any provision contained in the rules of a building society shall be void in so far as it provides for the calling of a meeting of the society (other than an adjourned meeting) by a shorter notice than twenty-one days' notice in writing. Length of notice for calling meetings.

(2) Except in so far as the rules of a building society make other provision in that behalf (not being a provision rendered void by the preceding subsection) a meeting of a building society (other than an adjourned meeting) may be called by twenty-one days' notice in writing.

(3) Where notice of a meeting is given in accordance with the last preceding subsection, the notice shall be taken for the purposes of this Act or any other Act to have been duly given according to the rules of the building society.

(4) Notice of a meeting of a building society shall not be sent to members of the society more than fifty-six days before the date of the meeting.

66.—(1) Written notice of any meeting of a building society which specifies the intention to propose a resolution as a special resolution at the meeting shall be sent to every member qualified to vote on a special resolution at the meeting. Persons entitled to notice of meetings.

(2) Subject to the preceding subsection, written notice of any meeting of a building society shall be sent to every member of the society :

Provided that (subject to the rules of the society) notice of a meeting is not required by virtue of this subsection to be sent to a member who at the relevant time did not, or, as the case may be, does not hold shares in the society to a value of twenty-five pounds or more.

(3) For the purposes of the proviso to the last preceding subsection the relevant time—

(a) if the building society was established in the calendar year in which the notices are being sent, is the time at which the notices are sent, and

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(b) in any other case, is the end of the financial year preceding that in which the notices are sent.

(4) Accidental omission to give notice of a meeting to, or non-receipt of notice of a meeting by, any person entitled to receive notice of the meeting shall not invalidate the proceedings at that meeting.

## Proxies.

**67.**—(1) Any member of a building society entitled to attend and vote at a meeting of the society shall be entitled to appoint another person (whether a member or not) as his proxy to attend and (subject to the next following subsection) to vote instead of him.

(2) Unless the rules of the building society otherwise provide, a proxy is not entitled to vote except on a poll.

(3) In every notice calling a meeting of a building society there shall appear with reasonable prominence a statement that a member entitled to attend and vote is entitled to appoint a proxy, or, where that is allowed, one or more proxies, to attend and vote instead of him, and that a proxy need not also be a member.

(4) If default is made in complying with the last preceding subsection in respect of any meeting, every officer of the building society who is in default shall be liable on summary conviction to a fine not exceeding two hundred pounds.

(5) Any provision contained in the rules of a building society shall be void in so far as it would have the effect of requiring the instrument appointing a proxy, or any other document necessary to show the validity of, or otherwise relating to, the appointment of a proxy, to be received by the society or any other person more than forty-eight hours before a meeting or adjourned meeting in order that the appointment may be effective at the meeting or adjourned meeting.

## Right to demand a poll.

**68.**—(1) Any provision contained in the rules of a building society shall be void in so far as it would have the effect either—

- (a) of excluding the right to demand a poll at a meeting of the society, on any question other than the election of a chairman of the meeting or the adjournment of the meeting, or
- (b) of making ineffective a demand for a poll on any such question which is made by not less than ten members having the right to vote at the meeting.

(2) The instrument appointing a proxy to vote at a meeting of a building society shall be taken also to confer authority to demand or join in demanding a poll; and for the purposes



of the preceding subsection a demand by a person as proxy of a member shall be the same as a demand by the member. PART VI

**69.—(1)** A resolution of a building society shall be a special resolution when it has been passed by not less than three-fourths of the number of the members of the society qualified to vote on a special resolution, and voting, in person or by proxy, on a poll on the resolution, at a meeting of the society of which notice specifying the intention to move the resolution as a special resolution has been duly given. Special resolutions.

(2) The members qualified to vote on a special resolution at a meeting of a building society shall be all the members of the society who were also members at the end of the last financial year before the date of the meeting, except that, if the rules of the society so provide, members who, at the end of that financial year, did not, or at the date of the meeting do not, hold shares in the society to a value of one pound or more shall not be qualified to vote.

(3) For the purposes of this section—

- (a) notice of a meeting shall be taken to be duly given if the notice is given in the manner provided by this Act and by the rules of the building society ;
- (b) a meeting of a building society shall be taken to be duly held if it is held in the manner provided by the rules of the society.

(4) Notwithstanding anything in the rules of a building society, the business which may be dealt with at the annual general meeting, or at any other meeting, shall include any resolution to be passed as a special resolution.

(5) In any rules made by a building society on or after the first day of October, nineteen hundred and sixty, whether before or after the commencement of this Act, “special resolution”, unless the context otherwise requires, means a special resolution as defined in this section.

**70.—(1)** If a member of a building society applies in writing to the society, and gives notice of his intention to move a special resolution at a meeting of the society, it shall be the duty of the society to include in the notice of the meeting a notice specifying the intention to move that resolution as a special resolution at the meeting. Notices of meetings to include notices of members' special resolutions.

(2) If the applicant does not specify the meeting at which he intends to move the resolution, or if he specifies a meeting which will be held fifty-six days or less after the receipt of the notice by the building society, the society shall act on the footing

**PART VI** that he intends to move the special resolution at the first meeting of the society held more than fifty-six days after the date of the application.

(3) If a building society fails to comply with an application duly made under this section, the society, and every officer of the society who is in default, shall be liable on summary conviction to a fine not exceeding two hundred pounds.

(4) In this section "special resolution" means a resolution which will not be effective unless it is passed as a special resolution.

#### *Directors and other officers*

Officers of building society to give security.

**71.**—(1) Every officer of a building society having the receipt or charge of any money belonging to the society shall, before entering upon the execution of his office, give security in such sum as the society may require, conditioned for rendering a just and true account of all moneys received and paid by him on account of the society, and for payment of all sums of money due from him to the society, at such times as its rules appoint or as the society may require.

(2) An officer shall give security in accordance with the preceding subsection either—

(a) by becoming bound, with at least one sufficient surety, in a bond in the form set out in the Seventh Schedule to this Act, or

(b) by giving the security of a guarantee society, or such other security as the building society may direct.

(3) In relation to Scotland, the reference in this section to a surety shall include a reference to a cautioner.

Duty of officers of building society to account.

**72.**—(1) Every such officer of a building society as is mentioned in the last preceding section shall, on demand, or if required to do so by notice in writing given or left at his last or usual place of residence, render an account as may be required by the directors of the society, to be examined and allowed or disallowed by them.

(2) Every such officer shall, on the like demand or notice, pay over all the moneys remaining in his hands, and deliver all securities and effects, books, papers and property of the society in his hands or custody, to such person as the building society may appoint.

(3) Any duty imposed by the preceding subsections on an officer of a building society shall, after his death, be taken to be imposed on his personal representatives.

(4) In case of any neglect or refusal to comply with the preceding provisions of this section, the building society—

- (a) may sue on the bond (if any) given under the last preceding section, or
- (b) may apply to the court, which may proceed on the application in a summary way and make such order as appears to the court to be just.

(5) Subject to the provisions of section one hundred and eight of the County Courts Act, 1959 (which relates to appeals from county courts on points of law and as to the admission or rejection of evidence), any order of the court under the last preceding subsection shall be final and conclusive.

73.—(1) Subject to the provisions of this section, it shall be the duty of a director of a building society who is in any way, whether directly or indirectly, interested in a contract or proposed contract with the society to declare the nature of his interest to the board of directors of the society in accordance with this section. Disclosure of interest by directors.

(2) In the case of a proposed contract, the declaration required by this section to be made by a director shall be made at the meeting of the directors at which the question of entering into the contract is first taken into consideration, or, if the director was not at the date of that meeting interested in the proposed contract, at the next meeting of the directors held after he becomes interested in the proposed contract.

(3) Where the director becomes interested in a contract with the building society after it is made, the declaration required by this section shall be made at the first meeting of the directors held after he becomes interested in the contract.

(4) For the purposes of this section, a general notice given at a meeting of the directors of a building society by a director to the effect that he is a member of a specified company or firm, and is to be regarded as interested in any contract which may, after the date of the notice, be made with that company or firm, is a sufficient declaration of interest in relation to any contract made after that date with that company or firm.

(5) A director need not make a declaration or give a notice under this section by attending in person at a meeting of the directors, if he takes reasonable steps to secure that the declaration or notice is brought up and read at the meeting.

(6) A director who fails to comply with the provisions of this section shall be liable on summary conviction to a fine not exceeding two hundred pounds.

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(7) Nothing in this section shall be taken to prejudice the operation of any rule of law restricting directors of a building society from having any interest in contracts with the society.

Officers not to accept commissions in connection with loans.

74.—(1) No director, secretary, surveyor, solicitor or other officer of a building society shall (in addition to the remuneration prescribed or authorised by the rules of the society) accept from any other person any commission for or in connection with any loan made by the society.

(2) If an officer of a building society accepts a commission in contravention of the preceding subsection—

(a) both he and the person who paid it shall each be liable on summary conviction to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding six months; and

(b) if, having been convicted of an offence under the preceding paragraph, the officer in question fails to pay over to the society the amount or value of the commission, as and when directed to do so by the court which convicted him of that offence, he shall be guilty of an offence under this paragraph and liable on summary conviction to imprisonment for a term not exceeding six months.

(3) Where—

(a) a charge upon a policy of life assurance is given as additional security for an advance made by a building society, or

(b) a building society makes an additional advance to enable payment to be made of a premium on a policy of insurance, or

(c) any policy of insurance is taken out so as to comply with the terms on which an advance is made by a building society, whether by way of insuring the property given as security for the advance or otherwise,

and the policy is effected through the building society, or the society nominates or selects a person by whom the policy is to be issued, it shall be unlawful for a director or other officer of the society, in connection with the effecting of the policy, to receive any commission from a person by or through whom the policy is issued.

(4) A person who pays, and a person who accepts, any commission which it is unlawful to receive under the last preceding subsection shall be liable on summary conviction to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding six months.

(5) In this section “commission” includes any gift, bonus or benefit.

75.—(1) Whenever a person becomes or ceases to be a director or the manager or secretary of a building society, the society shall within one month give notice to the central office stating the full name and address of that person, and particulars of the office which he has taken or relinquished.

PART VI  
Notification of changes in holders of certain offices.

(2) If a building society fails to comply with this section, the society, and every officer of the society who is in default, shall be liable on summary conviction to a fine not exceeding two hundred pounds.

#### *Accounts and audit*

76.—(1) Every building society shall—

(a) cause to be kept proper books of account with respect to its transactions and its assets and liabilities, and

(b) establish and maintain a system of control and inspection of its books of account and a system for supervising its cash holdings and all receipts and remittances.

Keeping of books of account and office management.

(2) For the purposes of paragraph (a) of the preceding subsection proper books of account shall not be taken to be kept with respect to the matters mentioned in that paragraph if there are not kept such books as are necessary to give a true and fair view of the state of the affairs of the building society and to explain its transactions.

(3) Every building society shall establish and maintain a system to ensure the safe custody of all documents of title belonging to the building society, and of the deeds relating to property mortgaged to the society.

(4) For the purposes of the last preceding subsection a building society shall not be taken to have established a proper system unless, under the system, on each occasion on which any such document of title or deed is released from the custody of the officers of the society, the consent is obtained of the board of directors of the society, or of a person authorised by the board of directors of the society to give such a consent.

(5) Subject to the following provisions of this Part of this Act, if a director of a building society fails to take all reasonable steps to secure compliance by the society with the requirements of this section, or has by his own wilful act been the cause of any default by the society thereunder, he shall, in respect of each offence, be liable on summary conviction to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding six months.

77.—(1) The directors of every building society shall lay before the society at the annual general meeting—

(a) a revenue and appropriation account for the last financial year ending before the date of the annual general meeting, and

Revenue and appropriation account and balance sheet.

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(b) a balance sheet as at the end of that financial year.

(2) Subject to the following provisions of this Part of this Act, if a director of a building society fails to take all reasonable steps to comply with the preceding subsection, he shall, in respect of each offence, be liable on summary conviction to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding six months.

General provisions as to contents and form of accounts.

**78.**—(1) Every balance sheet of a building society shall give a true and fair view of the state of the affairs of the society as at the end of its financial year ; and every revenue and appropriation account of a building society shall give a true and fair view of the income and expenditure of the society for the financial year.

(2) The Chief Registrar shall have power, with the consent of the Treasury, to make regulations as to the particulars to be included in, and the form of, a building society's balance sheet and revenue and appropriation account ; and regulations under this section may require the inclusion in the balance sheet and revenue and appropriation account of corresponding particulars for a preceding financial year of the society.

(3) The requirements of regulations under the last preceding subsection shall be without prejudice to the general requirements of subsection (1) of this section or of any other requirements of this Act.

(4) Subject to the next following section, if, in relation to a balance sheet or revenue and appropriation account laid before a building society at its annual general meeting, a director of the society fails to take all reasonable steps to secure compliance with the provisions of this section and of any regulations made under this section, he shall, in respect of each offence, be liable on summary conviction to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding six months.

(5) The power to make regulations under this section shall be exercisable by statutory instrument.

Supplementary provisions as to offences under ss. 76 to 78.

**79.**—(1) In any proceedings against a person in respect of—

(a) an offence under section seventy-six of this Act consisting of a failure to take reasonable steps to secure compliance by a building society with the requirements of that section, or

(b) an offence under section seventy-seven or seventy-eight of this Act,

it shall be a defence to prove that he had reasonable grounds to believe, and did believe, that a competent and reliable person was charged with the duty of seeing that the relevant requirements or provisions were complied with and was in a position to discharge that duty.

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(2) A person shall not be sentenced to imprisonment for any such offence as is mentioned in paragraph (a) or paragraph (b) of the preceding subsection unless, in the opinion of the court dealing with the case, the offence was committed wilfully.

(3) In this section "the relevant requirements or provisions"—

- (a) in relation to section seventy-six of this Act, means the requirements of that section ;
- (b) in relation to section seventy-seven of this Act, means the provisions of that section ; and
- (c) in relation to section seventy-eight of this Act, means the provisions of that section and of any regulations made thereunder.

**80.**—(1) Every balance sheet of a building society shall be signed on behalf of the board of directors of the society by two of the directors, and by the manager or secretary of the society. Signing of  
balance sheet.

(2) If a balance sheet has not been signed as required by this section, and a copy of it is issued, circulated or published, the building society, and every officer of the society who is in default, shall be liable on summary conviction to a fine not exceeding two hundred pounds.

**81.**—(1) The revenue and appropriation account shall be annexed to the balance sheet, and the auditors' report shall be attached to it. Account and  
auditors'  
report to  
be annexed  
to balance  
sheet.

(2) The revenue and appropriation account so annexed shall be approved by the board of directors of the building society before the balance sheet is signed on their behalf.

(3) If any copy of a balance sheet is issued, circulated or published without having annexed to it a copy of the revenue and appropriation account, or without having attached to it a copy of the auditors' report, the building society, and every officer of the society who is in default, shall be liable on summary conviction to a fine not exceeding two hundred pounds.

**82.**—(1) The directors shall prepare for submission at the annual general meeting a report on the state of the affairs of the building society. Directors'  
report.

(2) The directors' report shall include a statement setting out for the financial year last ending before the annual general meeting at which the directors' report is submitted—

- (a) the total amount advanced during the financial year by the building society on the security of freehold or leasehold estate, and the total number of mortgages executed in favour of the society during that year ;
- (b) the proportion of the total amount advanced by the building society as mentioned in the preceding paragraph which represents special advances, and the

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number of mortgages executed during that financial year to secure special advances ;

- (c) the total amount of money received during the financial year by way of investments in, or loans to, the building society from members or depositors, and the total amount of money paid out by the society by way of repayment of the principal value of shares in the society, or by way of repayment of sums lent to the society by depositors ;
- (d) the number of cases in which, at the end of the financial year, a mortgagor was in arrears with payments due to the society under his mortgage on account of principal and interest to an amount which exceeded the amount which fell due under the mortgage on account of principal and interest in that financial year ; and
- (e) the total of the amounts of the arrears at the end of the financial year in all the cases falling within the last preceding paragraph.

(3) The directors' report shall be attached to the balance sheet ; and if any copy of a balance sheet is issued, circulated or published without having attached to it a copy of the directors' report, the building society, and every officer of the society who is in default, shall be liable on summary conviction to a fine not exceeding two hundred pounds.

Right to receive copies of balance sheet and auditors' and directors' report.

**83.**—(1) A copy of every balance sheet, including every document required by law to be annexed to it, which is to be laid before a building society at the annual general meeting, together with a copy of the auditors' report and of the directors' report, shall, not less than twenty-one days before the date of the meeting, be sent to the Chief Registrar, and to every member of the society, other than a member who, at the end of the financial year to which the balance sheet relates, does not hold shares in the society to the value of twenty-five pounds or more.

(2) Any member of a building society, whether he is or is not entitled to have sent to him copies of the society's balance sheets, and every depositor in a building society, shall be entitled, on demand and without charge, to be furnished with a copy of the last balance sheet of the society, including every document required by law to be annexed to it, together with a copy of the auditors' report and of the directors' report.

(3) If default is made in complying with subsection (1) of this section, or if, when any person makes a demand for any document with which he is by virtue of the last preceding subsection entitled to be furnished, default is made in complying with the demand within seven days after the demand is made, the building society, and every officer of the society who is in default,



shall be liable on summary conviction to a fine not exceeding two hundred pounds. PART VI

**84.**—(1) Every building society shall at each annual general meeting appoint an auditor or auditors to hold office from the conclusion of that meeting until the conclusion of the next annual general meeting. Appointment of auditors.

(2) At any annual general meeting a retiring auditor, however appointed, shall be re-appointed without any resolution being passed unless—

- (a) he is not qualified for re-appointment, or
- (b) a resolution has been passed at that meeting appointing somebody instead of him or providing expressly that he shall not be re-appointed, or
- (c) he has given to the society notice in writing of his unwillingness to be re-appointed :

Provided that, where notice is given of an intended resolution to appoint some person or persons in place of a retiring auditor, and by reason of the death, incapacity or disqualification of that person or of those persons, as the case may be, the resolution cannot be proceeded with, the retiring auditor shall not be automatically re-appointed by virtue of this subsection.

(3) The provisions of this subsection shall have effect with respect to the first auditors of a building society, that is to say,—

- (a) those auditors may be appointed by the directors of the society at any time before the first annual general meeting, and (subject to the next following paragraph) auditors so appointed shall hold office until the conclusion of that meeting ;
- (b) the building society may at a meeting remove any auditors so appointed, and appoint in their place any other persons who have been nominated for appointment by any member of the society and of whose nomination notice has been given to the members of the society not less than fourteen days before the date of the meeting ;
- (c) if the directors fail to exercise their powers under paragraph (a) of this subsection, the building society in general meeting may appoint the first auditors, and thereupon the powers of the directors under that paragraph shall cease :

Provided that paragraph (b) of this subsection shall have effect subject to the provisions of the next following section.

(4) The directors may fill any casual vacancy in the office of auditor ; but while any such vacancy continues, the surviving or continuing auditor or auditors (if any) may act.

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(5) A person holding the office of auditor of a building society shall, by virtue of holding that office, be an officer of the society unless the rules of the society otherwise provide.

Provisions as to resolutions relating to appointment and removal of auditors.

**85.**—(1) A resolution at a building society's annual general meeting—

- (a) appointing as auditor a person other than a retiring auditor, or
- (b) providing expressly that a retiring auditor shall not be re-appointed,

shall not be effective unless notice of the intention to move it has been given to the society not less than twenty-eight days before the meeting at which it is moved:

Provided that if, after notice of the intention to move such a resolution has been given to the society, the annual general meeting is called for a date less than twenty-eight days after the notice has been given, the notice, although not given within the time required by the preceding provisions of this subsection, shall be deemed to have been so given.

(2) A building society shall give to its members notice of any such resolution at the same time and in the same manner as it gives notice of the meeting, or, if that is not practicable, shall give them notice of the resolution, not less than twenty-one days before the meeting, either by advertisement in a newspaper having an appropriate circulation or in any other way allowed by the rules of the society.

(3) On receipt by a building society of notice given under subsection (1) of this section of an intended resolution, the society shall forthwith send a copy of the notice to the retiring auditor (if any).

(4) Subject to the next following subsection, where such a notice is given, and the retiring auditor makes representations in writing to the building society (not exceeding a reasonable length) with respect to the intended resolution, and requests that those representations be notified to members of the society, the society shall, unless the representations are received too late for it to do so,—

- (a) in any notice of the resolution given to members of the society, state the fact of the representations having been made, and
- (b) send a copy of the representations to every member of the society to whom notice of the meeting is sent (whether before or after receipt of the representations by the society),

and if a copy of the representations is not sent as required by the preceding provisions of this subsection, either because the representations are received too late or because of the society's default, the auditor (without prejudice to his right to be heard

orally) may require that the representations be read out at the meeting.

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(5) Copies of any such representations need not be sent out, and the representations need not be read out at the meeting, if, on the application either of the building society or of any other person who claims to be aggrieved, the High Court is satisfied that the rights conferred by this section are being abused to secure needless publicity for defamatory matter; and the court may order the building society's costs on an application under this section to be paid, in whole or in part, by the auditor, notwithstanding that he is not a party to the application.

(6) Subsections (4) and (5) of this section shall apply in relation to a resolution to remove the first auditors of a building society, by virtue of paragraph (b) of subsection (3) of the last preceding section, as they apply in relation to a resolution that a retiring auditor shall not be re-appointed.

(7) In the application of subsection (5) of this section to a building society whose chief office is in Scotland, for the reference to the High Court there shall be substituted a reference to the Court of Session and for the reference to costs there shall be substituted a reference to expenses.

**86.**—(1) Subject to the next following subsection, no person shall be appointed as auditor of a building society unless he is a member of one or more of the following bodies:—

Qualifications  
of auditors.

- (a) the Institute of Chartered Accountants in England and Wales;
- (b) the Institute of Chartered Accountants of Scotland;
- (c) the Association of Certified and Corporate Accountants;
- (d) the Institute of Chartered Accountants in Ireland;
- (e) any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of paragraph (a) of subsection (1) of section one hundred and sixty-one of the Companies Act, 1948, by the Board of Trade.

(2) A person who was an auditor of a building society on the first day of October, nineteen hundred and sixty, shall, notwithstanding that he is not for the time being a member of any of those bodies, be qualified for appointment or re-appointment as an auditor of that society at any annual general meeting of the society if, at the time of that meeting, he is authorised under paragraph (b) of subsection (1) of section one hundred and sixty-one of the Companies Act, 1948, to be appointed as auditor of a company.

(3) None of the following persons shall be appointed as auditor of a building society—

- (a) an officer or servant of the society;

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(b) a person who is a partner of or in the employment of, or who employs, an officer or servant of the society ;

(c) a body corporate.

References in this subsection to an officer or servant shall be construed as not including an auditor.

(4) Subsections (1) and (3) of this section shall have effect notwithstanding anything in the rules of any building society.

(5) Nothing in this section shall prevent the appointment as auditor of a building society of a Scottish firm if none of the partners of the firm is by virtue of this section disqualified for appointment as auditor of the society.

(6) Any body corporate which is appointed as auditor of a building society in contravention of subsection (3) of this section, and acts under the appointment, shall be liable on summary conviction to a fine not exceeding two hundred pounds.

**Auditors' report and right of access to books and to attend and be heard at meetings.**

**87.—**(1) The auditors of a building society shall make a report to the members on the accounts examined by them, and on every balance sheet and every revenue and appropriation account laid before the society at the annual general meeting during their tenure of office.

(2) The auditors' report shall be read before the building society at the annual general meeting and shall be open to inspection by any member.

(3) The report shall state whether the balance sheet and revenue and appropriation account are properly drawn up in accordance with the requirements of this Act and the regulations made thereunder, and whether, in the opinion of the auditors, they give a true and fair view—

(a) in the case of the balance sheet, of the state of the building society's affairs as at the end of its financial year, and

(b) in the case of the revenue and appropriation account, of the income and expenditure of the society for its financial year.

(4) It shall be the duty of the auditors of a building society, in preparing their report under this section, to carry out such investigations as will enable them to form an opinion as to the following matters, that is to say,—

(a) whether the society has kept proper books of account and proper records of the matters referred to in subsection (1) of section twenty-seven of this Act ;

(b) whether the society has maintained a satisfactory system of control over its transactions and records, and, in particular, whether the requirements of paragraph (b) of subsection (1), and subsection (3), of section seventy-six of this Act have been complied with ; and

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- (c) whether the balance sheet and revenue and appropriation account are in agreement with the books of account and records of the society ;

and if the auditors are of opinion that the society has failed to keep proper books of account or proper records of the matters referred to in subsection (1) of section twenty-seven of this Act, or to maintain a satisfactory system of control over its transactions and records, or if the balance sheet and revenue and appropriation account are not in agreement with the books of account and records of the society, the auditors shall state that fact in their report.

- (5) Every auditor of a building society—

- (a) shall have a right of access at all times to the books, accounts, records and vouchers of the society, and to all other documents relating to its affairs, including the deeds relating to property mortgaged to the society, and
- (b) shall be entitled to require from the officers of the society such information and explanations as he thinks necessary for the performance of the duties of the auditors.

(6) If the auditors fail to obtain all the information and explanations which, to the best of their knowledge and belief, are necessary for the purposes of their audit, they shall state that fact in their report.

- (7) The auditors of a building society shall be entitled—

- (a) to attend any general meeting of the society, and to receive all notices of and other communications relating to any general meeting which any member of the society is entitled to receive, and
- (b) to be heard at any meeting which they attend on any part of the business of the meeting which concerns them as auditors.

### *Annual returns*

**88.**—(1) Every building society shall in the first three months of each financial year (other than such a financial year as is mentioned in subsection (5) of this section) make to the Chief Registrar a return (in this Act referred to as “the annual return”) relating to the affairs of the society for the previous financial year. Duty to make annual return.

## PART VI

(2) The annual return shall be signed by two of the directors, and by the manager or secretary of the building society.

(3) The annual return shall contain such information and shall be in such form as the Chief Registrar may prescribe by regulations made with the consent of the Treasury and contained in a statutory instrument.

(4) A copy of the latest annual return for any financial year (with the auditors' report) shall be supplied on demand to any member of, or depositor in, the building society without charge on or after the date of the holding of the annual general meeting in the following financial year.

(5) A building society shall not be required by virtue of subsection (1) of this section to make an annual report in a financial year in which, under section sixty-four of this Act, the society is not required to hold an annual general meeting.

(6) If a building society fails to comply with any of the provisions of this section or of regulations made under this section, the society, and every officer of the society who is in default, shall be liable on summary conviction to a fine not exceeding two hundred pounds.

Annual return to disclose advances to directors or officers or to companies in which they are interested.

**89.**—(1) Every annual return of a building society shall contain particulars showing the amount of any advances made by the society during the relevant financial year—

- (a) to any director or the manager or secretary of the society, or
- (b) to any person who, after the making of the advance, became a director or the manager or secretary of the society in that year, or
- (c) to a company or other body corporate in which, when the advance was made, or at any later time in the relevant financial year, a director or the manager or secretary of the society held (either directly or through a nominee) shares the nominal value of which exceeded two and a half per cent. of the total paid-up share capital of the company or other body corporate, or
- (d) to a company or other body corporate of which, when the advance was made, or at any later time in the relevant financial year, a director or the manager or secretary of the society was a director, general manager, secretary or other similar officer,

and also, in the case of an advance falling within paragraph (c) of this subsection, particulars of the officer's shareholding.

## PART VI

(2) It shall be the duty of any director and of the manager and the secretary of a building society to give notice in writing to the society of such matters relating to his employment by, or other interest in, any company or other body corporate as may be necessary for the purposes of the preceding subsection; and, subject to the next following subsection, a person failing to comply with this subsection shall be liable on summary conviction to a fine not exceeding two hundred pounds.

(3) In any proceedings against a person in respect of an offence under the last preceding subsection, it shall be a defence to prove that at the time of the alleged offence he did not know that the building society had made the advance to the body corporate in question, and that at that time reasonable arrangements were in operation to bring to his notice any advance made by the society to any body corporate.

(4) If the requirements of subsection (1) of this section are not complied with, it shall be the duty of the auditors of the building society to include in their report, so far as they are reasonably able to do so, a statement giving the required particulars.

(5) In this section "the relevant financial year", in relation to an annual return of a building society, means the society's financial year to which the return relates.

**90.**—(1) For each financial year for which the annual return under section eighty-eight of this Act is made by a building society, the society shall cause to be prepared, and sent to the Chief Registrar together with the annual return, a return with respect to—

Additional annual return of certain transactions.

- (a) every property which has, during that financial year, been sold by the society in the exercise of its powers as mortgagee, and
- (b) every mortgage which has been transferred by the society during that financial year.

(2) A person who has effected a mortgage in favour of a building society, and any person to whom there have passed (whether by operation of law or otherwise) any of the rights or liabilities under such a mortgage of the person who effected it, shall be entitled to be furnished with a copy of so much of any return made under this section as relates to that mortgage.

(3) Except as provided by the last preceding subsection, no person shall be entitled to require the Chief Registrar to permit him to inspect, or to furnish him with any extract from, any such return.

**PART VI**

(4) If a building society fails to send to the Chief Registrar a return which it is required to send to him under subsection (1) of this section, the society, and every officer of the society who is in default, shall be liable on summary conviction to a fine not exceeding two hundred pounds.

**Auditors' report on annual return.**

**91.**—(1) The auditors of a building society shall make a report on the annual return, which shall be annexed to the annual return made to the Chief Registrar.

(2) Regulations under section eighty-eight of this Act may provide that the auditors of a building society shall not be required, in their report on the annual return, to deal with such of the matters to be contained in the annual return as may be prescribed by the regulations for the purposes of this subsection.

(3) The auditors' report on the annual return of a building society shall (without prejudice to any provision of this Act requiring any other information to be contained therein) contain statements as to the following matters, that is to say,—

- (a) whether in their opinion the annual return is properly drawn up in accordance with the requirements of this Act and regulations made thereunder ;
- (b) whether the annual return gives a true and fair view of the matters to which it is to be addressed (other than those with which the auditors, by virtue of regulations made in pursuance of the last preceding subsection, are not required to deal) ; and
- (c) whether the annual return is in agreement with the books of account and records of the society.

*Liability of officers***Officers (including auditors) not to be exempted from liability.**

**92.**—(1) Subject to the provisions of this section, any provision to which this section applies, whether contained in the rules of a building society or in any contract with a building society or otherwise, shall be void.

(2) This section applies to any provision for—

- (a) exempting any director or other officer of a building society from any liability which, by virtue of any rule of law, would otherwise attach to him in respect of any negligence, default, breach of duty or breach of trust of which he may be guilty in relation to the society, or
- (b) indemnifying any such director or officer against any such liability.

(3) Subsection (1) of this section shall not prevent a building society from indemnifying a person against any liability incurred.



by him in defending any proceedings (whether civil or criminal) in which judgment is given in his favour or in which he is acquitted.

## PART VI

(4) Section four hundred and forty-eight of the Companies Act, 1948 (which empowers the court to grant relief in certain cases of negligence, default, breach of duty or breach of trust) shall apply in relation to directors and other officers of a building society as it applies in relation to officers of a company.

(5) References in this section to an officer of a building society shall be construed as including references to a person who is employed by a building society as auditor but, apart from this section, is not an officer of the society.

*Determination of disputes*

93.—(1) The provisions of sections ninety-four to ninety-eight of this Act shall have effect with respect to disputes to which this section applies, but (except in so far as the rules of a building society otherwise expressly provide) shall not have effect with respect to any other dispute. General provisions as to disputes.

(2) Where the provisions of those sections have effect, and in accordance therewith a dispute is to be determined by arbitrators or by the central office or the Chief Registrar, no court shall have jurisdiction to determine it, except in so far as those provisions confer jurisdiction in that behalf.

(3) This section applies to any dispute between a building society and a member of the society in his capacity as a member thereof, or a representative of such a member in his capacity as a member of the society, in respect of any matter except the construction or effect of—

- (a) a mortgage deed, or
- (b) any other contract contained in any document other than the rules of the society.

(4) Nothing in sections ninety-four to ninety-eight of this Act shall prevent a building society, or any member of, or person claiming through or under a member of, a building society, from obtaining in the ordinary course of law any remedy in respect of any mortgage, or in respect of any other contract, other than the rules of the society, to which he or the society would otherwise be entitled by law.

(5) Any reference in the rules of a building society to disputes shall (except in so far as the rules otherwise expressly provide) be construed as referring, and as referring only, to disputes to which this section applies.

(6) In relation to Scotland, for any reference in this section and in the following provisions of this Part of this Act to an arbitrator there shall be substituted a reference to an arbiter.

**PART VI**  
**Determination**  
**of disputes by**  
**arbitration.**

**94.—(1)** The provisions of this section shall have effect where the rules of a building society direct disputes to be referred to arbitration.

(2) Arbitrators shall be nominated and elected in the manner provided by the rules, or, if the rules make no such provision, at the first general meeting of the building society.

(3) No arbitrators shall be beneficially interested, whether directly or indirectly, in the funds of the building society.

(4) In the case of a dispute, such number of the arbitrators (not being less than three) as may be prescribed by the rules of the society shall be chosen by ballot (in such manner as may be so prescribed) to determine it.

(5) The names of the arbitrators shall be duly entered in the minute book of the society.

(6) If an arbitrator dies, or refuses or neglects to act, the building society at a general meeting shall nominate and elect another to act in his place.

(7) The award made by the arbitrators or the majority of them, if made in accordance with the rules of the building society, shall determine the dispute.

(8) If either party to a dispute refuses or neglects to comply with the award of the arbitrators within such time as may be limited by the award, the court, on the application of any person concerned, shall enforce compliance with the award on proof of its having been made and of that party's refusal or neglect to comply with it.

**Determination**  
**of disputes**  
**by central**  
**office or Chief**  
**Registrar.**

**95.—(1)** Where the parties to a dispute agree to refer it to the central office, or where the rules of a building society direct disputes to be so referred, the dispute shall be referred accordingly, and the award of the central office shall have the same effect as that of arbitrators under the last preceding section.

(2) Any dispute as to the rights of a member under section sixty-three of this Act shall be referred to the Chief Registrar, and the award of the Chief Registrar shall have the same effect as that of arbitrators under the last preceding section.

(3) Any reference of a dispute to the central office or the Chief Registrar under this section shall be deemed to be a reference to arbitration.

**Determination**  
**of disputes**  
**by court.**

**96.—(1)** The court may hear and determine a dispute in any case where the rules of the building society direct disputes to be referred to the court or to justices.

PART VI

(2) The court may also hear and determine a dispute in any case where, on the petition of any person concerned, it appears to the court—

- (a) that application has been made by either party to the dispute to the other party, for the purpose of having the dispute settled by arbitration under the rules of the building society, and
- (b) that either the application has not been complied with within forty days, or the arbitrators have refused, or have neglected for a period of twenty-one days, to make an award.

97. Subject to the next following section, every determination of a dispute by arbitrators, or by the central office or the Chief Registrar, or by the court, shall be final and conclusive, and binding on all parties, and shall not be subject to appeal ; and no proceedings on, or determination of, a dispute, whether referred to arbitrators, the central office, the Chief Registrar or the court, shall be removed into, or restrained by injunction granted by, any court, or any other court, as the case may be. Effect of determination.

98.—(1) The arbitrators, the central office, the Chief Registrar or the court, as the case may be, to whom a dispute is referred under the preceding provisions of this Part of this Act may, at the request of either party, state a case for the opinion of the High Court on any question of law. Statement of case for High Court or Court of Session.

(2) Section twenty-one of the Arbitration Act, 1950 (which enables arbitrators to state, or to be directed to state, a special case for decision by the High Court) shall not apply to any dispute referred as mentioned in the preceding subsection.

(3) In the application of this section to Scotland, for the reference in subsection (1) to the High Court there shall be substituted a reference to the Court of Session, and subsection (2) shall be omitted.

PART VII

WINDING UP AND DISSOLUTION

99. A building society may be dissolved in the manner prescribed by its rules. Dissolution in accordance with rules.

100.—(1) A building society may be dissolved by an instrument of dissolution, with the consent (testified by their signature of that instrument) of three-fourths of the members of the society, holding not less than two-thirds of the number of shares in the society. Dissolution by consent.

(2) An instrument of dissolution under this section shall set out—

- (a) the liabilities and assets of the society in detail ;

N

## PART VII

- (b) the number of members, and the amount standing to their credit in the books of the society ;
- (c) the claims of depositors and other creditors, and the provision to be made for their payment ;
- (d) the intended appropriation or division of the funds and property of the society ;
- (e) the names of one or more persons to be appointed as trustees for the purposes of the dissolution, and their remuneration.

(3) An instrument of dissolution made with consent given and testified as mentioned in subsection (1) of this section may be altered with the like consent, testified in the like manner.

(4) Every instrument of dissolution under this section, and every alteration of such an instrument, shall be registered in the manner provided by section two of this Act for the registration of the rules of a building society ; and every such instrument or alteration shall be binding upon all the members of the building society.

Dissolution  
on award of  
central office.

**101.**—(1) On the application in writing—

- (a) in the case of a building society having more than one thousand members, of one hundred members of the society, or
- (b) in the case of any other building society, of one-tenth of the whole number of members of the society,

stating that the society is unable to meet the claims of its members, and that it would be for their benefit that it should be dissolved, and requesting an investigation into the affairs of the society with a view to its being dissolved, the central office may investigate the affairs of the society.

(2) Before beginning an investigation under the preceding subsection, the central office shall give not less than two months' notice in writing to the building society at its registered chief office or place of meeting.

(3) If on such an investigation it appears that the building society is unable to meet the claims of its members, and that it would be for their benefit that it should be dissolved, the central office—

- (a) may, if they consider it expedient to do so, award that the society be dissolved, and shall in that case direct in what manner the affairs of the society are to be wound up, or
- (b) may suspend their award for such period as they think necessary to enable the society to make such alterations of its rules as will, in the judgment of the central office, make such an award unnecessary.

(4) Where an award for dissolution is made under this section, the central office shall, within twenty-one days after the making thereof, cause notice of the award to be advertised in the London and Edinburgh Gazettes, and in a newspaper circulating in the county in which the registered chief office or place of meeting of the building society is situated.

PART VII

**102.—**(1) The provisions of this section shall have effect in relation to the dissolution of a building society under section ninety-nine or section one hundred of this Act.

Provisions applicable to dissolution under ss. 99 and 100.

(2) The provisions of this Act shall continue to apply in relation to the building society as if the liquidators or other persons conducting the dissolution of the society, or the trustees appointed under the instrument of dissolution, as the case may be, were the board of directors of the society.

(3) The liquidators, trustees or other persons having the conduct of the dissolution shall, within twenty-eight days from the termination of the dissolution, send to the central office an account and balance sheet signed and certified by them as correct, and showing the assets and liabilities of the society at the commencement of the dissolution, and the way in which those assets and liabilities have been applied and discharged; and if they fail to do so they shall each be liable on summary conviction to a fine not exceeding five pounds for every day during which the default continues.

(4) Except with the consent of the central office—

(a) no resolution, instrument of dissolution or other proceeding for the dissolution of a building society under section ninety-nine or section one hundred of this Act, and

(b) no alteration of an instrument of dissolution under section one hundred of this Act,

shall be of any effect if the purpose of the proposed dissolution or alteration is to effect or facilitate the transfer of the society's engagements to any other society.

(5) Any provision in a resolution or document that members of a building society proposed to be dissolved shall accept investments in another society (whether in shares, deposits or any other form) in or towards satisfaction of their rights in the dissolution shall be conclusive evidence of such a purpose as is mentioned in the last preceding subsection.

**103.—**(1) The preceding provisions of this Part of this Act shall have effect without prejudice to the operation of so much of section thirty-two of the Building Societies Act, 1874, as is not repealed by this Act, or of section eight of the Building Societies Act, 1894, or of any other enactment under which building societies can be wound up.

Winding up by, or under supervision of, the court.

## PART VII

(2) Where in the exercise of any power conferred by this Act the Chief Registrar presents a petition for the winding up of a building society under the Companies Act, 1948, the court may, if it thinks fit, having regard to the interests of those members of the society (if any) who were not responsible for the relevant default, and to all the other circumstances, refuse to make an order for winding up, and may make its refusal subject to any conditions.

(3) The conditions which the court may impose under the last preceding subsection, or under section two hundred and fifty-six of the Companies Act, 1948 (which authorises the court to stay proceedings after the making of an order for winding up), may include conditions for securing—

- (a) that the building society be dissolved in accordance with section ninety-nine or section one hundred of this Act, or
- (b) that the building society unite under section eighteen of this Act with another building society, or that it transfer its engagements to another building society under section nineteen of this Act,

and may also include conditions for securing that the relevant default be made good, and that the costs of the proceedings on the petition be defrayed by the person or persons responsible for that default.

(4) In this section “the court”, in relation to a petition for the winding up of a building society, means the court having jurisdiction to wind up the society on that petition, and “the relevant default”, in relation to a petition for winding up, means the default which was the occasion of the petition being presented.

(5) In the application of this section to Scotland, in subsection (1) the reference to section eight of the Building Societies Act, 1894, shall be omitted, and in subsection (3), for the reference to costs, there shall be substituted a reference to expenses.

Liability  
of members  
on winding up  
or dissolution.

**104.** Where a building society is being wound up or dissolved, a member to whom an advance has been made under a mortgage or other security, or under the rules of the society, shall not be liable to pay the amount payable thereunder except at the time or times and subject to the conditions set out in the mortgage or other security, or in the rules, as the case may be.

Notice of  
winding up  
or dissolution.

**105.—**(1) Notice of the commencement and of the termination of the winding up or dissolution of a building society shall be sent to the central office and registered by them.

(2) If a building society fails to send to the central office a notice which it is required to send to them under the preceding subsection, the society, and every officer of the society who is in default, shall be liable on summary conviction to a fine not exceeding two hundred pounds. PART VII

**106.** In relation to a building society which is a terminating society, the provisions of this Part of this Act shall have effect without prejudice to the termination of the society on the happening of any event specified in the rules as an event on which the society is to terminate. Provision as to terminating societies.

## PART VIII

### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

**107.**—(1) A building society shall supply to any person who requires it a complete, printed copy of its rules, with a copy of the society's certificate of incorporation annexed to it, and shall be entitled to charge a sum not exceeding one shilling for each such copy of its rules. Building society to supply copies of rules.

(2) If a building society fails to comply with the requirements of the preceding subsection, the society, and every officer of the society who is in default, shall be liable on summary conviction to a fine not exceeding two hundred pounds.

**108.**—(1) A building society may change its chief office— Change of chief office of building society.

(a) in such manner as its rules direct, or

(b) if there is no such direction in the rules, then at a general meeting specially called for the purpose in accordance with its rules.

(2) Notice of any such change shall, within seven days after the change, be sent to the central office and shall be registered by them, and they shall give a certificate of registration.

(3) It shall not be necessary to alter the rules of a building society by reason only that its chief office is changed.

(4) If a building society fails to send to the central office a notice which it is required to send to them under subsection (2) of this section, the society, and every officer of the society who is in default, shall be liable on summary conviction to a fine not exceeding two hundred pounds.

**109.**—(1) Any land to which a building society becomes absolutely entitled by foreclosure, or by release or other extinguishment of a right of redemption, shall as soon as may be conveniently practicable be sold or converted into money. Land acquired by foreclosure etc., to be sold.

## PART VIII

(2) If a building society contravenes the preceding subsection, the society shall be liable on conviction on indictment or on summary conviction to a fine which, on summary conviction, shall not exceed two hundred pounds; and every officer of the society who is in default shall be liable—

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

(3) In the application of this section to Scotland, for subsection (1) there shall be substituted the following subsection:—

- “(1) Where the title of a building society to any land held by it in security has become absolute and irredeemable, the society shall as soon as may be conveniently practicable sell or convert that land into money.”

**Inspections  
and special  
meetings.**

**110.**—(1) In the circumstances mentioned in the next following subsection, the Chief Registrar, with the consent of the Treasury, may appoint an inspector to inquire into and report on the affairs of a building society, or may call a special meeting of a building society, or may (either on the same or on different occasions) both appoint such an inspector and call such a meeting.

(2) The powers conferred by the preceding subsection may be exercised in relation to a building society either—

- (a) on the application of the requisite number of members of the society, or
- (b) where no such application has been made, but the Chief Registrar is of opinion that an investigation should be held into the affairs of the society, or that the affairs of the society call for consideration by a meeting of the members.

(3) For the purposes of paragraph (a) of the last preceding subsection the requisite number of members—

- (a) in the case of a building society having more than one thousand members, is one hundred, and
- (b) in the case of any other building society, is one-tenth of the whole number of members of the society.

(4) The following provisions shall have effect where an application is made as mentioned in paragraph (a) of subsection (2) of this section, that is to say,—

- (a) the application shall be supported by such evidence as the Chief Registrar may direct for the purpose of showing that the applicants have good reason for



requiring an inspection or a special meeting, as the case may be, and that they are not actuated by malicious motives in their application;

- (b) such notice of the application shall be given to the building society as the Chief Registrar may direct;
- (c) the Chief Registrar shall require the applicants to give security for the costs of the proposed inspection or meeting before the inspector is appointed or the meeting is called; and
- (d) all expenses of and incidental to the inspection or meeting shall be defrayed by the applicants, or out of the funds of the society, or by the members or officers or former members or officers of the society, in such proportions as the Chief Registrar may direct.

(5) Before exercising his powers in a case falling within paragraph (b) of subsection (2) of this section, the Chief Registrar shall inform the building society of the action which he proposes to take, and of the grounds on which he proposes to take it, and the society shall, within fourteen days of receiving the information, be entitled to give the Chief Registrar an explanatory statement in writing by way of a reply.

(6) An inspector appointed under this section may require the production of all or any of the books, accounts, securities and documents of the building society, and may examine on oath its officers, members, agents and servants in relation to its business, and may administer an oath accordingly.

(7) If a building society fails to allow an inspector appointed under this section to do anything which he is authorised to do under the last preceding subsection, the society, and every officer of the society who is in default, shall be liable on summary conviction to a fine not exceeding two hundred pounds.

(8) Where a special meeting is called under this section—

- (a) the Chief Registrar may direct at what time and place the meeting is to be held, and what matters are to be discussed and determined at the meeting, and may give such other directions as he thinks fit with respect to the calling, holding and conduct of the meeting;
- (b) the Chief Registrar may appoint a person to be chairman at the meeting, or, in default of such an appointment, the meeting may appoint its own chairman;
- (c) the meeting shall have all the powers of a meeting called according to the rules of the building society;

and the provisions of this subsection and any direction given thereunder shall have effect notwithstanding anything in the rules of the building society.

**PART VIII**  
 Offences in  
 relation to  
 property of  
 building  
 societies.

**111.—(1) Any person who—**

- (a) by false representation or imposition obtains possession of any moneys, securities, books, papers or other effects of a building society, or
- (b) having any such moneys, securities, books, papers or other effects in his possession, withholds or misapplies them, or wilfully applies any part of them to purposes other than authorised purposes,

shall be guilty of an offence under this section.

(2) A person guilty of an offence under this section shall be liable—

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

(3) The court by or before which a person is convicted of an offence under this section may order him to deliver up or repay to the building society any moneys, securities, books, papers or other effects in respect of which he is convicted of that offence.

(4) Proceedings in respect of an offence under this section in relation to a building society may be instituted by the society or the central office or the Chief Registrar; but no such proceedings shall be instituted in England or Wales by any other person unless he is a member of the society authorised in that behalf by the society or by the board of directors of the society or by the central office.

(5) In this section “authorised purposes”, in relation to a building society, means purposes authorised by the rules of the society or by this Act.

False  
 statements in  
 documents.

**112.—(1) If any person wilfully makes, or orders or allows to be made, any false statement in a document to which this section applies, or by erasure, omission or otherwise wilfully falsifies any such document, he shall be liable—**

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

(2) This section applies—

- (a) to any document sent to the Chief Registrar or the central office under or in pursuance of this Act, and

- (b) to any document consisting of a statement issued by a building society in pursuance of subsection (1) of section twenty of this Act, or in pursuance of that subsection as applied by subsection (6) of section one hundred and twenty-four of this Act. PART VIII

**113.—**(1) Where the central office are satisfied with respect to a building society— Compulsory cancellation or suspension of registration.

- (a) that a certificate of incorporation has been obtained for the society by fraud or mistake, or  
 (b) that the society exists for an illegal purpose, or  
 (c) that the society has wilfully, and after notice from the central office, violated any of the provisions of this Act, or  
 (d) that the society has ceased to exist,

the central office, with the approval of the Treasury, may cancel or suspend the registration of the society.

(2) Any cancellation or suspension of registration under this section shall be effected in writing signed by the central office.

(3) Where the registration of a building society is suspended under this section, the period of suspension shall in the first instance be a period not exceeding three months, but may, with the approval of the Treasury, be extended from time to time by not more than three months at a time.

(4) Before cancelling or suspending the registration of a building society under this section, the central office shall give to the society not less than two months' previous notice in writing, specifying briefly the grounds of the proposed cancellation or suspension.

(5) As soon as practicable after the cancellation or suspension of the registration of a building society under this section takes effect, the central office shall cause notice thereof to be published in the London and Edinburgh Gazettes, and in a newspaper circulating in the county in which the registered chief office or place of meeting of the building society is situated.

(6) Where the registration of a building society—

- (a) is cancelled under this section, or  
 (b) is suspended under this section for a period exceeding six months,

the society may appeal to the High Court; and on any such appeal the High Court, if it thinks it just to do so, may set aside the cancellation or suspension.

(7) In the application of this section to Scotland, for any reference to the High Court there shall be substituted a reference to the Court of Session.

**PART VIII**  
Cancellation  
of registration  
at request  
of building  
society.

**114.** Without prejudice to the last preceding section, the central office may, if they think fit, cancel the registration of a building society at the society's request, evidenced in such manner as the central office may direct.

Effect of  
cancellation  
or suspension  
of registration.

**115.—(1)** Subject to the following provisions of this section, where the registration of a building society is cancelled or suspended under section one hundred and thirteen of this Act, or is cancelled under the last preceding section, then as from the time of the cancellation or suspension (but, in the case of a suspension, only so long as the suspension continues) the society shall absolutely cease to enjoy as such the privileges of a building society.

(2) The preceding subsection shall have effect subject to the right of appeal under subsection (6) of section one hundred and thirteen of this Act.

(3) Subsection (1) of this section shall have effect in relation to a building society without prejudice to any liability actually incurred by the society; and any such liability may be enforced against the society as if the cancellation or suspension had not taken place.

Provisions  
as to shares  
held jointly.

**116.—(1)** The provisions of this section shall have effect where shares in a building society are held by two or more persons jointly; and in this section "senior joint holder", in relation to any shares so held, means that one of the joint holders who is named first in the books of the society.

(2) Except where the rules of the society otherwise provide, any notice or other document may be given or sent by the society to the joint holders by being given or sent to the senior joint holder:

Provided that this subsection shall not prevent any of the joint holders from exercising the right under this Act of a member of a building society to obtain from the society on demand a copy of the balance sheet or of the annual return.

(3) For the purpose—

(a) of determining who is qualified to vote, whether in person or by proxy, on a resolution at a meeting of the society, and

(b) of determining (where relevant) the number of votes any person may then give,

the shares shall be treated as held by the senior joint holder alone; and accordingly a person who is a member of the society by reason only of being a joint holder of those shares (other than the senior joint holder) shall not be qualified to vote on any such resolution.

(4) For the purposes of sections eighteen, nineteen, one hundred and one hundred and twenty-four of this Act, the shares shall be treated as held by the senior joint holder alone ; and accordingly a person who is a member of the society by reason only of being a joint holder of those shares (other than the senior joint holder) shall not be regarded as a member of the society for the purposes of those sections.

(5) The senior joint holder (but none of the other joint holders) shall have the right to join in making an application under section one hundred and one or section one hundred and ten of this Act, and any reference in those sections to the total membership of a building society shall be construed accordingly.

(6) In the register to be maintained under section sixty-two of this Act, it shall not be necessary to enter the name and address of a person who is one of the joint holders (other than the senior joint holder) by reason only that he is a joint holder of those shares ; and if his name and address are entered in the register in respect of those shares, the entry shall indicate that he is a joint holder who is not the senior joint holder.

(7) The joint holders shall be entitled to choose the order in which they are named in the books of the society.

117. The following instruments shall be exempted from all such stamp duties (if any) as apart from this section would be chargeable on them, that is to say— Exemption from stamp duty.

- (a) any copy of the rules of a building society ;
- (b) any power, warrant or letter of attorney, granted by a person as trustee for a building society, for the transfer of any share in the public funds standing in his name ;
- (c) any receipt given by a building society for a dividend on any public stock or fund or for interest on an exchequer bill ;
- (d) any receipt, or entry in a book of receipt, for money deposited in the funds of a building society, or for money received from the funds of a building society by a member, or the personal representatives or an assign or agent of a member, of the society ;
- (e) any transfer of a share in a building society ;
- (f) any bond or other security (other than a mortgage) to be given to, or on account of, a building society or by an officer of a building society ;
- (g) any order on an officer of a building society for payment of money to a member ;
- (h) any instrument appointing an agent of a building society or revoking such an appointment ;
- (i) any other instrument whatsoever which is required or authorised to be given, issued, signed, made or produced in pursuance of this Act or of the rules of a building society, other than a mortgage.

**PART VIII**  
Annual  
report of  
Chief  
Registrar.

**118.** The Chief Registrar shall cause to be made an abstract and report of the annual returns of building societies and of the proceedings of the central office under this Act, and shall lay the abstract and report before the Treasury and before Parliament.

Appointment  
of deputy  
for Chief  
Registrar.

**119.—(1)** At any time when the Treasury are satisfied that the Chief Registrar is or will be absent from the United Kingdom, or for any other reason unable to perform his functions in relation to building societies, the Treasury may appoint a person, on such terms as may be specified in the appointment, to act as deputy for the Chief Registrar in respect of those functions.

(2) A deputy so appointed may exercise all the powers of the Chief Registrar under this Act.

Time limit  
for com-  
mencement  
of summary  
proceedings.

**120.—(1)** Notwithstanding any limitation on the time for the taking of proceedings contained in any Act, summary proceedings for any offence under this Act may, subject to the next following subsection, be commenced by the Chief Registrar at any time within the period of one year beginning with the date on which evidence, sufficient in the opinion of the Chief Registrar to justify a prosecution for the offence, comes to his knowledge.

(2) Nothing in the preceding subsection shall authorise the commencement of proceedings for any offence at a time more than three years after the date on which the offence was committed.

(3) For the purposes of subsection (1) of this section a certificate, purporting to be signed by or on behalf of the Chief Registrar, as to the date on which such evidence as is mentioned in that subsection came to his knowledge, shall be conclusive evidence of that date.

(4) In the application of this section to Scotland, in subsection (1) the words "by the Chief Registrar" shall be omitted.

Provisions  
as to  
evidence.

**121.—(1)** Any document purporting to have been signed by the registrar of building societies or the central office and to be a certificate of incorporation or registration or other document relating to a building society shall be received in evidence and shall, in the absence of any evidence to the contrary, be deemed to have been signed by the registrar of building societies or the central office, as the case may be.

(2) Any printed document purporting to be a copy of the rules of a building society, and certified by the secretary or other officer of the society to be a true copy of its rules as registered, shall be received in evidence and shall, in the absence of any evidence to the contrary, be deemed to be a true copy of its rules.

**122.—**(1) Any register, record or book of account to be kept by a building society may be kept either by making entries in bound books or by recording the matters in question in any other manner. PART VIII  
Form in which records may be kept.

(2) Where any such register, record or book of account is not kept by making entries in a bound book but by some other means, adequate precautions shall be taken for guarding against falsification and facilitating its discovery; and where default is made in complying with this subsection, the building society, and every officer of the society who is in default, shall be liable on summary conviction to a fine not exceeding two hundred pounds.

**123.—**(1) Without prejudice to any other power in that behalf conferred on him by this Act, the Chief Registrar shall have power with the consent of the Treasury to make regulations with respect to— Provisions as to certain certificates, notices and other documents, and as to fees.

- (a) the form of, and the particulars to be included in, any certificate issued under this Act, and any application, notice or other document made or sent to the Chief Registrar or the central office under or in pursuance of this Act; and
- (b) the fees to be paid for the inspection, or the furnishing of copies, of any document in the custody of the Chief Registrar or the central office, or in connection with the exercise by the Chief Registrar or the central office of any of their functions under this Act.

(2) The Chief Registrar may make rules for prescribing anything authorised or required to be prescribed by any of the provisions of sections twenty-eight to thirty and section thirty-six of this Act, and in those sections “prescribed” means prescribed by rules made under this subsection.

(3) Any rules made under the last preceding subsection for prescribing the form in which any notice is to be given may further provide that a notice to which the rules apply shall be deemed not to have been validly given unless, within such time from the giving of the notice as may be prescribed by the rules, the person to whom the notice was given signed a duplicate thereof and delivered it to the person by whom, or on whose behalf, the notice was given.

(4) Any power conferred by this section to make regulations or rules shall be exercisable by statutory instrument.

**124.—**(1) Without prejudice to the provisions of section nineteen of this Act, but subject to the following provisions of this section, a building society may— Transfer of engagements to or from Northern Ireland society.

- (a) by special resolution transfer its engagements to a Northern Ireland society which undertakes to fulfil those engagements, or

## PART VIII

(b) by special resolution or, with the consent of the central office, by a resolution of a general meeting or of the board of directors of the building society, undertake to fulfil the engagements of a Northern Ireland society.

(2) Subject to the next following subsection, a transfer of engagements shall not take effect by virtue of this section unless or until the consent in writing of the holders of not less than two-thirds of the whole number of shares of the building society has been obtained.

(3) If the building society makes an application to the central office, and publishes notice of the application in the London and Edinburgh Gazettes, the central office, after hearing the building society and any other persons whom they consider entitled to be heard, may confirm the transfer of engagements notwithstanding that the consent of the holders of two-thirds of the whole number of shares in the building society has not been obtained as required by the last preceding subsection.

(4) A transfer of engagements shall not take effect by virtue of this section until the central office have given their consent in writing to the transfer; and they shall not give that consent unless they are satisfied that the transfer of engagements will also take effect under the law of Northern Ireland.

(5) On giving consent under the last preceding subsection to a transfer of engagements, the central office shall register the transfer.

(6) Subject to the next following subsection, subsections (1) to (3) and subsections (5) to (7) of section twenty of this Act shall apply in relation to a transfer of engagements under this section as they apply in relation to a transfer of engagements under section nineteen of this Act, as if in those subsections any reference to the relevant society were a reference to the building society acting under subsection (1) of this section, and any reference to section nineteen of this Act were a reference to this section.

(7) Any statement sent to the members of a building society under subsection (1) of section twenty of this Act as applied by the last preceding subsection shall indicate that the other party to the transfer of engagements is a Northern Ireland society.

Incorporation  
of  
unincorporated  
societies.

**125.**—(1) Any unincorporated society certified under the Act of 1836 may obtain a certificate of incorporation under this Act, on application to the central office made on the authority of a general meeting of the society specially called for the purpose.

(2) Where such an application is made, the central office may require of the person making the application a statutory declaration that such authority was duly given.



(3) Where any such society obtains a certificate of incorporation by virtue of this section—

- (a) its rules, in so far as they are not contrary to any express provision of this Act, shall continue in force until altered in accordance with this Act;
- (b) all rights of action and other rights, and all estates and interests in real or personal estate, other than stocks and securities in the public funds of the United Kingdom, being rights, estates or interests which immediately before its incorporation belonged to or were held in trust for the society, shall on its incorporation vest in the society by virtue of this subsection and without further assurance;
- (c) subject to the preceding paragraphs the provisions of this Act shall have effect in relation to the society as they have effect in relation to a society which has obtained a certificate of incorporation under section two of this Act.

(4) In section seven of the Building Societies Act, 1874 (which makes provision with respect to unincorporated societies pending their incorporation) any reference to a certificate of incorporation under that Act shall be construed as including a reference to a certificate of incorporation under this Act.

(5) In this Act “unincorporated society certified under the Act of 1836” means a society whose rules were certified under the enactments referred to in section four of the Act of the sixth and seventh years of King William the Fourth, chapter thirty-two (intituled an Act for the regulation of benefit building societies), as applied by that section to benefit building societies, and which is neither a building society as defined by this Act nor a Northern Ireland society.

**126.**—(1) The Statutory Instruments Act, 1946, shall apply to all powers of making statutory instruments under this Act as if the Chief Registrar were a Minister of the Crown. Provisions as to statutory instruments.

(2) Any statutory instrument made by the Chief Registrar with the consent of the Treasury under this Act, other than a statutory instrument containing an order under section twenty-one of this Act, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**127.** Any money received by the Chief Registrar under this Act shall be paid into the Exchequer. Payments into Exchequer.

**128.**—(1) Subject to the provisions of this section and of section one hundred and thirty of this Act, in this Act “financial year” means a period of twelve months ending with the thirty-first day of December. Financial year of building societies.

## PART VIII

(2) A building society whose financial year does not end with the thirty-first day of December may alter its financial year by making up its accounts for one period of more than six months, and not more than eighteen months, ending with the thirty-first day of December; and in relation to a building society exercising the power conferred by this subsection, references in this Act to a financial year of the society shall include references to that period.

## Interpretation.

129.—(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“advertisement”, in relation to a building society, means an advertisement in any medium inviting business or making known the activities of the society, and includes in particular a circular or handbill inviting business or making known the society’s activities;

“additional security”, in relation to an advance made by a building society, means any security for the advance other than a mortgage of freehold or leasehold estate, whether effected by the person to whom the advance is made or by any other person and whether it is a legal or an equitable mortgage;

“alteration”, in relation to the rules of a building society, includes any addition to the rules, and also includes the rescission of all or any of the rules, with or without the substitution of one or more new rules for any rules rescinded;

“annual return” has the meaning assigned to it by section eighty-eight of this Act;

“banking or finance company” means any body corporate or partnership whose ordinary business includes the business of banking and any other body corporate whose ordinary business includes the business of lending money;

“basic advance”, in relation to any advance made or to be made for the purpose of its being used in defraying the purchase price of freehold or leasehold estate, means the maximum amount which the building society would consider proper to advance on the security of that estate if no other security were taken by the society;

“board of directors”, in relation to a building society managed by a committee of management, means that committee;

“building society” has the meaning assigned to it by section one of this Act;

- “the central office”, in relation to England and Wales, **PART VIII** means the central office of the registry of friendly societies, and, in relation to Scotland, means the assistant registrar of friendly societies for Scotland ;
- “the Chief Registrar” means the Chief Registrar of Friendly Societies ;
- “continuing arrangement” means any arrangement made between a building society and another person whereby, in contemplation of a series of advances comprising excess advances being made by the society to members for the purpose of their being used in defraying the purchase prices of freehold or leasehold estates, that person undertakes to give to the society a series of guarantees, each of which is to secure sums payable to the society in respect of such an advance ;
- “the court”, in relation to a building society, means (in England and Wales) the county court for the district in which, or (in Scotland) the sheriff in whose jurisdiction, the chief office or place of meeting for the business of the society is situated ;
- “director”, in relation to a building society, includes a member of a committee of management and any other person occupying the position of director by whatever name called ;
- “disposition”, in relation to any freehold or leasehold estate, means any disposition of that estate inter vivos, and includes both the grant and the assignment of a lease or underlease, and “acquisition” has a corresponding meaning ;
- “excess advance” means, in relation to any advance, the amount by which the advance exceeds the basic advance ;
- “financial year” has the meaning assigned to it by section one hundred and twenty-eight of this Act ;
- “heritable security” has the same meaning as in the Conveyancing (Scotland) Act, 1924, except that it includes a security constituted by ex facie absolute disposition or assignation ;
- “member”, in relation to a building society, includes any person who for the time being holds a share (whether advanced or not) in the society ;
- “Northern Ireland society” has the meaning assigned to it by section one hundred and thirty-four of this Act ;

## PART VIII

“officer”, in relation to a building society, includes a director, manager or secretary of the society, and, in so far as Part VI of this Act so provides, also includes an auditor of the society ;

“policy of life assurance” means a policy of life assurance issued by an insurance company to which the Insurance Companies Act, 1958, applies, or by a friendly society which is a registered society for the purposes of the Friendly Societies Act, 1896 ;

“purchase price”, in relation to leasehold estate, means any sum payable as the consideration, or as part of the consideration, for the grant or assignment of the lease ;

“share” includes stock ;

“special advance” has the meaning assigned to it by section twenty-one of this Act ;

“special resolution” has the meaning assigned to it by section sixty-nine of this Act ;

“unincorporated society certified under the Act of 1836” has the meaning assigned to it by section one hundred and twenty-five of this Act.

(2) For the purposes of any enactment in this Act which provides that an officer of a building society who is in default shall be liable to a fine or penalty, “officer who is in default” means any officer of the society who knowingly and wilfully authorises or permits the default, refusal or contravention mentioned in the enactment.

(3) For the purposes of this Act the value of the assets of a building society shall be the value at which the assets are taken into account in the latest balance sheet, and not any alternative values shown in that balance sheet.

(4) For the purposes of any reference in this Act to a person holding shares in a building society up to a specified value—

(a) any shares which are fully paid up shall be taken at their nominal value ;

(b) any shares which are partly paid up shall be taken at the amount which has been paid up on them respectively ; and

(c) any share held by a person to whom, as the holder of the share, the society has made an advance, shall be disregarded.

(5) For the purposes of this Act a person shall be taken to have a financial interest in the disposition of any freehold or

leasehold estate if, but only if, he would, on a disposition of that estate, be entitled (whether directly or indirectly, and whether in possession or not) to the whole or part of the proceeds of the disposition.

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(6) Any reference in this Act to contravention of any provision of this Act, or of any regulations or directions thereunder, shall include a reference to failure to comply with that provision.

(7) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment.

(8) In the application of subsection (1) of this section to Scotland, for the reference to an underlease in the definition of "disposition", and for the reference to leasehold estate in the definition of "purchase price", there shall be substituted respectively references to a sublease and to a lease of land; and for any reference in either of those definitions to assignment there shall be substituted a reference to assignation.

130. The provisions of the Eighth Schedule to this Act, and (so far as applicable in accordance with paragraph 3 of the said Eighth Schedule) the provisions of the Ninth Schedule to this Act, shall have effect in relation to societies established before the commencement of this Act. Modifications of Act in relation to existing societies.

131. Subject to the following provisions of this Act, the enactments specified in Part I of the Tenth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule; and the orders specified in Part II of that Schedule are hereby revoked. Repeals and revocations.

132.—(1) In so far as any order, regulation, rule, application, decision, reference, appeal or payment made, consent, approval or direction given, certificate issued, notice or copy served, register kept, resolution passed, requirement imposed or other thing done, under an enactment repealed by this Act could have been made, given, issued, served, kept, passed, imposed or done under a corresponding provision of this Act, it shall not be invalidated by the repeal effected by the last preceding section, but shall have effect as if made, given, issued, served, kept, passed, imposed or done under that corresponding provision: Transitional provisions.

Provided that this subsection shall not be construed as saving any order specified in Part II of the Tenth Schedule to this Act.

(2) For the purposes of the preceding subsection, and without prejudice to the generality thereof, a resolution passed before

**PART VIII** the commencement of the Building Societies Act, 1960, in accordance with any provisions of the Building Societies Acts, 1874 to 1940, as then in force, shall be treated as a resolution which could have been passed under the corresponding provisions of this Act if it would have fallen to be so treated if passed after the commencement of the said Act of 1960 as a special resolution as defined by that Act.

(3) Any reference in an enactment or document (whether expressed or implied) to an enactment repealed by this Act shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act.

(4) References in any enactment or document to the registrar of building societies, or to the registrar as defined by section three of the Building Societies Act, 1874, shall be construed as references to the central office.

(5) Any power to make regulations under the Friendly Societies Act, 1896, in so far as it would (apart from this Act) have been exercisable for the purposes of section two or section four of that Act, shall continue to be exercisable, in relation to the powers and functions referred to in those sections respectively, as if this Act had not been passed; and any regulations made under that Act before the commencement of this Act, in so far as, immediately before the commencement of this Act, they had effect for the purposes of section two of that Act in its application to the registrar of building societies, shall continue to have effect (as modified by the last preceding subsection) as if any reference therein to the said section two were a reference to the functions and powers referred to in that section.

(6) Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.

(7) Without prejudice to subsection (1) of this section, any reference in this Act (whether express or implied) to a thing done or falling to be done, or omitted to be done, or to an event which has occurred, under or for the purposes of or by reference to a provision of this Act shall, except where the context otherwise requires, be construed as including a reference to the corresponding thing done or falling to be done, or omitted, or to the corresponding event which occurred, as the case may be, under or for the purposes of or by reference to the corresponding provision of the enactments repealed by this Act.

(8) Where an offence, for the continuance of which a penalty was provided, has been committed under an enactment repealed by this Act, proceedings may be taken under this Act in respect of the continuance of the offence after the commencement of this Act, in the same manner as if the offence had been committed under the corresponding provision of this Act.

**133.**—(1) Nothing in this Act shall affect the enactments repealed thereby in their operation in relation to offences committed before the commencement of this Act, or shall enable any proceedings to be instituted, or penalty imposed, for such an offence in so far as those proceedings could not have been instituted, or that penalty could not have been imposed, under those enactments. Savings.

(2) The repeal shall not affect the operation of any of the enactments repealed by this Act or of any other enactment in relation to any unincorporated society certified under the Act of 1836:

Provided that (without prejudice to the provisions of section one hundred and twenty-five of this Act) this subsection shall not enable any such society to obtain a certificate of incorporation under the enactments repealed by this Act.

(3) The repeal shall not affect the operation of subsection (4) of section fifteen of the Building Societies Act, 1874 (which preserved the validity of deposits and loans made before the commencement of that Act, notwithstanding that they were beyond the limits of borrowing imposed by that section) in relation to deposits and loans made before the commencement of that Act.

(4) The repeal shall not affect the operation of any of the provisions of the Building Societies Act, 1939, in relation to any advance which was made before the commencement of that Act, or which, by virtue of subsection (4) of section sixteen of that Act, was deemed to have been so made or (in the case of an advance made after the commencement of this Act) would have been deemed to have been so made if this Act had not been passed.

(5) The repeal shall not affect section five of the Societies (Miscellaneous Provisions) Act, 1940, in its operation as part of the law of any of the Channel Islands or of the Isle of Man.

(6) The repeal shall not affect any saving contained in subsection (5) of section seven of the Building Societies Act, 1960 (which relates to section eleven of the Prevention of Fraud (Investments) Act, 1958).

**PART VIII**

(7) The inclusion in this Act of any express saving or transitional provision, or of any express reference to any of the enactments repealed by this Act, shall not be taken as prejudicing the operation of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals) or as affecting the generality of the last preceding section or of subsections (1) and (2) of this section.

(8) In this section "the repeal" means the repeal and revocation effected by section one hundred and thirty-one of this Act; and (except where the context otherwise requires) references in this section to enactments repealed by this Act include references to orders revoked by this Act.

Provisions as to Northern Ireland.

**134.**—(1) This Act shall not extend to Northern Ireland.

(2) In so far as any provision of this Act expressly relates to land in Northern Ireland or is otherwise capable of applying to such land as part of the law of England and Wales or of Scotland, the preceding subsection shall not affect the operation of that provision, as part of that law, in relation to land in Northern Ireland.

(3) The preceding provisions of this section shall have effect without prejudice to the operation, as part of the law of England and Wales or of Scotland, of any provision of this Act relating to Northern Ireland societies.

(4) In this Act "Northern Ireland society" means a society which is for the time being registered in Northern Ireland under the enactments relating to building societies in Northern Ireland, or, immediately before the commencement of this Act, was for the purposes of the Building Societies Acts, 1874 to 1894, deemed to be registered in Northern Ireland; and in this subsection "the enactments relating to building societies in Northern Ireland" means all or any of the following enactments, that is to say, the Building Societies Acts, 1874 to 1894, as for the time being in force in Northern Ireland, and any enactments of the Parliament of Northern Ireland (whether passed before or after the commencement of this Act) whereby those Acts or any provisions thereof were or are amended or superseded.

Short title and commencement.

**135.**—(1) This Act may be cited as the Building Societies Act, 1962.

(2) This Act shall come into operation on the first day of October, nineteen hundred and sixty-two.



## SCHEDULES

### FIRST SCHEDULE

Section 13.

#### REQUIREMENTS RELATING TO FOUNDERS' AND DIRECTORS' SHARES

1.—(1) The provisions of this Schedule shall have effect in accordance with subsection (4) of section thirteen of this Act, or in accordance with subsection (5) of section fifty-six of this Act, in relation to shares (in this Schedule referred to as “the relevant shares”) issued by a building society (in this Schedule referred to as “the relevant society”) in compliance with subsection (1) of section thirteen or in compliance with section fifty-five of this Act, as the case may be.

(2) In this Schedule “the relevant period”—

(a) where the relevant shares are issued in compliance with subsection (1) of section thirteen of this Act, means the period of five years beginning with the date on which a certificate is issued by the central office to the relevant society under that section, and

(b) where the relevant shares are issued in compliance with section fifty-five of this Act, means the period of five years beginning with the date of the service on the relevant society of a notice under that section.

2. Neither at the time when the relevant shares are issued, nor at any other time before the end of the relevant period, shall the terms regarding rate of interest, participation in profits, contribution to losses or rights on a termination or dissolution be (either as a whole or separately) more favourable for the relevant shares than for any other shares in the relevant society.

3. Until the end of the relevant period the relevant society shall not give effect to or recognise any transfer of the relevant shares by the person to whom they were issued, and the terms attaching to those shares shall so provide:

Provided that this paragraph shall not prevent the relevant society from giving effect to any transmission of those shares by operation of law.

4. Until the end of the relevant period, and so long as the relevant society is not terminated or dissolved, the society shall not repay the sum subscribed for the relevant shares or any part of that sum, and the terms attaching to those shares shall so provide.

5.—(1) If at any time before the end of the relevant period there is a failure to comply with the provisions of paragraphs 2 to 4 of this Schedule in relation to any of the relevant shares, the Chief Registrar (subject to the following provisions of this Schedule) may present a petition for the winding up of the relevant society under the Companies Act, 1948.

(2) Not less than one month before presenting a petition for the winding up of the relevant society under that Act, the Chief

**1st Sch.** Registrar shall send to that society notice of his decision, and may, if he thinks fit, afford to the society an opportunity of submitting to him, as an alternative to the winding up of the relevant society under that Act, proposals for—

- (a) dissolving the relevant society in one of the ways mentioned in sections ninety-nine and one hundred of this Act, or
- (b) uniting the relevant society under section eighteen of this Act with another building society, or transferring its engagements to another building society under section nineteen of this Act,

and the Chief Registrar may, having regard to the proposals, postpone his decision to present a petition for the winding up of the relevant society under the Companies Act, 1948.

6.—(1) Until the end of the relevant period the relevant society shall not, without the consent of the Chief Registrar, unite with another building society under section eighteen of this Act, or transfer its engagements to another building society under section nineteen of this Act, unless the other building society (or, in the case of a union with two or more societies, one of those societies) has been incorporated for more than five years and has assets which exceed one hundred thousand pounds in value.

(2) In giving his consent under the preceding sub-paragraph—

- (a) to a union, where any of the holders of the relevant shares will become holders of shares in the building society formed on the union, or
- (b) to a transfer of engagements, where any of the holders of the relevant shares will become holders of shares in the building society to which the engagements are transferred,

the Chief Registrar may attach to his consent conditions which are in his opinion equivalent to the conditions which under the preceding provisions of this Schedule attach to the relevant shares.

(3) If, at any time during the remainder of the relevant period, any conditions attached by virtue of the last preceding sub-paragraph are broken, the Chief Registrar may present a petition for the winding up under the Companies Act, 1948, of the building society formed on the union, or of the building society to which the engagements are transferred, as the case may be.

Section 14.

## SECOND SCHEDULE

### REQUIREMENTS RELATING TO ADVERTISING

#### *General*

1. The requirements set out in the following provisions of this Schedule are those which must be fulfilled, in accordance with subsection (3) of section fourteen of this Act, where an application is made by a building society under that section.

*Special advances*

2ND SCH.

2.—(1) The ascertained proportion for the last financial year of the society ending before the date of the application must not have exceeded ten per cent.

(2) In this paragraph “the ascertained proportion” has the meaning assigned to it by subsection (3) of section twenty-two of this Act.

*Liquidity*

3.—(1) At the end of the last financial year ending before the date of the application, the value of the liquid funds of the building society must have been seven and a half per cent. or more of the value of the assets of the society.

(2) For the purposes of this paragraph—

- (a) “liquid funds” means the funds of the building society (whether represented by investments or on loan to a bank or held in cash) which were not immediately required for its purposes, less any amount due from the society (whether immediately payable or not) otherwise than in respect of shares in, or deposits with, the society, and
- (b) the value of such of the funds of the society as were represented by investments shall be the value at which they were taken into account in the balance sheet for the last financial year ending before the date of the application, and not any alternative value shown in that balance sheet.

*Advances to officers of society, or companies in which they are interested*

4.—(1) At the end of the last financial year ending before the date of the application, there must not have been outstanding, in whole or in part, any advance made by the society of which particulars were, in compliance with section eighty-nine of this Act, shown in any annual return sent to the Chief Registrar by the society, or in any auditors’ report made to the society.

(2) If particulars of any advance were so shown in any such annual return or auditors’ report before the date of the application, the application shall be accompanied by a statutory declaration by the manager or secretary of the building society stating that the advance has been wholly repaid.

*Avoidance of losses*

5. The application must contain or be accompanied by a report by the auditors of the building society, stating that in their opinion the balance of the revenue and appropriation account for the last financial year ending before the date of the application represents a surplus, after making any adjustments which in their opinion are necessary to provide for diminution in value of assets, or in respect of items of an exceptional or abnormal nature.

## 2ND SCH.

*Interest on shares*

6. The building society must not at the date of the application be in arrear with any interest due on shares in the society.

*Directors*

7. The application must be accompanied by a statutory declaration by the manager or secretary of the building society, stating that none of the directors of the society held office at the date of the application for a fixed term exceeding five years from appointment, or for a term which was not fixed.

8. Neither any director of the building society nor the manager or secretary may, at the date of the application, be a person who has been a director or the manager or secretary of a building society at a time when an order has been made against that society under section forty-eight of this Act, or under section six of the Building Societies Act, 1960, or section eleven of the Prevention of Fraud (Investments) Act, 1958, or section eleven of the Prevention of Fraud (Investments) Act, 1939, unless the order was made more than five years before the date of the application.

## Section 26.

## THIRD SCHEDULE

## PERMITTED CLASSES OF ADDITIONAL SECURITY

1. A charge upon a policy of life assurance.
2. A guarantee given, whether in pursuance of a continuing arrangement or not, by an insurance company to which the Insurance Companies Act, 1958, applies.
- 3.—(1) A guarantee given, whether in pursuance of a continuing arrangement or not, under any of the enactments specified in the next following sub-paragraph (being enactments under which certain local authorities are or were empowered to guarantee the repayment of advances to building societies).
  - (2) The said enactments are—
    - (a) in relation to England and Wales, section forty-five of the Housing (Financial Provisions) Act, 1958, section five of the Housing Act, 1949, and paragraph (b) of subsection (1) of section ninety-one of the Housing Act, 1936 ;
    - (b) in relation to Scotland, section seventy-seven of the Housing (Scotland) Act, 1950, section thirty of the Housing (Scotland) Act, 1949, and paragraph (b) of subsection (1) of section seventy-five of the Housing (Scotland) Act, 1925 ;
    - (c) in relation to Northern Ireland, subsection (1) of section twenty-three of the Housing (Miscellaneous Provisions) and Rent Restriction Law (Amendment) Act (Northern Ireland), 1956.
4. A charge upon money deposited with the building society or upon any narrower-range investments or wider-range investments (within the meaning of the Trustee Investments Act, 1961).

5.—(1) A charge given by the member upon the stock, shares or other securities of a public utility undertaking by which the member is or has been employed, being a charge effected in favour of a building society which carries on business wholly or mainly for the purpose of facilitating the acquisition of houses by persons who are or have been employed by that undertaking.

(2) In this paragraph “public utility undertaking” means any company or other body or person authorised by or under any Act, or under any order having the force of an Act, to construct, work or carry on a railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water or other public undertaking.

6. A guarantee, not being a guarantee in pursuance of a continuing arrangement, accepted by the building society with the written consent of the member, and supported by a charge upon money deposited with the society or upon any such investments as are mentioned in paragraph 4 of this Schedule.

7. A charge upon money deposited with the building society, being a charge which is given in accordance with arrangements which are approved by the Chief Registrar and which provide that the society shall also take, as further security for each advance in respect of which such a charge is given to the society, a guarantee given by an insurance company to which the Insurance Companies Act, 1958, applies.

8. A guarantee given in pursuance of a continuing arrangement which conforms to the requirements of Part I of the Fourth Schedule to this Act, being, except as otherwise provided in Part II of that Schedule, a guarantee supported by deposits of money made in pursuance of such an arrangement.

9.—(1) A guarantee given, whether in pursuance of a continuing arrangement or not, by—

- (a) a bank authorised under section fifty-nine of this Act to hold the funds of a building society, or
- (b) a company, not being such a bank and not being an insurance company to which the Insurance Companies Act, 1958, applies, but being a company incorporated in the United Kingdom and having a total issued and paid-up share capital of one million pounds or more, and having, in each of the five years immediately preceding the calendar year in which the guarantee is given, paid a dividend on all the shares issued by it, excluding any shares issued after the dividend was declared and any shares which by their terms of issue did not rank for the dividend for that year.

(2) For the purposes of the preceding sub-paragraph a company formed to take over the business of another company or other companies, or to acquire the securities of, or control of, another company or other companies, or for either of those purposes and for other purposes, shall be deemed to have paid a dividend as mentioned in that sub-paragraph in any year in which such a dividend has been paid by the other company or all the other companies, as the case may be.

## Section 26.

## FOURTH SCHEDULE

## GUARANTEES GIVEN UNDER CONTINUING ARRANGEMENTS

## PART I

*General requirements*

1.—(1) Subject to the provisions of Parts II and III of this Schedule, the requirements referred to in paragraph 8 of the Third Schedule to this Act, in relation to a continuing arrangement made between a building society and another person, are those set out in the following provisions of this Part of this Schedule.

(2) In this Schedule, in relation to a continuing arrangement, “the guarantor” means the person (other than the building society) with whom the arrangement is made, and “guarantee” means a guarantee given by the guarantor in pursuance of the arrangement; “the advance”, in relation to a guarantee, means the advance to which the guarantee relates; and “the purchase price”, in relation to an advance, means the purchase price for the defraying of which the advance is made.

2. The arrangement must provide that each guarantee—

- (a) will secure the repayment to the building society, on account of the principal of the advance, of a sum not less than the amount by which the advance exceeds two-thirds of the purchase price, and
- (b) will also secure the repayment to the building society of all sums which may accrue due to the society in respect of the advance (otherwise than on account of the principal thereof) before the sums repayable to the society on account of that principal have been reduced to two-thirds of the purchase price.

3. The arrangement must provide that the guarantor will not be released from his liability in respect of any guarantee until the sum repayable to the building society in respect of the principal of the advance has been reduced to or below an amount equal to two-thirds of the purchase price.

4. The arrangement must provide that the guarantor will deposit with the building society, as security for his liability in respect of each guarantee, a sum of money which in the case of the first five guarantees is at least equal to the amount of the excess advance, and in the case of each subsequent guarantee is at least equal to one-third of that amount.

5.—(1) The arrangement must provide that, subject to any right of withdrawal which may be given by the arrangement in conformity with the next following paragraph, each sum deposited with the building society as mentioned in paragraph 4 of this Schedule will be held by the society, not only as security for the liability of the guarantor in respect of the guarantee in connection with which it was deposited, but also as security for such sums as may become due to the society in respect of all relevant advances.

(2) In this paragraph, and in paragraphs 6 and 7 of this Schedule, "relevant advance", in relation to a continuing arrangement, means an advance which fulfils the following conditions, that is to say—

4TH SCH.

- (a) that the advance (whether made before or after the deposit in question) was made in pursuance of the arrangement, and
- (b) that the sums repayable in respect of the principal of the advance have not for the time being been reduced to an amount equal to two-thirds of the purchase price.

6. The arrangement must provide that no withdrawal of or from the sums deposited with the building society as mentioned in paragraph 4 of this Schedule may be made by the guarantor, unless the sums held by the society in accordance with the last preceding paragraph as security in respect of relevant advances will, after the withdrawal, be of an amount at least equal to the sum of—

- (a) the amount by which the aggregate of the sums then repayable to the building society in respect of the principal of advances to which this sub-paragraph applies exceeds two-thirds of the aggregate of the purchase prices relating to advances to which this sub-paragraph applies, and
- (b) one-third of the amount by which the aggregate of the sums then repayable to the society in respect of the principal of advances to which this sub-paragraph applies exceeds an amount equal to two-thirds of the aggregate of the purchase prices relating to advances to which this sub-paragraph applies.

7. For the purposes of the application of the last preceding paragraph to the withdrawal of any sum deposited in pursuance of a continuing arrangement—

- (a) sub-paragraph (a) of that paragraph applies to such of the relevant advances as were included in the first five advances made by the building society in pursuance of the arrangement, and
- (b) sub-paragraph (b) of that paragraph applies to such of the relevant advances as were not so included.

## PART II

### *Exemption from certain requirements in the case of continuing arrangements with government departments and other bodies*

8. The provisions of this Part of this Schedule shall have effect where a building society proposes to make a continuing arrangement with a government department, a public utility undertaking or a recognised housing society.

9.—(1) If on the application of the building society the Chief Registrar is satisfied that compliance with the requirements of paragraphs 4 to 7 of this Schedule is wholly or partly unnecessary, the Chief Registrar may, with the approval of the Treasury, direct that all or any of those requirements shall be dispensed with.

(2) Where a direction is given under this paragraph, the provisions of Part I of this Schedule shall apply in relation to the arrangement subject to that direction.

4TH SCH. 10. In this Part of this Schedule "public utility undertaking" has the same meaning as in paragraph 5 of the Third Schedule to this Act, and "recognised housing society" means any body of persons (whether incorporated or not) which, in the opinion of the Chief Registrar,—

- (a) was on the relevant date carrying on business mainly for the purpose of facilitating the acquisition of houses by persons engaged or employed in any particular occupation or employment, or
- (b) if formed after the relevant date, has succeeded to the business which on the relevant date was being carried on by a body as mentioned in the preceding sub-paragraph.

In this paragraph "the relevant date" means the first day of November, nineteen hundred and thirty-nine.

### PART III

#### *Modification of requirements in certain other cases*

11. Where the Minister is satisfied, with respect to a body corporate,—

- (a) that its objects include the improvement of standards of building ;
- (b) that it issues certificates in respect of buildings which appear to it to conform to such standards as, in the opinion of the Minister, justify the exercise in relation to that body of the powers conferred on him by this paragraph ;
- (c) that reasonable safeguards and remedies are provided with a view to securing that every building in respect of which it issues a certificate conforms to those standards ; and
- (d) that it has made reasonable arrangements for indemnification against loss suffered by reason that a building in respect of which it has issued a certificate does not conform to those standards,

the Minister may, with the consent of the Treasury, by order approve that body for the purposes of this Part of this Schedule.

12. In this Part of this Schedule "certified building" means a building in respect of which such a certificate as is mentioned in the last preceding paragraph has been issued by a body corporate approved by an order under that paragraph which was in force at the time when the certificate was issued.

13.—(1) Where a continuing arrangement provides that every guarantee given in pursuance of the arrangement shall relate to an advance made on the security of freehold or leasehold estate which comprises certified buildings, and comprises no other buildings except outhouses, the provisions of Part I of this Schedule shall have effect in relation to that arrangement subject to the modifications specified in the next following sub-paragraph.

(2) The said modifications are as follows :—

- (a) in paragraphs 2, 3, 5 and 6 of this Schedule, for the words "two-thirds" wherever they occur there shall be substituted the words "seventy per cent." ;



- (b) in paragraph 4 of this Schedule, for the word "five" there shall be substituted the word "four", and for the words "one-third" there shall be substituted the words "one-fourth";
- (c) in paragraph 7 of this Schedule, for the word "five" there shall be substituted the word "four".

4TH SCH.

14. Any order made under this Part of this Schedule may be revoked by a further order made by the Minister with the consent of the Treasury.

15. In this Part of this Schedule "the Minister" in relation to England and Wales means the Minister of Health, and in relation to Scotland means the Secretary of State.

#### FIFTH SCHEDULE

Section 32.

##### PERMITTED CLASSES OF PRIOR CHARGES

1.—(1) Any charge over land in Great Britain acquired by a local authority under an Act of Parliament or under an instrument made under an Act of Parliament, being a charge which takes effect by virtue of the Act or instrument.

(2) In this paragraph "local authority"—

- (a) in relation to England and Wales, means any authority being, within the meaning of the Local Loans Act, 1875, an authority having power to levy a rate, and
- (b) in relation to Scotland, means a county council, town council or district council, or any authority, commissioners or trustees to whom section two hundred and seventy of the Local Government (Scotland) Act, 1947, applies.

2. Any charge over land in Northern Ireland required by section two of the Statutory Charges Register Act (Northern Ireland), 1951, to be registered in the statutory charges register.

#### SIXTH SCHEDULE

Section 37.

##### FORM OF RECEIPT TO BE ENDORSED ON MORTGAGE

The Building Society hereby acknowledge to have received all moneys intended to be secured by the within [or above] written deed.

In witness whereof the seal of the society is hereto affixed this day of by order of the board of directors [or committee of management] in presence of

By authority of the board of directors [or committee of management]

[Other witnesses, if any required by the rules of the society.]

## Section 71.

## SEVENTH SCHEDULE

## FORM OF BOND FOR OFFICERS OF BUILDING SOCIETY

Know all men by these presents, That we, A.B. of one of the officers of the Building Society, established at in the county of , and C.D. of (as surety on behalf of the said A.B.), are jointly and severally held and firmly bound to the said society in the sum of to be paid to the said society, for which payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals.

Dated the day of , in the year of our Lord .

Whereas the above-bounden A.B. hath been duly appointed to the office of of the Building Society, established as aforesaid, and he, together with the above-bounden C.D. as his surety, have entered into the above-written bond, subject to the condition hereinafter contained :

Now, therefore, the condition of the above-written bond is such, that if the said A.B. shall and do render a just and true account of all moneys received and paid by him, and shall and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all securities and effects, books, papers and property of or belonging to the said society in his hands or custody, to such person or persons as the said society shall appoint, according to the rules of the said society, together with the proper or legal receipts or vouchers for such payments, then the above-written bond shall be void and of no effect, otherwise shall be and remain in full force and virtue.

## Section 130.

## EIGHTH SCHEDULE

## MODIFICATIONS OF ACT IN RELATION TO EXISTING SOCIETIES

*Contents of rules*

1. Subsection (1) of section four of this Act shall not operate so as to require the rules of a building society established before the twenty-fifth day of August, eighteen hundred and ninety-four, to set out the matters specified in paragraphs (b) to (j) of that subsection, if the society has not (either before or after the commencement of this Act) substituted a new set of rules for the rules which it had in force immediately before that day.

2. In the case of a building society established before the second day of November, eighteen hundred and seventy-four, subsection (1) of section four of this Act shall not require the rules to set out any of the matters specified in paragraph (a) or in paragraphs (k) to (q) of that subsection.

3.—(1) If and so far as a building society incorporated before the first day of October, nineteen hundred and sixty,—

(a) had not, before the end of the year nineteen hundred and sixty-one, provided in its rules for a matter specified in subsection (2) of section four of this Act, and

- (b) has not subsequently (but before the commencement of this Act) altered its rules so as to provide for that matter and so as expressly to exclude the relevant provisions of the Fourth Schedule to the Building Societies Act, 1960 (which contained provisions corresponding to those of the Ninth Schedule to this Act),

8TH SCH.

the provisions of the Ninth Schedule to this Act shall (subject to the next following sub-paragraph) have effect, with respect to any meeting of the society, as if they formed part of the society's rules.

(2) Where, in a case falling within the preceding sub-paragraph, the building society has (whether before or after the commencement of this Act) provided by its rules for the matter in question, the society may also by its rules expressly exclude the relevant provisions of the Ninth Schedule to this Act.

#### *Advances on mortgage*

4.—(1) Section twenty-eight of this Act—

(a) shall not have effect with respect to any advance made before the first day of November, nineteen hundred and thirty-nine, and

(b) in relation to any advance made on or after that day, but before the first day of October, nineteen hundred and sixty, shall have effect as if the proviso to subsection (1) and the proviso to subsection (3) of that section had been omitted.

(2) Subject to the preceding sub-paragraph, section twenty-eight of this Act shall have effect in relation to an advance made before as it has effect in relation to an advance made after the commencement of this Act.

5. Section thirty-five of this Act does not apply to a building society established before the twenty-fifth day of August, eighteen hundred and ninety-four.

6.—(1) Where the rules of such a building society provide that advances may be balloted for, the society may, in accordance with the following provisions of this paragraph, resolve upon a scheme for discontinuing advances by ballot and for making other provision in lieu thereof.

(2) Any such resolution shall have effect (notwithstanding anything in the rules of the society) if, but only if, it is passed by a majority of the members of the society voting in person or by proxy or by voting papers at a meeting called for the purpose, and if the scheme is supported by a majority of such of the members voting in person or by proxy or by voting papers at the meeting as have not at the date of the meeting received their advances by ballot.

(3) A notice of any such meeting, and a copy of the proposed scheme, together with a voting paper, shall be sent by post to every member of the society at least twenty-one days before the date of the meeting.

(4) Every scheme so resolved upon, and every alteration of such a scheme, shall be registered in the manner provided by this Act

O

8TH SCH. for the registration of rules, and shall be binding on all members and officers of the building society.

*Members or depositors dying intestate*

7. Section forty-six of this Act shall have effect with respect to persons who died before as it has effect in relation to persons who die after the commencement of this Act, except that, in relation to any person who died before the first day of October, nineteen hundred and sixty, that section shall have effect with the substitution, for the words "one hundred pounds", of the words "fifty pounds".

*Special powers of control in relation to small societies*

8.—(1) In the case of a building society established within the period of three years ending with the thirtieth day of September, nineteen hundred and sixty, the Chief Registrar shall not serve on the society a notice under section fifty-five of this Act at any time within three years from the date on which it was established.

(2) In relation to such a building society, the preceding subparagraph shall have effect in substitution for subsection (1) of section fifty-six of this Act.

*Annual return of certain transactions*

9. In relation to any return sent to the central office under subsection (2) of section thirteen of the Building Societies Act, 1939 (which made provision for a return to the central office corresponding to that required by subsection (1) of section ninety of this Act to be sent to the Chief Registrar), the provisions of subsections (2) and (3) of section ninety of this Act shall have effect, but as if in subsection (3) of that section the reference to the Chief Registrar were a reference to the central office.

*Liability of officers and auditors*

10. In respect of anything done at a time before the first day of May, nineteen hundred and forty, nothing in subsection (1) of section ninety-two of this Act shall deprive a person of any exemption or right to be indemnified by virtue of a provision to which that section applies, if that provision was in force at that time.

*Financial year*

11. In the case of a building society established before the twenty-fifth day of August, eighteen hundred and ninety-four.—

(a) if, before the commencement of this Act, the society has altered its financial year in the exercise of the power conferred by subsection (2) of section seventy of the Building Societies Act, 1960 (which contained provisions corresponding to those of subsection (2) of section one hundred and twenty-eight of this Act), "financial year" shall have the meaning assigned to it by section one hundred and twenty-eight of this Act and shall also (so far as may be relevant for the purposes of this Act) include the period for which the society made up its accounts in the exercise of that power;

- (b) if, after the commencement of this Act, the society exercises the power conferred by subsection (2) of section one hundred and twenty-eight of this Act, "financial year" shall have the meaning assigned to it by that section (including subsection (2) thereof) in relation to the period mentioned in that subsection and in relation to any subsequent period ;
- (c) subject to the preceding provisions of this paragraph, "financial year" means a period of twelve months ending with the time up to which, at the passing of the Building Societies Act, 1960 (that is to say, on the twenty-ninth day of July, nineteen hundred and sixty), the accounts of the society were annually made up.

8TH SCH.

#### *Interpretation*

12. Any reference in any provision of this Schedule to a building society established before a date therein mentioned is a reference to a society established before that date which either was established as a building society within the meaning of this Act or has (whether before or after the commencement of this Act) become such a building society.

### NINTH SCHEDULE

Section 130.

#### STANDARD RULES FOR MEETINGS OF BUILDING SOCIETIES

##### *Annual general meeting and other meetings*

1.—(1) The society shall in the first four months of each financial year hold a meeting as its annual general meeting in addition to any other meetings in that year, and shall specify the meeting as such in the notices calling it ; and the annual general meeting shall be held at such time and place as the directors shall appoint.

(2) The directors of the society may, whenever they think fit, convene a meeting other than the annual general meeting.

##### *Right to requisition a meeting*

2.—(1) The directors of the society shall, on the requisition of a number of members of the society which is not less than one-tenth of the total membership, or, if the society has more than one thousand members, on the requisition of one hundred or more members, forthwith proceed duly to convene a meeting of the society.

(2) The requisition must state the objects of the meeting, and must be signed by the requisitionists and deposited at the chief office of the society, and may consist of several documents in like form each signed by one or more requisitionists.

(3) If the directors do not within twenty-one days from the date of the deposit of the requisition proceed duly to convene a meeting, the requisitionists, or any proportion of them exceeding one-half, may themselves convene a meeting, but any meeting so convened shall not be held after the expiration of three months from the said date.

9TH SCH

(4) The meeting convened under this rule by the requisitionists shall be convened in the same manner, as nearly as possible, as that in which meetings are convened by the directors.

(5) Any reasonable expenses incurred by the requisitionists by reason of the failure of the directors duly to convene a meeting shall be repaid to the requisitionists by the society, and any sum so repaid shall be retained by the society out of any sums owed to or coming from the society to such of the directors as were in default by way of fees or other remuneration in respect of their services.

(6) The society or, as the case may be, the requisitionists shall give the members of the society notice of any resolution which the requisitionists propose to move at the meeting at the same time and in the same manner as notice is given of the meeting.

#### *Form of notice of meeting*

3. Notice of a meeting of the society shall specify the place, the day and the hour of meeting and the nature of the business to be transacted at the meeting.

#### *Service of notices of meetings and resolutions*

4.—(1) A notice may be given by the society to any member by sending it by post to him or to his registered address, or (if he has no registered address within the United Kingdom) to the address, if any, within the United Kingdom supplied by him to the society for the giving of notice to him.

Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying and posting a letter containing the notice, and to have been effected, in the case of a notice of a meeting, at the expiration of twenty-four hours after the letter containing it is posted, and in any other case at the time at which the letter would be delivered in the ordinary course of post.

(2) A notice may be given by the society to the joint holders of a share by giving the notice to the joint holder first named in the books of the society in respect of the share.

(3) A notice may be given by the society to the persons entitled to a share in consequence of the death or bankruptcy of a member by sending it through the post in a prepaid letter addressed to them by name, or by the title of representatives of the deceased, or trustee of the bankrupt, or by any like description, at the address, if any, within the United Kingdom supplied for the purpose by the persons claiming to be so entitled, or (until such an address has been so supplied) by giving the notice in any manner in which it might have been given if the death or bankruptcy had not occurred.

*Procedure at meetings*

9TH SCH

5.—(1) No business shall be transacted at any meeting unless a quorum of members is present at the time when the meeting proceeds to business; save as herein otherwise provided, five members present in person shall be a quorum.

(2) If within half an hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved; in any other case it shall stand adjourned to the same day in the next week, at the same time and place or to such other day and at such other time and place as the directors may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the members present shall be a quorum.

(3) The chairman, if any, of the board of directors shall preside as chairman at every meeting of the society, or if there is no such chairman, or if he shall not be present within fifteen minutes after the time appointed for the holding of the meeting, or is unwilling to act, the directors present shall elect one of their number to be chairman of the meeting.

(4) If at any meeting no director is willing to act as chairman or if no director is present within fifteen minutes after the time appointed for holding the meeting, the members present shall choose one of their number to be the chairman of the meeting.

(5) The chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for thirty days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

(6) At any meeting a resolution put to the vote of the meeting shall be decided on a show of hands unless a poll is (before or on the declaration of the result of the show of hands) demanded—

(a) by the chairman, or

(b) by at least ten members present in person or by proxy.

Unless a poll be so demanded a declaration by the chairman that a resolution has on a show of hands been carried, or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the book containing the minutes of the proceedings of the society, shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.

The demand for a poll may be withdrawn.

9TH SCH

(7) If a resolution put to the vote of the meeting is a resolution which under the Building Societies Act, 1962, will not be effective unless it is passed as a special resolution, a poll shall be deemed to have been demanded by the chairman.

6.—(1) Except as provided in the following provisions of this rule, if a poll is duly demanded it shall be taken in such manner as the chairman directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

(2) In the case of an equality of votes, whether on a show of hands or on a poll, the chairman of the meeting at which the show of hands takes place, or at which the poll is demanded, shall be entitled to a second or casting vote.

(3) A poll demanded on the election of a chairman or on a question of adjournment shall be taken forthwith. A poll demanded on any other question shall be taken at such time as the chairman of the meeting directs, and any business other than that upon which a poll has been demanded may be proceeded with pending the taking of the poll.

#### *Votes of members*

7.—(1) On a show of hands every member present in person shall have one vote.

(2) On a poll on a resolution which under the Building Societies Act, 1962, will not be effective unless it is passed as a special resolution, every member shall have one vote.

(3) On a poll on any other resolution a member who at the end of the last financial year ending before the date of the meeting held shares in the building society to the value of twenty-five pounds or more shall have such number of votes as is indicated in the following Table.

TABLE

| Where the member holds shares to the value of— | Number of votes |
|------------------------------------------------|-----------------|
| £25 or more but not more than £100 ... ..      | One vote        |
| More than £100 but not more than £200 ... ..   | Two votes       |
| More than £200 but not more than £300 ... ..   | Three votes     |
| More than £300 but not more than £400 ... ..   | Four votes      |
| More than £400... ..                           | Five votes      |

For the purpose of this rule any shares which are fully paid up shall be taken at their nominal value and any shares which are partly paid up shall be taken at the amount which has been paid up on them respectively.



(4) No objection shall be raised to the qualification of any voter except at the meeting or adjourned meeting at which the vote objected to is given or tendered, and every vote not disallowed at such meeting shall be valid for all purposes. Any such objection made in due time shall be referred to the chairman of the meeting, whose decision shall be final and conclusive.

(5) On a poll votes may be given either personally or by proxy.

8.—(1) The instrument appointing a proxy shall be in writing under the hand of the appointer or of his attorney duly authorised in writing, or, if the appointer is a corporation, either under seal or under the hand of an officer or attorney duly authorised. A proxy need not be a member of the society.

(2) The instrument appointing a proxy, and the power of attorney or other authority, if any, under which it is signed, or a notarially certified copy of that power or authority, shall be deposited at the chief office of the society, or at such other place within the United Kingdom as is specified for that purpose in the notice convening the meeting, not less than forty-eight hours before the time for holding the meeting, or adjourned meeting, at which the person named in the instrument proposes to vote, or, in the case of a poll, not less than twenty-four hours before the time appointed for the taking of the poll, and in default the instrument of proxy shall not be treated as valid.

(3) An instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances admit—

“ Building Society

I/We \_\_\_\_\_ of \_\_\_\_\_ in  
the county of \_\_\_\_\_, being a member/members of the  
above-named society, hereby appoint \_\_\_\_\_ of  
\_\_\_\_\_, or failing him,  
of \_\_\_\_\_, as my/our proxy to vote for me/us on  
my/our behalf at the meeting of the society to be held on the  
day of \_\_\_\_\_, 19 \_\_\_\_\_, and at any adjournment  
thereof.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.”

(4) Where it is desired to afford members an opportunity of voting for or against a resolution, the instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances admit—

“ Building Society

I/We \_\_\_\_\_ of \_\_\_\_\_ in  
the county of \_\_\_\_\_, being a member/members of the  
above-named society, hereby appoint \_\_\_\_\_ of  
\_\_\_\_\_, or failing him,  
of \_\_\_\_\_, as my/our proxy to vote for me/us on

9TH SCH

my/our behalf at the meeting of the society to be held on the  
day of . 19 . and at any adjournment  
thereof.

Signed this day of . 19 .

This form is to be used \* in favour of the resolution. Unless  
against  
otherwise instructed, the proxy will vote as he thinks fit.

\* *Strike out whichever is not desired.*"

(5) The instrument appointing a proxy shall be deemed to confer authority to demand or join in demanding a poll.

(6) A vote given in accordance with the terms of an instrument of proxy shall be valid notwithstanding the previous death or insanity of the principal or the revocation of the proxy or of the authority under which the proxy was executed, or the transfer of the share in respect of which the proxy is given, provided that no intimation in writing of such death, insanity, revocation or transfer as aforesaid shall have been received by the society at its office before the commencement of the meeting or adjourned meeting at which the proxy is used.

#### *Joint shareholders*

9.—(1) A joint holding of shares in the society shall not give to any of the joint holders, other than the one who is first named in the books of the society, the right to attend a meeting or any right conferred by these rules on a member.

(2) Without prejudice to the generality of the foregoing provisions of this rule, any shares which are held jointly shall, for the purpose of determining which members are qualified to vote, whether in person or by proxy, on any resolution, and the number of votes they may give, be regarded as held by the joint holder who is first named in the books of the society.

(3) Any reference in these rules to the total membership of the society, or to any number of members of the society, shall be read as if any shares held jointly were held by the joint holder so first named.

#### *Corporations acting by representatives at meetings*

10. Any corporation which is a member of the society may by resolution of its directors or other governing body authorise such person as it thinks fit to act as its representative at any meeting of the society or of any class of members of the society, and the person so authorised shall be entitled to exercise the same powers on behalf of the corporation which he represents as that corporation could exercise if it were an individual member of the society.

## TENTH SCHEDULE

Section 131.

## REPEALS AND REVOCATIONS

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| Session and Chapter    | Short Title                                         | Extent of Repeal                                                                                                                                                                                                                                                                                                            |
|------------------------|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 37 & 38 Vict. c. 42.   | The Building Societies Act, 1874.                   | The whole Act except sections one, four and seven, and, in section thirty-two, the words "A society under this Act may terminate or be dissolved" and paragraph 4.                                                                                                                                                          |
| 38 Vict. c. 9.         | The Building Societies Act, 1875.                   | The whole Act.                                                                                                                                                                                                                                                                                                              |
| 40 & 41 Vict. c. 63.   | The Building Societies Act, 1877.                   | The whole Act.                                                                                                                                                                                                                                                                                                              |
| 47 & 48 Vict. c. 41.   | The Building Societies Act, 1884.                   | The whole Act.                                                                                                                                                                                                                                                                                                              |
| 57 & 58 Vict. c. 47.   | The Building Societies Act, 1894.                   | The whole Act except sections eight and twenty-nine.                                                                                                                                                                                                                                                                        |
| 59 & 60 Vict. c. 25.   | The Friendly Societies Act, 1896.                   | In section two, paragraph (b) of subsection (1).<br>In section four, paragraph (b) of subsection (1).                                                                                                                                                                                                                       |
| 2 & 3 Geo. 6. c. 55.   | The Building Societies Act, 1939.                   | The whole Act.                                                                                                                                                                                                                                                                                                              |
| 3 & 4 Geo. 6. c. 19.   | The Societies (Miscellaneous Provisions) Act, 1940. | Section five.                                                                                                                                                                                                                                                                                                               |
| 8 & 9 Eliz. 2. c. 64.  | The Building Societies Act, 1960.                   | The whole Act except sections sixty-three, seventy-two and seventy-five, the definition of "member" in subsection (1) of section seventy-three, section seventy-seven, and, in the Fifth Schedule, the entries relating to the Friendly Societies Act, 1829, and to section thirty-two of the Building Societies Act, 1874. |
| 9 & 10 Eliz. 2. c. 62. | The Trustee Investments Act, 1961.                  | Paragraph 2 of the Fourth Schedule.                                                                                                                                                                                                                                                                                         |

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1. The Building Societies (Additional Security) Order, 1961 (S.I. 1961/1183).
2. The Building Societies (Additional Security) (No. 2) Order, 1961 (S.I. 1961/2245).

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*Table of Statutes referred to in this Act*

| Short Title                                           | Session and Chapter             |
|-------------------------------------------------------|---------------------------------|
| Friendly Societies Act, 1829 ... ..                   | 10 Geo. 4. c. 56.               |
| Building Societies Act, 1836 ... ..                   | 6 & 7 Will. 4. c. 32.           |
| Building Societies Act, 1874 ... ..                   | 37 & 38 Vict. c. 42.            |
| Local Loans Act, 1875 ... ..                          | 38 & 39 Vict. c. 83.            |
| Interpretation Act, 1889 ... ..                       | 52 & 53 Vict. c. 63.            |
| Building Societies Act, 1894 ... ..                   | 57 & 58 Vict. c. 47.            |
| Friendly Societies Act, 1896 ... ..                   | 59 & 60 Vict. c. 25.            |
| Conveyancing (Scotland) Act, 1925 ... ..              | 14 & 15 Geo. 5. c. 27.          |
| Housing (Scotland) Act, 1925 ... ..                   | 15 & 16 Geo. 5. c. 15.          |
| Law of Property Act, 1925 ... ..                      | 15 & 16 Geo. 5. c. 20.          |
| Land Registration Act, 1925 ... ..                    | 15 & 16 Geo. 5. c. 21.          |
| Housing Act, 1936 ... ..                              | 26 Geo. 5 & 1 Edw. 8.<br>c. 51. |
| Prevention of Fraud (Investments) Act, 1939 ... ..    | 2 & 3 Geo. 6. c. 16.            |
| Building Societies Act, 1939 ... ..                   | 2 & 3 Geo. 6. c. 55.            |
| Societies (Miscellaneous Provisions) Act, 1940 ... .. | 3 & 4 Geo. 6. c. 19.            |
| Statutory Instruments Act, 1946 ... ..                | 9 & 10 Geo. 6. c. 36.           |
| Local Government (Scotland) Act, 1947 ... ..          | 10 & 11 Geo. 6. c. 43.          |
| Companies Act, 1948 ... ..                            | 11 & 12 Geo. 6. c. 38.          |
| Housing Act, 1949 ... ..                              | 12, 13 & 14 Geo. 6. c. 60.      |
| Housing (Scotland) Act, 1949 ... ..                   | 12, 13 & 14 Geo. 6. c. 61.      |
| Arbitration Act, 1950 ... ..                          | 14 Geo. 6. c. 27.               |
| Housing (Scotland) Act, 1950 ... ..                   | 14 Geo. 6. c. 34.               |
| Housing (Financial Provisions) Act, 1958 ... ..       | 6 & 7 Eliz. 2. c. 42.           |
| Prevention of Fraud (Investments) Act, 1958 ... ..    | 6 & 7 Eliz. 2. c. 45.           |
| Insurance Companies Act, 1958 ... ..                  | 6 & 7 Eliz. 2. c. 72.           |
| County Courts Act, 1959 ... ..                        | 7 & 8 Eliz. 2. c. 22.           |
| Building Societies Act, 1960 ... ..                   | 8 & 9 Eliz. 2. c. 64.           |
| Trustee Investments Act, 1961 ... ..                  | 9 & 10 Eliz. 2. c. 62.          |

## CHAPTER 38

## Town and Country Planning Act, 1962

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**An Act to consolidate certain enactments relating to town and country planning in England and Wales.**  
[19th July, 1962]

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

**PART I**

**CENTRAL AND LOCAL ADMINISTRATION**

**1.** The Minister for the purposes of this Act shall be the The Minister. Minister of Housing and Local Government, and the expression "the Minister" in this Act shall be construed accordingly.

**2.—(1)** Subject to the provisions of this section, the council Local planning of a county is the local planning authority for the county, and authorities the council of a county borough is the local planning authority and committees. for the county borough.

**(2)** If it appears to the Minister that it is expedient that a joint board should be established as the local planning authority for the areas of any two or more such councils as are mentioned in the preceding subsection, or for any parts of those areas, he may by order constitute those areas or parts as a united district for the purposes of this Act, and constitute a joint board (in this Act referred to as a "joint planning board") as the local planning authority for that district:

Provided that the Minister shall not make such an order except after holding a local inquiry unless all the councils concerned have consented to the making of the order.

**(3)** The provisions of the First Schedule to this Act shall have effect with respect to the constitution of joint planning boards; and the provisions of the Second Schedule to this Act shall have effect with respect to the establishment and functions of planning committees and joint advisory committees of local planning authorities.

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(4) Where a joint planning board is constituted for a united district, references in this Act to the area of a local planning authority—

(a) in relation to the board, shall be construed as references to that district, and

(b) in relation to any local planning authority being the council of a county or county borough of which part (but not the whole) is included in that district, shall be construed as references to so much of the county or county borough as is not so included.

(5) Regulations under this Act may make such provision consequential upon or supplementary to the provisions of this section as appears to the Minister to be necessary or expedient.

(6) The preceding provisions of this section, and the provisions of the First and Second Schedules to this Act, shall have effect subject to the provisions of section eight of the National Parks and Access to the Countryside Act, 1949 (which relates to the administration of functions of local planning authorities in respect of National Parks).

Delegation of functions of local planning authorities.

3.—(1) The Minister may, after consultation with such local authorities or associations of local authorities as he considers appropriate, make regulations for authorising or requiring local planning authorities to delegate to the councils of county districts in their areas, with or without restrictions, any of their functions under the provisions of this Act specified in the next following subsection; and such regulations may be made so as to apply either generally to all local planning authorities (other than the councils of county boroughs) or to such of those authorities as may be specified in the regulations.

(2) The provisions referred to in the preceding subsection are Parts III and IV and section one hundred and eighty of this Act.

(3) In relation to a local planning authority being a joint planning board, subsection (1) of this section shall have effect as if the reference therein to the councils of county districts in their area included a reference to the councils of counties and county boroughs therein.

(4) Any regulations made for the purposes of this section may make provision—

(a) for requiring any council to whom functions are delegated in accordance with the regulations to perform those functions on behalf of the local planning authority;

(b) for transferring to any such council any liability of the local planning authority to pay compensation under Part VII, or under section one hundred and thirty-four or paragraph (c) of subsection (1) of section one hundred and seventy, of this Act in respect of anything

done by that council in the exercise of functions delegated to them in accordance with the regulations ;

PART I

(c) for the transfer and compensation of any officers of a local planning authority or of any such council.

(5) The preceding provisions of this section shall have effect without prejudice to the provisions of subsection (3) of section eight of the National Parks and Access to the Countryside Act, 1949 (which provides for the delegation of functions to planning committees and sub-committees for National Parks).

(6) In relation to any functions under this Act delegated to a council by a local planning authority, any reference in the provisions specified in subsection (2) of this section, or in section two hundred and ten or subsection (4) of section two hundred and twenty-one of this Act, to the local planning authority shall (subject to the regulations and the terms of the delegation, and so far as the context does not otherwise require) be construed as including a reference to that council ; and in relation to any compensation payable by a council, by virtue of the transfer under this section to that council of any liability of the local planning authority, any reference in this Act to the local planning authority shall be construed as a reference to that council.

## PART II

## DEVELOPMENT PLANS

4.—(1) Any local planning authority who have not submitted to the Minister a development plan for their area shall carry out a survey of their area and shall, within such period as the Minister may in any particular case allow, submit a report of the survey together with a development plan for their area. Surveys of planning area and preparation of development plans.

(2) Subject to the following provisions of this Part of this Act, in this Act “development plan” means a plan indicating the manner in which a local planning authority propose that land in their area should be used, whether by the carrying out thereon of development or otherwise, and the stages by which any such development should be carried out.

(3) Subject to the provisions of any regulations made under this Act for regulating the form and content of development plans, any such plan shall include such maps and such descriptive matter as may be necessary to illustrate the proposals in question with such degree of particularity as may be appropriate to different parts of the area ; and any such plan may in particular—

- (a) define the sites of proposed roads, public and other buildings and works, airfields, parks, pleasure grounds, nature reserves and other open spaces, or allocate areas of land for use for agricultural, residential, industrial or other purposes of any class specified in the plan ;
- (b) designate, as land subject to compulsory acquisition by a Minister, local authority or statutory undertakers,

## PART II

any land allocated by the plan for the purposes of any of their functions (including any land which that Minister or authority or those undertakers are or could be authorised to acquire compulsorily under any enactment other than this Act) ;

(c) designate as land subject to compulsory acquisition by the appropriate local authority—

(i) any land comprised in an area defined by the plan as an area of comprehensive development (including any land therein which is allocated by the plan for any such purpose as is mentioned in paragraph (b) of this subsection) or any land contiguous or adjacent to any such area ;

(ii) any other land which, in the opinion of the local planning authority, ought to be subject to compulsory acquisition for the purpose of securing its use in the manner proposed by the plan.

(4) For the purposes of this section, a development plan may define as an area of comprehensive development any area which, in the opinion of the local planning authority, should be developed or redeveloped as a whole for any one or more of the following purposes, that is to say—

(a) for the purposes of dealing satisfactorily with extensive war damage or conditions of bad lay-out or obsolete development, or

(b) for the purpose of providing for the relocation of population or industry or the replacement of open space in the course of the development or redevelopment of any other area, or

(c) for any other purpose specified in the plan ;

and land may be included in any area so defined, and designated as subject to compulsory acquisition in accordance with the provisions of the last preceding subsection, whether or not provision is made by the plan for the development or redevelopment of that particular land.

(5) At any time before a development plan with respect to the whole of the area of a local planning authority has been approved by the Minister, that authority may, with the consent of the Minister, and shall, if so required by directions of the Minister, prepare and submit to him a development plan relating to part of that area ; and the preceding provisions of this section shall apply in relation to any such plan as they apply in relation to a plan relating to the whole of the area of a local planning authority.

Approval of development plans.

5.—(1) Subject to the provisions of this section, the Minister may approve any development plan submitted to him under the last preceding section, either without modification or subject to such modifications as he considers expedient.



## PART II

(2) The Minister shall not approve a development plan which designates any land as subject to compulsory acquisition if it appears to him that the acquisition is not likely to take place within ten years from the date on which the plan is approved.

(3) The Minister shall not, except with the consent of all persons interested, approve a development plan subject to a modification designating as subject to compulsory acquisition any land not so designated in the plan as submitted to him.

(4) Where a development plan as submitted to the Minister designates as subject to compulsory acquisition any such land as is mentioned in paragraph 9 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946 (which relates to land of local authorities and statutory undertakers and inalienable land of the National Trust), then, if objection to the proposed designation is duly made by the local authority or statutory undertakers or the National Trust, as the case may be, and is not withdrawn, the land shall not be so designated except in pursuance of an order made by the Minister, and any such order shall be subject to special parliamentary procedure.

(5) In relation to agricultural land within the meaning of the Rating and Valuation (Apportionment) Act, 1928, subsection (2) of this section shall have effect as if for the words "ten years" there were substituted the words "seven years".

6.—(1) At least once in every five years after the date on which a development plan for any area was approved by the Minister, the local planning authority shall carry out a fresh survey of that area, and submit to the Minister a report of the survey, together with proposals for any alterations or additions to the plan which appear to them to be required having regard thereto. Amendment of  
development  
plans.

(2) Without prejudice to the provisions of the preceding subsection, any local planning authority may at any time, and shall if so required by directions of the Minister, submit to the Minister proposals for such alterations or additions to the development plan for their area or any part thereof as appear to them to be expedient, or as may be required by those directions, as the case may be.

(3) Subject to the next following subsection, where proposals for alterations or additions to a development plan are submitted to the Minister under this section, the Minister may amend that plan to such extent as he considers expedient having regard to those proposals and to any other material considerations; and any such amendment may in particular provide for securing that any land previously designated by the plan as subject to compulsory acquisition shall cease to be so designated, or that any land not previously so designated shall be so designated.

(4) Subsections (2) to (5) of the last preceding section shall apply in relation to the amendment of a development plan as

**PART II** they apply in relation to the approval of such a plan, with the substitution—

- (a) in subsection (2) of that section, for the reference to the date on which the plan is approved, of a reference to the date on which the amendment is effected, and
- (b) in subsections (3) and (4) of that section, for the references to the plan as submitted to the Minister, of references to the proposals submitted to him under this section.

(5) Where in accordance with the provisions of subsection (5) of section four of this Act a development plan has been prepared for part of the area of a local planning authority, and has been approved by the Minister, then (without prejudice to the provisions of subsection (2) of this section) the periods of five years mentioned in subsection (1) of this section shall run from the date on which development plans in respect of the whole of the area have been approved by the Minister.

Additional powers of Minister with respect to development plans.

7.—(1) Where, by virtue of any of the preceding provisions of this Part of this Act, or of any directions of the Minister thereunder, any development plan, report or proposals for alterations or additions to a development plan are required to be submitted to the Minister, then—

- (a) if within the period allowed in that behalf under those provisions or directions no such plan, report or proposals, or no such plan or proposals satisfactory to the Minister, have been so submitted, or
- (b) if at any time the Minister is satisfied, after holding a local inquiry, that the local planning authority are not taking the steps necessary to enable them to submit such a plan, report or proposals within that period,

the Minister may, after carrying out any survey which appears to him to be expedient for the purpose, make such development plan, or, as the case may be, amend the development plan to such extent, as he considers expedient.

(2) Where, under the preceding subsection, the Minister has power to make or amend a development plan, he may, if he thinks fit, authorise the local planning authority for any neighbouring area, or any other local planning authority which appears to the Minister to have an interest in the proper planning of the area concerned, to submit such a plan to him for his approval, or, as the case may be, to submit to him proposals for the amendment of the plan, and to carry out any survey of the land which appears to him to be expedient for the purpose.

(3) The Minister may approve any plan submitted to him under the last preceding subsection, either without modification or subject to such modifications as he considers expedient, or, as the case may be, may amend any development plan, with respect to which proposals for amendment have been submitted

to him under that subsection, to such extent as he considers expedient having regard to those proposals and to any other material considerations.

(4) The preceding provisions of this Part of this Act shall, so far as applicable, apply to the making, approval or amendment of development plans under this section, and to plans so made, approved or amended, as they apply to the approval or amendment of development plans under those provisions, and to plans approved or amended thereunder.

(5) Where the Minister incurs expenses under this section in connection with the making or amendment of a plan with respect to the area, or any part of the area, of a local planning authority, so much of those expenses as may be certified by the Minister to have been incurred in the performance of functions of that authority shall on demand be repaid by that authority to the Minister.

(6) Where, under this section, a plan, or proposals for the amendment of a plan, are authorised to be submitted to the Minister by the local planning authority for any area other than the area in which the land is situated, any expenses reasonably incurred in that behalf by that authority, as certified by the Minister, shall be repaid to that authority by the local planning authority for the area in which the land is situated.

**8.—(1) Where the Minister of Transport—**

- (a) makes an order under section seven of the Highways Act, 1959, directing that a highway proposed to be constructed by him shall become a trunk road, or
- (b) makes or confirms an order or scheme under section nine, section eleven or section thirteen of that Act,

Incorporation  
in development  
plans of orders  
and schemes  
relating to  
highways and  
new towns.

any development plan approved or made under this Act which relates to land on which a highway is to be constructed or altered in accordance with that order or scheme shall have effect as if the provisions of that order or scheme were included in the plan.

(2) Where an order is made by the Minister under section one of the New Towns Act, 1946, designating an area as the site of a new town under that Act, any development plan approved or made under this Act which relates to land in that area shall have effect as if the provisions of that order were included in the plan.

(3) Nothing in this section shall be construed as prohibiting the inclusion in a development plan, as approved or made by the Minister or as for the time being amended, of provisions—

- (a) defining the line of a highway proposed to be constructed or altered in accordance with any such order or scheme as is mentioned in subsection (1) of this section, or

## PART II

- (b) defining an area designated as the site of a new town by any such order as is mentioned in subsection (2) of this section, or
- (c) defining land as likely to be made the subject of any such order or scheme as is mentioned in either of those subsections.

(4) Provision may be made by regulations under this Act for enabling any proceedings preliminary to the making of any such order as is mentioned in paragraph (a) of subsection (1) of this section, or in subsection (2) thereof, to be taken concurrently with proceedings required under this Act to be taken in connection with the approval or making of a development plan relating to land to which any such order applies, or in connection with any amendment of a development plan rendered necessary or desirable in consequence of any such order.

Modification of development plans in relation to land designated as subject to compulsory acquisition.

9.—(1) Where any land is designated by a development plan as subject to compulsory acquisition, and, at the end of the period of twelve years from the date on which the plan, or the amendment of the plan, by virtue of which the land was first so designated came into operation, any of that land has not been acquired by a Minister, local authority or statutory undertakers who could be authorised to acquire it compulsorily under the provisions of this Act, any owner of the land may, within the prescribed time and in the prescribed manner, serve on the local planning authority a notice requiring his interest in the land to be so acquired.

(2) Where a notice has been served under the preceding subsection, then, unless within the period of six months after the service of the notice either—

- (a) notice to treat in respect of the interest to which the notice relates has been served by any such Minister, local authority or statutory undertakers as are mentioned in that subsection, or
- (b) an offer has been made to the owner of the interest by any such Minister, local authority or statutory undertakers to acquire it on terms that the price payable for it 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 compulsorily,

the development plan shall have effect, after the end of that period, as if the land were not designated as subject to compulsory acquisition.

(3) The power conferred by section thirty-one of the Land Compensation Act, 1961, to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is served as mentioned in paragraph (a) of the last preceding subsection.

(4) Where any land is designated by a development plan as subject to compulsory acquisition by the appropriate local authority (not being land comprised in an area defined by the plan as an area of comprehensive development) then if planning permission is granted for any development of the land so designated, or any part thereof, and that development is carried out in accordance with the permission so granted, the development plan shall have effect as if the land to which the permission relates were not designated as subject to compulsory acquisition:

Provided that, in the case of planning permission granted for a limited period, the provisions of this subsection shall cease to have effect in relation to the land at the end of the period for which the permission was granted.

(5) In relation to agricultural land within the meaning of the Rating and Valuation (Apportionment) Act, 1928, subsection (1) of this section shall have effect as if for the words "twelve years" there were substituted the words "eight years".

10.—(1) A local planning authority, before preparing a development plan relating to any land in a county district, or proposals for alterations or additions to any such plan, shall consult with the council of that district, and shall, before submitting any such plan or proposals to the Minister, give to that council an opportunity to make representations with respect thereto and shall consider any representations so made.

Supplementary provisions  
as to  
development  
plans.

(2) Provision may be made by regulations under this Act with respect to the form and content of development plans, and with respect to the procedure to be followed in connection with the preparation, submission, approval, making and amendment of such plans; and such regulations shall in particular make provision for securing—

- (a) that notice shall be given by advertisement in the London Gazette, and in at least one newspaper circulating in the area concerned, of the submission to the Minister of any such plan, or of proposals for the amendment of any such plan, and of any proposal by the Minister to make or amend such a plan, and of the place or places where copies of the plan or proposals as so submitted, or of any such proposal of the Minister, may be inspected;
- (b) that objections and representations duly made in accordance with the regulations shall be considered, and that such local inquiries or other hearings as may be prescribed shall be held, before such a plan is approved, made or amended by the Minister; and
- (c) that copies of any such plan as approved or made by the Minister, including any amendments thereof, shall be available for inspection by the public, and that copies thereof (including reproductions, on such scale

## PART II

as may be appropriate, of any relevant maps) shall be available for sale to the public at a reasonable cost.

(3) If, as the result of any objections or representations considered, or local inquiry or other hearing held, in connection with a development plan or proposals for amendment of such a plan submitted to or prepared by the Minister under this Part of this Act, the Minister is of opinion that the local planning authority, or any other authority or person, ought to be consulted before he decides whether to approve or make the plan, either with or without modifications, or to amend the plan, as the case may be, he shall consult that authority or person, but shall not be under any obligation to consult any other authority or person, or to afford any opportunity for further objections or representations, or to cause any further local inquiry or other hearing to be held.

(4) Subject to the preceding provisions of this section, the Minister may give directions to any local planning authority, or to local planning authorities generally,—

- (a) for formulating the procedure for the carrying out of their functions under the preceding provisions of this Part of this Act ;
- (b) for requiring them to give him such information as he may require for the purpose of the exercise of any of his functions under those provisions.

(5) In the application of the Statutory Orders (Special Procedure) Act, 1945, to any order made in pursuance of subsection (4) of section five of this Act, any requirements imposed by regulations under this section with respect to the publication of notices and the consideration of objections in relation to the development plan shall be deemed, for the purposes of section two of that Act, to be requirements with respect to proceedings preliminary to the making of the order.

Publication, and date of operation, of development plans.

11.—(1) Immediately after a development plan has been approved or made or amended by the Minister under this Part of this Act, the local planning authority shall publish, in such manner as may be prescribed, a notice stating that the plan has been approved, made or amended, as the case may be, and naming a place where a copy of the plan, or of the plan as amended, may be seen at all reasonable hours, and shall serve a like notice—

- (a) on any person who duly made an objection to, or representation with respect to, the proposed plan or amendment, and has sent to the local planning authority a request in writing to serve him with the notice required by this subsection, specifying an address for service, and
- (b) on such other persons (if any) as may be required by general or special directions given by the Minister.

## PART II

(2) Subject to the next following subsection, and to the provisions of Part XI of this Act as to the validity of development plans and of amendments of such plans, a development plan, or an amendment of a development plan, shall become operative on the date on which the notice required by the preceding subsection is first published.

(3) Where in accordance with subsection (4) of section five of this Act any land to which a development plan relates is designated as subject to compulsory acquisition in pursuance of an order which is subject to special parliamentary procedure, the last preceding subsection shall not apply to the plan in so far as it so designates that land.

## PART III

## PLANNING CONTROL

*Planning permission*

12.—(1) In this Act, except where the context otherwise requires, “development”, subject to the following provisions of this section, means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

Meaning of  
“develop-  
ment” and  
“new develop-  
ment”.

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land, that is to say:—

- (a) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building and (in either case) are not works for making good war damage;
- (b) the carrying out by a local highway authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road;
- (c) the carrying out by a local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;
- (d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;
- (e) the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;

## PART III

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Minister under this section, the use thereof for any other purpose of the same class.

(3) For the avoidance of doubt it is hereby declared that for the purposes of this section—

(a) the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part thereof which is so used ;

(b) the deposit of refuse or waste materials on land involves a material change in the use thereof, notwithstanding that the land is comprised in a site already used for that purpose, if either the superficial area of the deposit is thereby extended, or the height of the deposit is thereby extended and exceeds the level of the land adjoining the site.

(4) Without prejudice to any regulations made under the provisions of this Act relating to the control of advertisements, the use for the display of advertisements of any external part of a building which is not normally used for that purpose shall be treated for the purposes of this section as involving a material change in the use of that part of the building.

(5) In this Act “ new development ” means any development other than development of a class specified in Part I or Part II of the Third Schedule to this Act ; and the provisions of Part III of that Schedule shall have effect for the purposes of Parts I and II thereof.

Development  
requiring  
planning  
permission.

13.—(1) Subject to the provisions of this section, planning permission is required for the carrying out of any development of land.

(2) Where on the first day of July, nineteen hundred and forty-eight (in this Act referred to as “ the appointed day ”), land was being used temporarily for a purpose other than the purpose for which it was normally used, planning permission is not required for the resumption of the use of the land for the last-mentioned purpose.

(3) Where on the appointed day land was normally used for one purpose and was also used on occasions, whether at regular intervals or not, for another purpose, planning permission is not required in respect of the use of the land for that other purpose on similar occasions.

(4) Where land was unoccupied on the appointed day, but had before that day been occupied at some time on or after the seventh day of January, nineteen hundred and thirty-seven,



planning permission is not required in respect of the use of the land for the purpose for which it was last used before the appointed day.

(5) Where planning permission to develop land has been granted for a limited period, planning permission is not required for the resumption, at the end of that period, of the use of the land for the purpose for which it was normally used before the permission was granted.

(6) In determining, for the purposes of subsections (2) and (4) of this section respectively, what were the purposes for which land was normally used or last used, no account shall be taken of any use of the land begun in contravention of previous planning control; and in determining, for the purposes of the last preceding subsection, what were the purposes for which land was normally used before the grant of planning permission, no account shall be taken of any use of the land begun in contravention of the provisions of this Part of this Act or in contravention of previous planning control.

(7) Notwithstanding anything in subsections (2) to (4) of this section, the use of land as a caravan site shall not, by virtue of any of those subsections, be treated as a use for which planning permission is not required, unless the land was so used on one occasion at least during the period of two years ending with the ninth day of March, nineteen hundred and sixty.

(8) Where by a development order planning permission to develop land has been granted subject to limitations, planning permission is not required for the use of that land which (apart from its use in accordance with that permission) is the normal use of that land, unless the last-mentioned use was begun in contravention of the provisions of this Part of this Act or in contravention of previous planning control.

(9) Where an enforcement notice has been served in respect of any development of land, planning permission is not required for the use of that land for the purpose for which (in accordance with the provisions of this Part of this Act) it could lawfully have been used if that development had not been carried out.

(10) For the purposes of this section a use of land shall be taken to have been begun in contravention of previous planning control if—

- (a) it was begun in contravention of the provisions of Part III of the Act of 1947, or
- (b) at the material time the land was subject to a resolution to prepare a planning scheme, and the use was begun otherwise than in accordance with permission granted in that behalf by or under the interim development order, or

## PART III

- (c) at the material time the land was subject to a planning scheme, and the use was begun otherwise than in conformity with the provisions of the scheme or of permission granted thereunder.

In this subsection "planning scheme" means a scheme under the Town and Country Planning Act, 1932, or any enactment repealed by that Act, and "interim development order" means an order made under subsection (1) of section ten of that Act.

## Development orders.

14.—(1) The Minister shall by order (in this Act referred to as a "development order") provide for the granting of planning permission.

(2) A development order may either—

- (a) itself grant planning permission for development specified in the order, or for development of any class so specified, or
- (b) in respect of development for which planning permission is not granted by the order itself, provide for the granting of planning permission by the local planning authority (or, in the cases hereinafter provided, by the Minister) on an application in that behalf made to the local planning authority in accordance with the provisions of the order.

(3) A development order may be made either as a general order applicable (subject to such exceptions as may be specified therein) to all land, or as a special order applicable only to such land as may be so specified.

(4) Planning permission granted by a development order may be granted either unconditionally or subject to such conditions or limitations as may be specified in the order.

(5) Without prejudice to the generality of the last preceding subsection,—

- (a) where planning permission is granted by a development order for the erection, extension or alteration of any buildings, the order may require the approval of the local planning authority to be obtained with respect to the design or external appearance of the buildings ;
- (b) where planning permission is granted by a development order for development of a specified class, the order may enable the Minister or the local planning authority to direct that the permission shall not apply either in relation to development in a particular area or in relation to any particular development.

(6) Any provision of a development order whereby permission is granted for the use of land for any purpose on a limited number of days in a period specified in that provision shall (without prejudice to the generality of references in this Act to limitations) be taken to be a provision granting permission for the use of land for any purpose subject to the limitation that the land shall

not be used for any one purpose in pursuance of that provision on more than that number of days in that period.

(7) For the purpose of enabling development to be carried out in accordance with planning permission, or otherwise for the purpose of promoting proper development in accordance with the development plan, a development order may direct that any enactment to which this subsection applies, or any regulations, orders or byelaws made at any time under any such enactment, shall not apply to any development specified in the order, or shall apply thereto subject to such modifications as may be so specified.

(8) The last preceding subsection applies—

- (a) to any enactment passed before the sixth day of August, nineteen hundred and forty-seven (being the date of the passing of the Act of 1947), and
- (b) to any enactment contained in the Highways Act, 1959, being an enactment which re-enacts (with or without modifications) any such enactment as is mentioned in the preceding paragraph.

**15.—**(1) An application for planning permission for development of any class to which this section applies—

Publication of notices of applications for planning permission.

- (a) shall not be entertained by the local planning authority unless it is accompanied by a copy of a notice of the application, in such form as may be prescribed by a development order, and by such evidence as may be so prescribed that the notice has been published in a local newspaper circulating in the locality in which the land to which the application relates is situated; and
- (b) shall not be determined by the local planning authority before the end of the period of twenty-one days beginning with the date appearing from the evidence accompanying the application to be the date on which the notice was published as mentioned in the preceding paragraph.

(2) Any such notice as is mentioned in paragraph (a) of the preceding subsection shall (in addition to any other matters required to be contained therein) name a place within the locality where a copy of the application, and of all plans and other documents submitted therewith, will be open to inspection by the public at all reasonable hours during such period (not being less than twenty-one days, beginning with the date of publication of the notice) as may be specified in the notice.

(3) Provision may be made by a development order for designating the classes of development to which this section applies, and this section shall apply accordingly to any class of development which is for the time being so designated.

P

## PART III

Notification of applications for planning permission to owners and agricultural tenants.

**16.—(1)** Without prejudice to the last preceding section, a local planning authority shall not entertain any application for planning permission unless it is accompanied by one or other of the following certificates signed by or on behalf of the applicant, that is to say—

- (a) a certificate stating that, in respect of every part of the land to which the application relates, the applicant is either the estate owner in respect of the fee simple or is entitled to a tenancy thereof ;
- (b) a certificate stating that the applicant has given the requisite notice of the application to all the persons (other than the applicant) who, at the beginning of the period of twenty-one days ending with the date of the application, were owners of any of the land to which the application relates, and setting out the names of those persons, the addresses at which notice of the application was given to them respectively, and the date of service of each such notice ;
- (c) a certificate stating that the applicant is unable to issue a certificate in accordance with either of the preceding paragraphs, that he has given the requisite notice of the application to such one or more of the persons mentioned in the last preceding paragraph as are specified in the certificate (setting out their names, the addresses at which notice of the application was given to them respectively, and the date of the service of each such notice) and that he does not know the names and addresses of the remainder of those persons ;
- (d) a certificate stating that the applicant is unable to issue a certificate in accordance with paragraph (a) of this subsection, and that he does not know the names and addresses of any of the persons mentioned in paragraph (b) of this subsection.

(2) Any such certificate as is mentioned in paragraph (c) or paragraph (d) of the preceding subsection shall also contain a statement that the requisite notice of the application, as set out in the certificate, has on a date specified in the certificate (being a date not earlier than the beginning of the period mentioned in paragraph (b) of the preceding subsection) been published in a local newspaper circulating in the locality in which the land in question is situated.

(3) In addition to any other matters required to be contained in a certificate issued for the purposes of this section, every such certificate shall contain one or other of the following statements, that is to say,—

- (a) a statement that none of the land to which the application relates constitutes or forms part of an agricultural holding ;

(b) a statement that the applicant has given the requisite notice of the application to every person (other than the applicant) who, at the beginning of the period of twenty-one days ending with the date of the application, was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, and setting out the name of each such person, the address at which notice of the application was given to him, and the date of service of that notice.

(4) Where an application for planning permission is accompanied by such a certificate as is mentioned in paragraph (b), paragraph (c) or paragraph (d) of subsection (1) of this section, or by a certificate containing a statement in accordance with paragraph (b) of the last preceding subsection, the local planning authority shall not determine the application before the end of the period of twenty-one days beginning with the date appearing from the certificate to be the latest of the dates of service of notices as mentioned in the certificate, or the date of publication of a notice as therein mentioned, whichever is the later.

(5) If any person issues any certificate which purports to comply with the requirements of this section and which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

(6) Any certificate issued for the purposes of this section shall be in such form as may be prescribed by a development order; and any reference in any provision of this section to the requisite notice, where a form of notice is prescribed by a development order for the purposes of that provision, is a reference to a notice in that form.

(7) In this and the next following section "owner", in relation to any land, means a person who is for the time being the estate owner in respect of the fee simple thereof or is entitled to a tenancy thereof granted or extended for a term of years certain of which not less than ten years remain unexpired, and "agricultural holding" has the same meaning as in the Agricultural Holdings Act, 1948.

17.—(1) Subject to the provisions of sections fifteen and sixteen of this Act, and to the following provisions of this Part of this Act, where an application is made to a local planning authority for planning permission, that authority, in dealing with the application, shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations, and—

Determination by local planning authorities of applications for planning permission.

## PART III

- (a) may grant planning permission, either unconditionally or subject to such conditions as they think fit, or
- (b) may refuse planning permission.

(2) In determining any application for planning permission for development of a class to which section fifteen of this Act applies, the local planning authority shall take into account any representations relating to that application which are received by them before the end of the period of twenty-one days beginning with the date appearing from the evidence accompanying the application to be the date on which notice of the application was published as mentioned in subsection (1) of that section.

(3) Where an application for planning permission is accompanied by such a certificate as is mentioned in paragraph (b), paragraph (c) or paragraph (d) of subsection (1) of the last preceding section, or by a certificate containing a statement in accordance with paragraph (b) of subsection (3) of that section, the local planning authority—

- (a) in determining the application, shall take into account any representations relating thereto which are made to them, before the end of the period mentioned in subsection (4) of that section, by any person who satisfies them that he is an owner of any land to which the application relates or that he is the tenant of an agricultural holding any part of which is comprised in that land, and
- (b) shall give notice of their decision to every person who has made representations which they were required to take into account in accordance with the preceding paragraph.

(4) Before a local planning authority grant planning permission for the use of land as a caravan site, they shall, unless they are also the authority having power to issue a site licence for that land, consult the local authority having that power.

(5) In this section “site licence” means a licence under Part I of the Caravan Sites and Control of Development Act, 1960, authorising the use of land as a caravan site.

Conditional grant of planning permission.

18.—(1) Without prejudice to the generality of subsection (1) of the last preceding section, conditions may be imposed on the grant of planning permission thereunder—

- (a) for regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made) or requiring the carrying out of works on any such land, so far as appears to the local planning authority to be expedient for the purposes of or in connection with the development authorised by the permission :

(b) for requiring the removal of any buildings or works authorised by the permission, or the discontinuance of any use of land so authorised, at the end of a specified period, and the carrying out of any works required for the reinstatement of land at the end of that period.

(2) Any planning permission granted subject to such a condition as is mentioned in paragraph (b) of the preceding subsection is in this Act referred to as "planning permission granted for a limited period".

(3) Where—

(a) planning permission is granted for development consisting of or including the carrying out of building or other operations, subject to a condition that the operations shall be commenced not later than a time specified in the condition, and

(b) any building or other operations are commenced after the time so specified,

the commencement and carrying out of those operations do not constitute development for which that permission was granted.

19.—(1) Any application to a local planning authority for planning permission shall be made in such manner as may be prescribed by regulations under this Act, and shall include such particulars, and be verified by such evidence, as may be required by the regulations or by any directions given by the local planning authority thereunder. Supplementary provisions as to applications for planning permission.

(2) Subject to the provisions of subsections (2) to (4) of section seventeen of this Act, provision may be made by a development order for regulating the manner in which applications for planning permission to develop land are to be dealt with by local planning authorities, and in particular—

(a) for enabling the Minister (or, in the case of development falling within the next following subsection, the Minister of Transport) to give directions restricting the grant of planning permission by the local planning authority, during such period as may be specified in the directions, in respect of any such development, or in respect of development of any such class, as may be so specified ;

(b) for authorising the local planning authority, in such cases and subject to such conditions as may be prescribed by the order, or by directions given by the Minister thereunder, to grant planning permission for development which does not accord with the provisions of the development plan ;

(c) for requiring the local planning authority, before granting or refusing planning permission for any development, to consult with such authorities or persons as may be

## PART III

prescribed by the order or by directions given by the Minister thereunder ;

(d) for requiring the local planning authority to give to any applicant for planning permission, within such time as may be prescribed by the order, such notice as may be so prescribed as to the manner in which his application has been dealt with ;

(e) for requiring the local planning authority to give to the Minister, and to such other persons as may be prescribed by or under the order, such information as may be so prescribed with respect to applications for planning permission made to the authority, including information as to the manner in which any such application has been dealt with.

(3) The reference in paragraph (a) of the last preceding subsection to development falling within this subsection is a reference to any development affecting trunk roads, or affecting any road which—

(a) is comprised in the route of a special road to be provided by the Minister of Transport in accordance with a scheme under the provisions of Part II of the Highways Act, 1959, relating to special roads, and has not for the time being been transferred to him, or

(b) has been or is to be provided by that Minister in pursuance of an order under the provisions of Part II of that Act relating to trunk roads and special roads, and has not for the time being been transferred to any other highway authority.

(4) Every local planning authority shall keep, in such manner as may be prescribed by a development order, a register containing such information as may be so prescribed with respect to applications for planning permission made to that authority, including information as to the manner in which such applications have been dealt with.

(5) Every register kept under the last preceding subsection shall be available for inspection by the public at all reasonable hours.

Permission to retain buildings or works or continue use of land.

20.—(1) An application for planning permission may relate to buildings or works constructed or carried out, or a use of land instituted, before the date of the application, whether—

(a) the buildings or works were constructed or carried out, or the use instituted, without planning permission or in accordance with planning permission granted for a limited period, or

(b) the application is for permission to retain the buildings or works, or continue the use of the land, without complying with some condition subject to which a previous planning permission was granted.



## PART III

(2) Any power to grant planning permission to develop land under this Act shall include power to grant planning permission for the retention on land of buildings or works constructed or carried out, or for the continuance of a use of land instituted, as mentioned in the preceding subsection; and references in this Act to planning permission to develop land or to carry out any development of land, and to applications for such permission, shall be construed accordingly:

Provided that this subsection shall not affect the construction of section fifteen, of subsection (2) of section seventeen or of Part VI of this Act.

(3) Any planning permission granted in accordance with the last preceding subsection may be granted so as to take effect from the date on which the buildings or works were constructed or carried out, or the use was instituted, or (in the case of buildings or works constructed or a use instituted in accordance with planning permission granted for a limited period) so as to take effect from the end of that period, as the case may be.

21.—(1) Without prejudice to the provisions of this Part of this Act as to the revocation or modification of planning permission, any grant of planning permission to develop land shall (except in so far as the permission otherwise provides) enure for the benefit of the land and of all persons for the time being interested therein. Supplementary provisions as to effect of planning permission.

(2) Where planning permission is granted for the erection of a building, the grant of permission may specify the purposes for which the building may be used; and if no purpose is so specified, the permission shall be construed as including permission to use the building for the purpose for which it is designed.

*Minister's powers in relation to planning applications and decisions*

22.—(1) The Minister may give directions requiring applications for planning permission to be referred to him instead of being dealt with by local planning authorities. Reference of planning applications to Minister.

(2) A direction under this section—

- (a) may be given either to a particular local planning authority or to local planning authorities generally, and
- (b) may relate either to a particular application or to applications of a class specified in the direction.

(3) Any application in respect of which a direction under this section has effect shall be referred to the Minister accordingly.

(4) Subject to the next following subsection, where an application for planning permission is referred to the Minister under this section, the following provisions of this Act, that is to say, subsection (1) of section fifteen, section sixteen, subsections (1) to (3) of section seventeen and subsection (1) of section eighteen,

## PART III

shall apply, with any necessary modifications, as they apply to an application for planning permission which falls to be determined by the local planning authority.

(5) Before determining an application referred to him under this section the Minister shall, if either the applicant or the local planning authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

(6) The decision of the Minister on any application referred to him under this section shall be final.

Appeals  
against  
planning  
decisions.

**23.**—(1) Where an application is made to a local planning authority for planning permission to develop land, or for any approval of that authority required under a development order, and that permission or approval is refused by that authority or is granted by them subject to conditions, the applicant, if he is aggrieved by their decision, may by notice under this section appeal to the Minister.

(2) Any notice under this section shall be served within such time (not being less than twenty-eight days from the date of notification of the decision to which it relates) and in such manner as may be prescribed by a development order.

(3) The Minister shall not be required to entertain an appeal under this section in respect of an application for planning permission to develop land if it appears to him that planning permission for that development could not have been granted by the local planning authority, or could not have been granted by them otherwise than subject to the conditions imposed by them, having regard to the provisions of subsection (1) of section seventeen, of subsection (1) of section eighteen and of section thirty-eight of this Act, and of the development order, and to any directions given under that order.

(4) Where an appeal is brought under this section from a decision of a local planning authority, the Minister, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the local planning authority, whether the appeal relates to that part thereof or not, and may deal with the application as if it had been made to him in the first instance.

(5) Before determining an appeal under this section, the Minister shall, if either the applicant or the local planning authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

(6) Subject to the last preceding subsection, the following provisions of this Act, that is to say, section sixteen, subsections (1) and (3) of section seventeen, and subsection (1) of section

eighteen, shall apply, with any necessary modifications, in relation to an appeal to the Minister under this section as they apply in relation to an application for planning permission which falls to be determined by the local planning authority.

(7) The decision of the Minister on any appeal under this section shall be final.

24. Where an application is made to a local planning authority for planning permission, or for any approval of that authority required under a development order, then unless within such period as may be prescribed by the development order, or within such extended period as may at any time be agreed upon in writing between the applicant and the local planning authority, the local planning authority either—

Appeal in  
default of  
planning  
decision.

(a) give notice to the applicant of their decision on the application, or

(b) give notice to him that the application has been referred to the Minister in accordance with directions given under section twenty-two of this Act,

the provisions of the last preceding section shall apply in relation to the application as if the permission or approval to which it relates had been refused by the local planning authority, and as if notification of their decision had been received by the applicant at the end of the period prescribed by the development order, or at the end of the said extended period, as the case may be.

25.—(1) The provisions of this and the next following section shall have effect where, in accordance with the provisions of Part VI of this Act, one or more claims for compensation in respect of a planning decision have been transmitted to the Minister, and the claim, or (if there is more than one) one or more of the claims, has not been withdrawn.

Review of  
planning  
decisions  
where com-  
pensation.  
claimed.

(2) If, in the case of a planning decision of the local planning authority, it appears to the Minister that, if the application for permission to develop the land in question had been referred to him for determination, he would have made a decision more favourable to the applicant, the Minister may give a direction substituting that decision for the decision of the local planning authority.

(3) If, in any case, it appears to the Minister that planning permission could properly be granted (either unconditionally or subject to certain conditions) for some development of the land in question other than the development to which the application for planning permission related, the Minister may give a direction that the provisions of this Act shall have effect in relation to that application and to the planning decision—

(a) as if the application had included an application for permission for that other development, and the decision

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## PART III

had included the grant of planning permission (unconditionally or subject to the said conditions, as the case may be) for that development, or

- (b) as if the decision had been a decision of the Minister and had included an undertaking to grant planning permission (unconditionally or subject to the said conditions, as the case may be) for that development,

as may be specified in the direction.

(4) The reference in subsection (2) of this section to a decision more favourable to the applicant shall be construed—

- (a) in relation to a refusal of permission, as a reference to a decision granting the permission, either unconditionally or subject to conditions, and either in respect of the whole of the land to which the application for permission related or in respect of part of that land, and
- (b) in relation to a grant of permission subject to conditions, as a reference to a decision granting the permission applied for unconditionally or subject to less stringent conditions.

Supplementary provisions as to review of planning decisions.

26.—(1) Before giving a direction under the last preceding section, the Minister shall give notice in writing of his proposed direction to the local planning authority to whose decision that direction relates, and to any person who made, and has not since withdrawn, a claim for compensation in respect of that decision; and, if so required by the local planning authority or by any such person, shall afford to each of them an opportunity to appear before, and be heard by, a person appointed by the Minister for the purpose.

(2) In giving any direction under the last preceding section, the Minister shall have regard to the provisions of the development plan for the area in which the land in question is situated, in so far as those provisions are material to the development of that land, and shall also have regard to the local circumstances affecting the proposed development, including the use which prevails generally in the case of contiguous or adjacent land, and to any other material considerations.

(3) Where the Minister gives a direction under the last preceding section, he shall give notice of the direction to the local planning authority to whose decision the direction relates, and to every person (if any) who made, and has not since withdrawn, a claim for compensation in respect of that decision.

*Revocation or modification of planning permission*

PART III

27.—(1) If it appears to the local planning authority, having regard to the development plan and to any other material considerations, that it is expedient to revoke or modify any permission to develop land granted on an application made under this Part of this Act, the authority, subject to the following provisions of this section, may by order revoke or modify the permission to such extent as (having regard to those matters) they consider expedient.

Power to revoke or modify planning permission.

(2) An order under this section shall not take effect unless it is confirmed by the Minister ; and the Minister may confirm any such order submitted to him either without modification or subject to such modifications as he considers expedient.

(3) Where a local planning authority submit an order to the Minister for his confirmation under this section, the authority shall serve notice on the owner and on the occupier of the land affected and on any other person who in their opinion will be affected by the order ; and if within such period as may be specified in that behalf in the notice (not being less than twenty-eight days from the service thereof) any person on whom the notice is served so requires, the Minister, before confirming the order, shall afford to that person, and to the local planning authority, an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

(4) The power conferred by this section to revoke or modify permission to develop land may be exercised—

- (a) where the permission relates to the carrying out of building or other operations, at any time before those operations have been completed ;
- (b) where the permission relates to a change of the use of any land, at any time before the change has taken place :

Provided that the revocation or modification of permission for the carrying out of building or other operations shall not affect so much of those operations as has been previously carried out.

*Additional powers of control*

28.—(1) If it appears to a local planning authority that it is expedient in the interests of the proper planning of their area (including the interests of amenity), regard being had to the development plan and to any other material considerations,—

Orders requiring discontinuance of use or alteration or removal of buildings or works.

- (a) that any use of land should be discontinued, or that any conditions should be imposed on the continuance of a use of land, or
- (b) that any buildings or works should be altered or removed,

**PART III**

the local planning authority may by order require the discontinuance of that use, or impose such conditions as may be specified in the order on the continuance thereof, or require such steps as may be so specified to be taken for the alteration or removal of the buildings or works, as the case may be.

(2) An order under this section may grant planning permission for any development of the land to which the order relates, subject to such conditions as may be specified in the order; and the provisions of the last preceding section shall apply in relation to any planning permission granted by an order under this section as they apply in relation to planning permission granted by the local planning authority on an application made under this Part of this Act.

(3) The power conferred by the last preceding subsection shall include power, by an order under this section, to grant planning permission, subject to such conditions as may be specified in the order,—

(a) for the retention, on the land to which the order relates, of buildings or works constructed or carried out before the date on which the order was submitted to the Minister, or

(b) for the continuance of a use of that land instituted before that date;

and subsection (3) of section twenty of this Act shall apply to planning permission granted by virtue of this subsection as it applies to planning permission granted in accordance with subsection (2) of that section.

(4) An order under this section shall not take effect unless it is confirmed by the Minister, either without modification or subject to such modifications as he considers expedient.

(5) The power of the Minister under this section to confirm an order subject to modifications shall include power—

(a) to modify any provision of the order granting planning permission, as mentioned in subsection (2) or subsection (3) of this section;

(b) to include in the order any grant of planning permission which might have been included in the order as submitted to the Minister.

(6) Where a local planning authority submit an order to the Minister for his confirmation under this section, that authority shall serve notice on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the order; and if within the period specified

in that behalf in the notice (not being less than twenty-eight days from the service thereof) any person on whom the notice is served so requires, the Minister, before confirming the order, shall afford to that person and to the local planning authority an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

(7) Where an order under this section has been confirmed by the Minister, the local planning authority shall serve a copy of the order on the owner and occupier of the land to which the order relates.

(8) Where the requirements of an order under this section will involve the displacement of persons residing in any premises, it shall be the duty of the local planning authority, in so far as there is no other residential accommodation suitable to the reasonable requirements of those persons available on reasonable terms, to secure the provision of such accommodation in advance of the displacement.

29.—(1) If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order (in this Act referred to as a “tree preservation order”) with respect to such trees, groups of trees or woodlands as may be specified in the order; and, in particular, provision may be made by any such order—

- (a) for prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down, topping, lopping or wilful destruction of trees except with the consent of the local planning authority, and for enabling that authority to give their consent subject to conditions;
- (b) for securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under the order;
- (c) for applying, in relation to any consent under the order, and to applications for such consent, any of the provisions of this Act falling within the next following subsection, subject to such adaptations and modifications as may be specified in the order.

(2) References in this Act to provisions thereof falling within this subsection are references to—

- (a) the provisions of this Part of this Act relating to planning permission and to applications for planning permission, except sections fifteen and sixteen, subsections (2) to (5)

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of section seventeen, subsection (1) of section nineteen and sections twenty-five and twenty-six of this Act, and

- (b) such of the provisions of Part VIII of this Act as are therein stated to be provisions falling within this subsection.

(3) A tree preservation order shall not be made in relation to any land in respect of which a forestry dedication covenant is in force under the Forestry Act, 1947, or in respect of which advances have been made by the Forestry Commissioners under the Forestry Acts, 1919 to 1947.

(4) A tree preservation order shall not take effect until it is confirmed by the Minister, and the Minister may confirm any such order either without modification or subject to such modifications as he considers expedient.

(5) Provision may be made by regulations under this Act with respect to the form of tree preservation orders, and the procedure to be followed in connection with the submission and confirmation of such orders; and, subject to the next following subsection, such regulations shall, in particular, make provision for securing—

- (a) that notice of the submission of any such order to the Minister shall be given to the owners and occupiers of land affected by the order;
- (b) that objections and representations with respect to the proposed order duly made in accordance with the regulations shall be considered before the order is confirmed by the Minister; and
- (c) that copies of the order, when confirmed by the Minister, shall be served on the owners and occupiers of the land to which it relates.

(6) If it appears to the Minister that any such order should take effect immediately, he may confirm the order provisionally without complying with the requirements of any such regulations with respect to the consideration of objections and representations; but any order so confirmed shall cease to have effect at the end of two months from the date on which it is so confirmed, unless within that period it has again been confirmed, with or without modifications, after compliance with those requirements.

(7) Without prejudice to any other exemptions for which provision may be made by a tree preservation order, no such order shall apply to the cutting down, topping or lopping of trees which are dying or dead or have become dangerous, or the cutting down, topping or lopping of any trees in compliance with any obligations imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance.



(8) The preceding provisions of this section shall have effect subject to the provisions—

- (a) of section thirteen of the Forestry Act, 1951 (which relates to licences under that Act to fell trees comprised in a tree preservation order), and
- (b) of subsection (4) of section two of the Opencast Coal Act, 1958 (which relates to land comprised in an authorisation under that Act which is affected by a tree preservation order).

**30.**—(1) Subject to the provisions of this and the next following section, if it appears to a local planning authority that it is expedient to make provision for the preservation of any building of special architectural or historic interest in their area, they may for that purpose make an order (in this Act referred to as a “building preservation order”) restricting the demolition, alteration or extension of the building.

(2) A building preservation order shall not be made in respect of—

- (a) an ecclesiastical building which is for the time being used for ecclesiastical purposes, or
- (b) a building which is the subject of a scheme or order under the enactments for the time being in force with respect to ancient monuments, or
- (c) a building for the time being included in a list of monuments published by the Minister of Works under any such enactment,

and a building preservation order shall not be made so as to affect the powers of the Minister of Works under any such enactment.

(3) A building preservation order shall not take effect until it is confirmed by the Minister, and the Minister may confirm any such order either without modification or subject to such modifications as he considers expedient.

(4) A local planning authority shall not make a building preservation order, and the Minister shall not confirm such an order, unless satisfied that the execution of the works specified in the order would seriously affect the character of the building.

(5) Provision may be made by a building preservation order—

- (a) for requiring the consent of the local planning authority to be obtained for the execution of works of any description specified in the order, and
- (b) for applying, in relation to such consent and to applications for such consent, any of the provisions of this Act falling within subsection (2) of the last preceding section, subject to such adaptations and modifications as may be specified in the order.

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Supplementary provisions as to building preservation orders.

**31.—(1)** Provision may be made by regulations under this Act with respect to the form of building preservation orders, and the procedure to be followed in connection with the submission and confirmation of such orders; and, subject to the next following subsection, such regulations shall, in particular, make provision for securing—

- (a) that notice of the submission of any such order to the Minister shall be given to the owner and any occupier of the building affected by the order;
- (b) that objections and representations with respect to the proposed order duly made in accordance with the regulations shall be considered before the order is confirmed by the Minister; and
- (c) that a copy of the order, when confirmed by the Minister, shall be served on the owner and any occupier of the building to which it relates.

(2) If it appears to the Minister that any such order should take effect immediately, he may confirm the order provisionally without complying with the requirements of any such regulations with respect to the consideration of objections and representations; but any order so confirmed shall cease to have effect at the end of two months from the date on which it is so confirmed, unless within that period it has again been confirmed, with or without modifications, after compliance with those requirements.

(3) Nothing in any building preservation order shall render unlawful the execution of any works which are urgently necessary in the interests of safety or health or for the preservation of the building or of neighbouring property, so long as notice in writing of the proposed execution of the works is given, as soon as may be after the necessity for the works arises, to the authority by whom the order was made.

(4) The powers conferred on a local planning authority by the last preceding section to make a building preservation order may be exercised also by the council of the county district in which the building to which the order relates is situated; and references in this Act to local planning authorities shall, in relation to those powers, be construed as including references to the council of a county district.

**32.—(1)** With a view to the guidance of local planning authorities in the performance of their functions under this Act in relation to buildings of special architectural or historic interest, the Minister shall compile lists of such buildings, or approve, with or without modifications, such lists compiled by other persons or bodies of persons, and may amend any list so compiled or approved.

Lists of buildings of special architectural or historic interest.

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(2) As soon as may be after any list has been compiled or approved under this section, or any amendments of such a list have been made, a copy of so much of the list as relates to any county borough or county district, or of so much of the amendments as relates thereto, as the case may be, certified by or on behalf of the Minister to be a true copy thereof, shall be deposited with the clerk of the council of that borough or district, and also, where that council is not the local planning authority, with the clerk of the local planning authority.

(3) Any such copy shall be registered in the register of local land charges, in such manner as may be prescribed by rules made for the purposes of this section under subsection (6) of section fifteen of the Land Charges Act, 1925, by the proper officer of the council of the county borough or county district.

(4) As soon as may be after the inclusion of any building in a list under this section, whether on the compilation or approval of the list or by the amendment thereof, or as soon as may be after any such list has been amended by the exclusion of any building therefrom, the Minister shall serve a notice on every owner and occupier of the building, stating that the building has been included in, or excluded from, the list, as the case may be.

(5) Before compiling or approving, with or without modifications, any list under this section, or amending any list thereunder, the Minister shall consult with such persons or bodies of persons as appear to him appropriate as having special knowledge of, or interest in, buildings of architectural and historic interest.

33.—(1) Subject to the provisions of this section, so long as a building, not being—

(a) a building to which a building preservation order applies, or

(b) a building of a description specified in subsection (2) of section thirty of this Act,

is included in a list compiled or approved under the last preceding section, no person shall execute, or cause or permit to be executed, any works for the demolition of the building, or for its alteration or extension in any manner which would seriously affect its character, unless at least two months before the works are executed notice in writing of the proposed works has been given to the local planning authority.

(2) Nothing in the preceding subsection shall render unlawful the execution of any works which are urgently necessary in the interests of safety or health, or for the preservation of the building or of neighbouring property, so long as notice in writing thereof has been given to the local planning authority as soon as may be after the necessity for the works arises.

(3) Where a local planning authority receive notice of any proposed works under this section, they shall as soon as may

Effect of  
inclusion of  
building in a  
list under s. 32.

## PART III

be send a copy of the notice to the Minister, and, except where the authority is the council of a county borough, to the council of the county district in which the building to which the notice relates is situated, and in either case to such other persons or bodies of persons as may be specified by directions of the Minister either generally or with respect to the building in question.

Control of  
advertisements.

**34.**—(1) Subject to the provisions of this section, provision shall be made by regulations under this Act for restricting or regulating the display of advertisements so far as appears to the Minister to be expedient in the interests of amenity or public safety.

(2) Without prejudice to the generality of the preceding subsection, any such regulations may provide—

- (a) for regulating the dimensions, appearance and position of advertisements which may be displayed, the sites on which advertisements may be displayed, and the manner in which they are to be affixed to the land ;
- (b) for requiring the consent of the local planning authority to be obtained for the display of advertisements, or of advertisements of any class specified in the regulations ;
- (c) for applying, in relation to any such consent and to applications for such consent, any of the provisions of this Act falling within subsection (2) of section twenty-nine thereof, subject to such adaptations and modifications as may be specified in the regulations ;
- (d) for the constitution, for the purposes of the regulations, of such advisory committees as may be prescribed by the regulations, and for determining the manner in which the expenses of any such committee are to be defrayed.

(3) Regulations made for the purposes of this section may make different provision with respect to different areas, and in particular may make special provision with respect to areas defined for the purposes of the regulations as areas of special control, being either rural areas or areas other than rural areas which appear to the Minister to require special protection on grounds of amenity ; and, without prejudice to the generality of the preceding provisions of this subsection, the regulations may prohibit the display in any such area of all advertisements except advertisements of such classes (if any) as may be specified in the regulations.

(4) Areas of special control for the purposes of regulations under this section may be defined either by reference to provisions included in that behalf in development plans or by means of orders made or approved by the Minister in accordance with the provisions of the regulations.

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(5) Where the Minister is authorised by the regulations to make or approve any such order as is mentioned in the last preceding subsection, the regulations shall provide for the publication of notice of the proposed order in such manner as may be prescribed by the regulations, for the consideration of objections duly made thereto, and for the holding of such inquiries or other hearings as may be so prescribed, before the order is made or approved.

(6) Regulations made under this section may be made so as to apply to advertisements which are being displayed on the date on which the regulations come into force, or to the use for the display of advertisements of any site which was being used for that purpose on that date ; but any regulations made in accordance with this subsection shall provide for exempting therefrom—

- (a) the continued display of any such advertisement, and
- (b) the continued use for the display of advertisements of any such site,

during such period as may be prescribed in that behalf by the regulations, and different periods may be so prescribed for the purposes of different provisions of the regulations.

35. Where the display of advertisements in accordance with regulations made under the last preceding section involves development of land, planning permission for that development shall be deemed to be granted by virtue of this section, and no application shall be necessary in that behalf under the preceding provisions of this Part of this Act.

Application for planning permission not needed for advertisements complying with regulations.

36.—(1) If it appears to a local planning authority that the amenity of any part of their area, or of any adjoining area, is seriously injured by the condition of any garden, vacant site or other open land in their area, then, subject to any directions given by the Minister, the authority may serve on the owner and occupier of the land a notice requiring such steps for abating the injury as may be specified in the notice to be taken within such period as may be so specified.

Proper maintenance of waste land, etc.

(2) Subject to the provisions of Part IV of this Act, a notice under this section shall take effect at the end of such period (not being less than twenty-eight days after the service thereof) as may be specified in the notice.

37.—(1) A local planning authority may, with the approval of the Minister, enter into an agreement with any person interested in land in their area for the purpose of restricting or regulating the development or use of the land, either permanently or during such period as may be prescribed by the agreement ;

Agreements regulating development or use of land.

## PART III

and any such agreement may contain such incidental and consequential provisions (including provisions of a financial character) as appear to the local planning authority to be necessary or expedient for the purposes of the agreement.

(2) An agreement made under this section with any person interested in land may be enforced by the local planning authority against persons deriving title under that person in respect of that land, as if the local planning authority were possessed of adjacent land and as if the agreement had been expressed to be made for the benefit of such land.

(3) Nothing in this section or in any agreement made thereunder shall be construed—

(a) as restricting the exercise, in relation to land which is the subject of any such agreement, of any powers exercisable by any Minister or authority under this Act so long as those powers are exercised in accordance with the provisions of the development plan, or in accordance with any directions which may have been given by the Minister as to the provisions to be included in such a plan, or

(b) as requiring the exercise of any such powers otherwise than as mentioned in the preceding paragraph.

(4) The power of a local planning authority to make agreements under this section may be exercised also—

(a) in relation to land in a county district, by the council of that district ;

(b) in relation to land in the area of a joint planning board, by the council of the county or county borough in which the land is situated,

and references in this section to a local planning authority shall be construed accordingly.

*Special provisions as to industrial development*

Industrial  
development  
certificates.

38.—(1) Subject to the provisions of this and the next following section, an application to the local planning authority for permission to develop land by—

(a) the erection thereon of an industrial building of one of the prescribed classes, or

(b) a change of use whereby premises, not being an industrial building of one of the prescribed classes, will become such an industrial building,

shall be of no effect unless a certificate (in this Act referred to as an “ industrial development certificate ”) is issued under this section by the Board of Trade, certifying that the development in question can be carried out consistently with the proper distribution of industry, and a copy of the certificate is furnished to the local planning authority together with the application.

(2) In considering whether any development for which an industrial development certificate is applied for can be carried out consistently with the proper distribution of industry, the Board of Trade shall have particular regard to the need for providing appropriate employment in development districts.

(3) An industrial development certificate shall not be required for the extension of an industrial building if the extension, taken by itself, would not be an industrial building of one of the prescribed classes, but (subject to the provisions of the next following section) an industrial development certificate shall be required for the extension of any building if the extension, taken by itself, would be such an industrial building.

(4) The preceding provisions of this section shall have effect without prejudice to any provisions for restricting the granting of planning permission by local planning authorities which are included in a development order by virtue of section nineteen of this Act.

(5) Nothing in section twenty of this Act shall be construed as requiring an industrial development certificate on an application for permission for the retention on land of an industrial building or for the continuance of any use of land.

(6) In this and the next following section "the prescribed classes" means such classes of industrial buildings as may be prescribed by regulations made for the purposes of this section by the Board of Trade, "development district" has the meaning assigned to it by subsection (2) of section one of the Local Employment Act, 1960, and subsection (4) of that section (which provides for treating certain areas not forming part of a development district as forming part of such a district) shall apply as if this section were included among the provisions of that Act referred to in that subsection.

39.—(1) Notwithstanding anything in the last preceding section, an industrial development certificate shall not be required if the industrial floor space to be created by the development in question, together with any other industrial floor space created or to be created by any related development, does not exceed five thousand square feet, excluding, where an industrial development certificate has been issued in respect of any related development, any floor space created or to be created by that development or by development carried out, or for which planning permission has been granted, before the issue of that certificate.

Exemption of certain classes of development.

(2) Regulations made for the purposes of the last preceding section by the Board of Trade may direct that no industrial development certificate shall be required in respect of the erection, in any area prescribed by or under the regulations, of industrial buildings of any such class as may be so prescribed, or in respect of a change of use whereby premises in any such area, not being an industrial building of a class so prescribed, will become an industrial building of such a class.

## PART III

(3) In this section "industrial floor space" means floor space comprised in an industrial building or industrial buildings of any of the prescribed classes, and "related development" means development relating to the same building or another building in the same group, being development which has been carried out on or after the first day of April, nineteen hundred and sixty, or for which planning permission has been granted since that date; and in this subsection "group" means a group of contiguous or adjacent buildings used as parts of a single undertaking, and any reference to development relating to a building is a reference to the erection, extension, alteration or re-erection of the building or to a change of use of the whole or part of the building.

Provision for cases where industrial development certificate withheld.

40.—(1) Where such an application as is mentioned in subsection (1) of section thirty-eight of this Act is, by virtue of that subsection, of no effect by reason that the requirements of that subsection are not fulfilled, the local planning authority shall consider whether, if those requirements had been fulfilled, they would nevertheless have refused the permission sought by the application, either in respect of the whole or in respect of part of the land to which the application relates; and if they are of the opinion that they would so have refused that permission, they shall serve on the applicant a notice in writing to that effect.

(2) Where a notice is served under the preceding subsection in respect of the whole or part of any land, it shall operate, for the purposes of sections twenty-five and twenty-six of this Act, as if the application for planning permission had been an effective application and the notice had been a planning decision of the local planning authority refusing that permission in respect of that land or that part thereof, as the case may be; and the provisions of those sections (if in those circumstances they would have been applicable) shall have effect accordingly.

*Special provisions as to local authorities and statutory undertakers*

Deemed planning permission.

41.—(1) Where the authorisation of a government department is required by virtue of an enactment in respect of development to be carried out by a local authority, or by statutory undertakers not being a local authority, that department may, on granting that authorisation, direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the directions.

(2) The provisions of this Act (except Parts VI and XI thereof) shall apply in relation to any planning permission deemed to be granted by virtue of directions under this section as if it had been granted by the Minister on an application referred to him under section twenty-two of this Act.



(3) For the purposes of this section development shall be taken to be authorised by a government department if—

- (a) any consent, authority or approval to or for the development is granted by the department in pursuance of an enactment ;
- (b) a compulsory purchase order is confirmed by the department authorising the purchase of land for the purpose of the development ;
- (c) consent is granted by the department to the appropriation of land for the purpose of the development or the acquisition of land by agreement for that purpose ;
- (d) authority is given by the department for the borrowing of money for the purpose of the development, or for the application for that purpose of any money not otherwise so applicable ; or
- (e) any undertaking is given by the department to pay a grant in respect of the development in accordance with an enactment authorising the payment of such grants,

and references in this section to the authorisation of a government department shall be construed accordingly.

**42.—**(1) In relation to land of local planning authorities, and to the development by local authorities of land in respect of which they are the local planning authorities, the provisions of this Part of this Act, other than sections fifteen and sixteen, subsections (2) and (3) of section seventeen, and sections twenty-five and twenty-six thereof, shall have effect subject to such exceptions and modifications as may be prescribed by regulations made under this Act. Application of  
planning  
control to  
local  
planning  
authorities.

(2) Subject to the provisions of the last preceding section, any such regulations may in particular provide for securing—

- (a) that any application by such an authority for planning permission to develop such land, or for any other consent required in relation to such land under this Part of this Act, shall be made to the Minister and not to the local planning authority ;
- (b) that any order or notice authorised to be made or served under this Part of this Act in relation to such land shall be made or served by the Minister and not by that authority.

(3) Sections fifteen and sixteen and subsections (2) and (3) of section seventeen of this Act shall apply, with the necessary modifications, in relation to applications made to the Minister in pursuance of regulations made for the purposes of subsection (1) of this section, as they apply in relation to applications for planning permission which fall to be determined by the local planning authority.

**PART III***Supplementary provisions*

Applications to determine whether planning permission required.

**43.**—(1) If any person who proposes to carry out any operations on land, or to make any change in the use of land, wishes to have it determined whether the carrying out of those operations, or the making of that change, would constitute or involve development of the land, and, if so, whether an application for planning permission in respect thereof is required under this Part of this Act, having regard to the provisions of the development order, he may, either as part of an application for planning permission, or without any such application, apply to the local planning authority to determine that question.

(2) The provisions of section fourteen, subsection (1) of section seventeen, subsections (2), (4) and (5) of section nineteen, and sections twenty-two to twenty-four of this Act shall, subject to any necessary modifications, apply in relation to any application under this section, and to the determination thereof, as they apply in relation to applications for planning permission and to the determination of such applications.

Appeal to independent tribunal.

**44.**—(1) Provision may be made by a development order for securing that, in the case of decisions of a local planning authority of such classes as may be prescribed by the order, being decisions relating to the design or external appearance of buildings or other similar matters, any appeal under section twenty-three of this Act shall lie to an independent tribunal constituted in accordance with the provisions of that order, instead of being an appeal to the Minister; and in relation to any such appeal the provisions of that section (except, in subsection (6) thereof, the references to section sixteen and to subsection (3) of section seventeen of this Act) and the provisions of section twenty-four of this Act shall apply, subject to such adaptations and modifications as may be specified in the order, as they apply in relation to appeals to the Minister under the said section twenty-three.

(2) Without prejudice to the generality of the powers conferred by section thirty-four of this Act, regulations made for the purposes of that section may provide that any appeal from the decision of the local planning authority, on an application for their consent under the regulations, shall lie to an independent tribunal constituted in accordance with the regulations, instead of being an appeal to the Minister.

(3) If any tribunal is constituted in accordance with the preceding provisions of this section, the Minister may pay to the chairman and members of the tribunal such remuneration, whether by way of salaries or by way of fees, and such reasonable allowances in respect of expenses properly incurred in the performance of their duties, as the Treasury may determine.

## PART IV

## ENFORCEMENT OF PLANNING CONTROL

*Enforcement where planning permission required*

- 45.—(1) Where it appears to the local planning authority— Power to serve enforcement notices.
- (a) that any development of land has been carried out without the grant of planning permission required in that behalf in accordance with Part III of this Act, or
  - (b) that any conditions or limitations subject to which planning permission was granted have not been complied with,

then, subject to any directions given by the Minister, and to the following provisions of this section, the local planning authority, if they consider it expedient to do so having regard to the provisions of the development plan and to any other material considerations, may, within the period specified in the next following subsection, serve a notice under this section (in this Act referred to as an “enforcement notice”).

- (2) The period for the service of an enforcement notice—
  - (a) where the notice relates to the carrying out of development, is the period of four years from the carrying out of that development, and
  - (b) where the notice relates to non-compliance with a condition or limitation, is the period of four years from the date of the alleged failure to comply with it.
- (3) Where the local planning authority serve an enforcement notice, the notice—
  - (a) shall be served on the owner and occupier of the land to which it relates, and
  - (b) may, if the authority think fit, also be served on any other person having an interest in that land, being an interest which in their opinion is materially affected by the notice.
- (4) An enforcement notice—
  - (a) shall specify the development which is alleged to have been carried out without the grant of planning permission as mentioned in paragraph (a) of subsection (1) of this section or, as the case may be, the matters in respect of which it is alleged that any such conditions or limitations as are mentioned in paragraph (b) of that subsection have not been complied with, and

## PART IV

- (b) may require such steps as may be specified in the notice to be taken, within such period as may be so specified, for the purpose of restoring the land to its condition before the development took place, or of securing compliance with the conditions or limitations, as the case may be, and in particular may, for that purpose, require the demolition or alteration of any buildings or works, the discontinuance of any use of land, or the carrying out on land of any building or other operations.

(5) Subject to the following provisions of this Part of this Act, an enforcement notice shall take effect at the end of such period (not being less than twenty-eight days after the service thereof) as may be specified in the notice.

Appeal to  
Minister  
against  
enforcement  
notice.

46.—(1) A person on whom an enforcement notice is served, or any other person having an interest in the land, may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal to the Minister against the notice on any of the following grounds, that is to say—

- (a) that planning permission ought to be granted for the development to which the enforcement notice relates ;
- (b) that planning permission has been granted for that development ;
- (c) that no planning permission was required in respect of that development, or, as the case may be, that the conditions or limitations subject to which planning permission for that development was granted have been complied with ;
- (d) that what is assumed in the enforcement notice to be development did not constitute or involve development ;
- (e) that the enforcement notice was not served on the owner or occupier of the land within the relevant period of four years specified in subsection (2) of the last preceding section ;
- (f) that the requirements of the enforcement notice exceed what is necessary for restoring the land to its condition before the development in question took place, or, as the case may be, for securing compliance with the conditions or limitations to which the enforcement notice relates ;
- (g) that the period specified in the enforcement notice as the period within which any steps required by that notice are to be taken falls short of what should reasonably be allowed.

(2) Any appeal under this section shall be made by notice in writing to the Minister, which shall indicate the grounds of the

appeal; and on any such appeal the Minister shall, if either the appellant or the local planning authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

(3) Where an appeal is brought under this section, the enforcement notice shall be of no effect pending the final determination or withdrawal of the appeal.

(4) On an appeal under this section the Minister may correct any informality, defect or error in the enforcement notice if he is satisfied that the informality, defect or error is not a material one.

(5) On the determination of an appeal under this section the Minister shall give directions for giving effect to his determination, including, where appropriate, directions for quashing the enforcement notice or for varying the terms of the enforcement notice in favour of the appellant.

47.—(1) Subject to the provisions of this section, where an enforcement notice has been served on the person who, at the time when the notice was served on him, was the owner of the land to which it relates, then, if any steps required by the notice to be taken (other than the discontinuance of a use of land) have not been taken within the period allowed for compliance with the notice, that person shall be liable on summary conviction to a fine not exceeding one hundred pounds. Penalties for non-compliance with enforcement notices.

(2) If a person against whom proceedings are brought under the preceding subsection has, at some time before the end of the period allowed for compliance with the notice, ceased to be the owner of the land, he 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 the person who then became the owner of the land (in this section referred to as "the subsequent owner") brought before the court in the proceedings.

(3) If, after it has been proved that any steps required by the enforcement notice have not been taken within the period allowed for compliance with the notice, the original defendant proves that the failure to take those steps was attributable, in whole or in part, to the default of the subsequent owner,—

- (a) the subsequent owner may be convicted of the offence, and
- (b) the original defendant, if he further proves that he took all reasonable steps to secure compliance with the enforcement notice, shall be acquitted of the offence.

(4) If, after a person has been convicted under the preceding provisions of this section, he does not as soon as practicable

**PART IV**

do everything in his power to secure compliance with the enforcement notice, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding twenty pounds for each day following his first conviction on which any of the requirements of the enforcement notice (other than the discontinuance of a use of land) remain unfulfilled.

(5) Where, by virtue of an enforcement notice, a use of land is required to be discontinued, or any conditions or limitations are required to be complied with in respect of a use of land or in respect of the carrying out of operations thereon, then if any person uses the land or causes or permits it to be used, or carries out those operations or causes or permits them to be carried out, in contravention of the notice, he shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding one hundred pounds; and if the use is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding twenty pounds for every day on which the use is so continued.

(6) Any reference in this section to the period allowed for compliance with an enforcement notice is a reference to the period specified in the notice for compliance therewith or such extended period as the local planning authority may allow for compliance with the notice.

(7) In this section "owner", in relation to any land, means a person, other than a mortgagee not in possession, who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the land, or, where the land is not let at a rack rent, would be so entitled if it were so let.

Execution by  
local planning  
authority of  
work required  
by enforcement  
notice.

**48.** If, within the period specified in an enforcement notice for compliance therewith, or within such extended period as the local planning authority may allow, any steps required by the notice to be taken (other than the discontinuance of a use of land) have not been taken, the local planning authority may enter upon the land and take those steps, and may recover from the person who is then the owner of the land any expenses reasonably incurred by them in that behalf.

Supplemen-  
tary pro-  
visions as to  
enforcement  
notices.

**49.—(1)** Any expenses incurred by the owner or occupier of any land for the purpose of complying with an enforcement notice served in respect of any development, and any sums paid by the owner of any land under the last preceding section in respect of expenses incurred by the local planning authority in taking steps required to be taken by such a notice, shall be deemed to be incurred or paid for the use and at the request of the person by whom the development was carried out.

(2) Regulations made under this Act may provide that, in relation to any steps required to be taken by an enforcement notice, all or any of the enactments specified in the next following subsection shall apply, subject to such adaptations and modifications as may be specified in the regulations, including, in the case of the enactment specified in paragraph (b) of that subsection, adaptations and modifications for the purpose of affording to the owner of land to which an enforcement notice relates the right, as against all other persons interested in the land, to comply with the requirements of the enforcement notice.

(3) The said enactments are the following provisions of the Public Health Act, 1936, that is to say—

- (a) section two hundred and seventy-six (which empowers local authorities to sell materials removed in executing works under that Act, subject to accounting for the proceeds of sale);
- (b) section two hundred and eighty-nine (which confers power to require the occupier of any premises to permit works to be executed by the owner of the premises);
- (c) section two hundred and ninety-two (which confers power on local authorities to include a sum in respect of establishment charges in their expenses in executing works); and
- (d) section two hundred and ninety-four (which limits the liability of persons holding premises as agents or trustees in respect of the expenses recoverable under that Act).

(4) Any regulations made in accordance with subsection (2) of this section may provide for the charging on the land of any expenses recoverable by a local authority under the last preceding section.

50.—(1) If, after the service of an enforcement notice, planning permission is granted for the retention on land of buildings or works, or for the continuance of a use of land, to which the enforcement notice relates, the enforcement notice shall cease to have effect in so far as it requires steps to be taken for the demolition or alteration of those buildings or works, or the discontinuance of that use, as the case may be.

Effect of  
planning  
permission on  
enforcement  
notice.

(2) If the planning permission granted as mentioned in the preceding subsection is granted so as to permit the retention of buildings or works, or the continuance of a use of land, without complying with some condition subject to which a previous planning permission was granted, the enforcement notice shall cease to have effect in so far as it requires steps to be taken for complying with that condition.

(3) The preceding provisions of this section shall be without prejudice to the liability of any person for an offence in respect

## PART IV

of a failure to comply with the enforcement notice before the relevant provision of the enforcement notice ceased to have effect.

Enforcement notice to have effect against subsequent development.

**51.—(1)** Compliance with an enforcement notice, whether in respect of—

- (a) the demolition or alteration of any buildings or works, or
- (b) the discontinuance of any use of land,

or in respect of any other requirements contained in the enforcement notice, shall not discharge the enforcement notice.

(2) Without prejudice to the preceding subsection, any provision of an enforcement notice requiring a use of land to be discontinued shall operate as a requirement that it shall be discontinued permanently, to the extent that it is in contravention of Part III of this Act; and accordingly the resumption of that use at any time after it has been discontinued in compliance with the enforcement notice shall to that extent be in contravention of the enforcement notice.

(3) Without prejudice to subsection (1) of this section, if any development is carried out on land by way of reinstating or restoring buildings or works which have been demolished or altered in compliance with an enforcement notice, the notice shall, notwithstanding that its terms are not apt for the purpose, be deemed to apply in relation to the buildings or works as reinstated or restored as it applied in relation to the buildings or works before they were demolished or altered; and, subject to the next following subsection, the provisions of section forty-eight of this Act, and of subsection (1) of section forty-nine of this Act, shall apply accordingly.

(4) Where, at any time after an enforcement notice takes effect,—

- (a) any development is carried out on land by way of reinstating or restoring buildings or works which have been demolished or altered in compliance with the notice, and
- (b) the local planning authority propose, under section forty-eight of this Act, to take any steps required by the enforcement notice for the demolition or alteration of the buildings or works in consequence of the reinstatement or restoration,

the local planning authority shall, not less than twenty-eight days before taking any such steps, serve on the owner and occupier of the land a notice of their intention to do so.

(5) A person who, without the grant of planning permission in that behalf, carries out any development on land by way of reinstating or restoring buildings or works which have been



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demolished or altered in compliance with an enforcement notice shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding one hundred pounds; and no person shall be liable under any of the provisions of subsections (1) to (4) of section forty-seven of this Act for failure to take any steps required to be taken by an enforcement notice by way of demolition or alteration of what has been so reinstated or restored.

*Enforcement of control in respect of listed buildings*

**52.**—(1) Where any works have been carried out in contravention of the provisions of subsection (1) of section thirty-three of this Act, the local planning authority may serve on the owner and occupier of the building in question a notice under this section requiring such steps for restoring the building to its former state as may be specified in the notice to be taken within such period as may be so specified.

Notice to enforce control under s. 33.

(2) Subject to the next following section, a notice under this section shall take effect at the end of such period (not being less than twenty-eight days after the service thereof) as may be specified in the notice.

(3) Without prejudice to the preceding provisions of this section, if any person contravenes the provisions of subsection (1) of section thirty-three of this Act, he shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

**53.**—(1) A person on whom a notice under the last preceding section is served, or any other person having an interest in the building to which such a notice relates, may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal to the Minister against the notice on any of the following grounds, that is to say—

Appeal to Minister against notice under s. 52.

- (a) that the works to which the notice relates were not, or were not wholly, works in contravention of subsection (1) of section thirty-three of this Act;
- (b) that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works to which the notice relates were carried out;
- (c) that the period specified in the notice as the period within which any steps required by the notice are to be taken falls short of what should reasonably be allowed;
- (d) that any of the steps required by the notice to be taken would not serve the purpose of restoring the character of the building to what it was before the works to which the notice relates were carried out, and that, if and so far as those works constituted the carrying out of development in contravention of Part III of this Act,

## PART IV

planning permission ought to be granted for the retention of those works.

(2) Any appeal under this section shall be made by notice in writing to the Minister, which shall indicate the grounds of the appeal; and on any such appeal the Minister shall, if either the appellant or the local planning authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

(3) Where an appeal is brought under this section, the notice to which it relates shall be of no effect pending the final determination or withdrawal of the appeal.

(4) On an appeal under this section the Minister may correct any informality, defect or error in the notice to which the appeal relates if he is satisfied that the informality, defect or error is not a material one.

(5) On the determination of an appeal under this section the Minister shall give directions for giving effect to his determination, including, where appropriate, directions for quashing the notice or for varying the terms of the notice in favour of the appellant.

Execution by local planning authority of work required by notice under s. 52.

**54.** If, within the period specified in a notice under section fifty-two of this Act in accordance with subsection (1) of that section, or within such extended period as the local planning authority may allow, any steps required by the notice to be taken have not been taken, the local planning authority may enter upon the land and take those steps, and may recover from the person who is then the owner of the land any expenses reasonably incurred by them in that behalf.

Supplementary provisions as to notices under s. 52.

**55.—(1)** Any expenses incurred by the owner or occupier of a building for the purpose of complying with a notice under section fifty-two of this Act, and any sums paid by the owner of a building under the last preceding section in respect of expenses incurred by the local planning authority in taking steps required to be taken by such a notice, shall be deemed to be incurred or paid for the use and at the request of the person who carried out the works to which the notice relates.

(2) Subsections (2) and (3) of section forty-nine of this Act shall have effect in relation to notices under section fifty-two thereof, as if any reference therein to an enforcement notice were a reference to a notice under the said section fifty-two.

(3) Any regulations made by virtue of the last preceding subsection may provide for the charging on the land of any expenses recoverable by a local authority under the last preceding section.

*Enforcement of control under section 36*

## PART IV

**56.—**(1) The provisions of this section shall have effect where a notice has been served under section thirty-six of this Act, and the period within which the steps required by the notice are to be taken has expired.

Penalty for non-compliance with notice under s. 36.

(2) If at any time after the end of that period any of those steps have not been taken, and any person does anything which has the effect of continuing or aggravating the injury caused by the condition of the land to which the notice relates, he shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding twenty pounds.

**57.—**(1) A person on whom a notice under section thirty-six of this Act is served, or any other person having an interest in the land to which the notice relates, may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal against the notice on any of the following grounds, that is to say—

Appeal to magistrates' court against notice under s. 36.

- (a) that the condition of the land to which the notice relates does not seriously injure the amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area ;
- (b) that the condition of the land to which the notice relates is attributable to, and such as results in the ordinary course of events from, the carrying on of operations or a use of land which is not in contravention of Part III of this Act ;
- (c) that the land to which the notice relates does not constitute a garden, vacant site or other open land in the area of the local planning authority who served the notice ;
- (d) that the requirements of the notice exceed what is necessary for preventing the condition of the land from seriously injuring the amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area ;
- (e) that the period specified in the notice as the period within which any steps required by the notice are to be taken falls short of what should reasonably be allowed.

(2) Any appeal under this section shall be made to a magistrates' court acting for the petty sessions area in which the land in question is situated.

(3) Where an appeal is brought under this section, the notice to which it relates shall be of no effect pending the final determination or withdrawal of the appeal.

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## PART IV

(4) On an appeal under this section the magistrates' court may correct any informality, defect or error in the notice if satisfied that the informality, defect or error is not a material one.

(5) On the determination of an appeal under this section the magistrates' court shall give directions for giving effect to their determination, including, where appropriate, directions for quashing the notice or for varying the terms of the notice in favour of the appellants.

Further appeal to quarter sessions.

58. Where an appeal has been brought under the last preceding section, an appeal against the decision of the magistrates' court thereon may be brought to a court of quarter sessions by the appellants or by the local planning authority.

Execution by local planning authority of work required by notice under s. 36.

59. If, within the period specified in a notice under section thirty-six of this Act in accordance with subsection (1) of that section, or within such extended period as the local planning authority may allow, any steps required by the notice to be taken have not been taken, the local planning authority may enter upon the land and take those steps, and may recover from the person who is then the owner of the land any expenses reasonably incurred by them in that behalf.

Supplementary provisions as to notices under s. 36.

60.—(1) Any expenses incurred by the owner or occupier of any land for the purpose of complying with a notice under section thirty-six of this Act, and any sums paid by the owner of any land under the last preceding section in respect of expenses incurred by the local planning authority in taking steps required to be taken by such a notice, shall be deemed to be incurred or paid for the use and at the request of the person who caused or permitted the land to come to be in the condition in which it was when the notice was served.

(2) Subsections (2) and (3) of section forty-nine of this Act shall have effect in relation to notices under section thirty-six thereof, as if any reference therein to an enforcement notice were a reference to a notice under the said section thirty-six.

(3) Any regulations made by virtue of the last preceding subsection may provide for the charging on the land of any expenses recoverable by a local authority under the last preceding section.

*Enforcement in other cases*

Enforcement of orders under s. 28.

61.—(1) Where, by virtue of an order under section twenty-eight of this Act, the use of land for any purpose is required to be discontinued, or any conditions are imposed on the continuance thereof, then if any person, without the grant of planning permission in that behalf, uses the land for that purpose,

or, as the case may be, uses the land for that purpose in contravention of those conditions, or causes or permits the land to be so used, he shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding one hundred pounds; and if the use is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding twenty pounds for every day on which the use is so continued.

(2) If, within the period specified in that behalf in an order under section twenty-eight of this Act, any steps required by that order to be taken for the alteration or removal of any buildings or works have not been taken, the local planning authority may, and shall if so required by directions of the Minister, enter upon the land and take those steps; and section two hundred and seventy-six of the Public Health Act, 1936, shall apply in relation to any works executed by a local planning authority under this subsection as it applies in relation to works executed by a local authority under that Act.

**62.**—(1) If any person contravenes the provisions of a tree preservation order, he shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding fifty pounds; and if, in the case of a continuing offence, the contravention is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to an additional fine not exceeding forty shillings for every day on which the contravention is so continued.

Enforcement  
of tree and  
building  
preservation  
orders.

(2) The matters for which provision may be made by a building preservation order shall include provision for enabling the local planning authority, where any works of a description specified in the order have been executed in contravention of the order, to require the restoration of the building to its former state, and for that purpose for applying any of the provisions of this Part of this Act with respect to enforcement notices, subject to such adaptations and modifications as may be specified in the order.

(3) Without prejudice to any provisions included in a building preservation order by virtue of the last preceding subsection, if any person, being the owner of a building in relation to which a building preservation order is in force, or a person on whom notice of such an order has been served by the authority by whom the order was made, executes, or causes or permits to be executed, any works in contravention of the order, he shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(4) Nothing in subsection (2) or subsection (3) of this section shall render unlawful the execution of any works which are urgently necessary in the interests of safety or health or for the

## PART IV

preservation of the building in question or of neighbouring property, so long as notice in writing of the proposed execution of the works is given, as soon as may be after the necessity for the works arises, to the authority by whom the order was made.

Enforcement  
of control  
of advert-  
isements.

63.—(1) The matters for which provision may be made by regulations under section thirty-four of this Act shall include provision for enabling the local planning authority to require the removal of any advertisement which is being displayed in contravention of the regulations, or the discontinuance of the use for the display of advertisements of any site which is being so used in contravention of the regulations, and for that purpose for applying any of the provisions of this Part of this Act with respect to enforcement notices, subject to such adaptations and modifications as may be specified in the regulations.

(2) Without prejudice to any provisions included in regulations made under section thirty-four of this Act by virtue of the preceding subsection, if any person displays an advertisement in contravention of the provisions of the regulations he shall be guilty of an offence and liable on summary conviction to a fine of such amount as may be prescribed by the regulations, not exceeding fifty pounds and, in the case of a continuing offence, forty shillings for each day during which the offence continues after conviction.

(3) For the purposes of the last preceding subsection, and without prejudice to the generality thereof, a person shall be deemed to display an advertisement if—

- (a) the advertisement is displayed on land of which he is the owner or occupier, or
- (b) the advertisement gives publicity to his goods, trade, business or other concerns:

Provided that a person shall not be guilty of an offence under the last preceding subsection by reason only that an advertisement is displayed on land of which he is the owner or occupier, or that his goods, trade, business or other concerns are given publicity by the advertisement, if he proves that it was displayed without his knowledge or consent.

*Supplementary provisions*

Supplemen-  
tary pro-  
visions as to  
appeals to  
Minister  
under Part IV.

64.—(1) Subsection (5) of section two hundred and ninety of the Local Government Act, 1933 (which authorises a government department holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings before the Minister on an appeal under this Part of this Act as if those proceedings were an inquiry held by the Minister under the said section two hundred and ninety.

## PART IV

(2) Where an appeal to the Minister against an enforcement notice, or against a notice under section fifty-two of this Act, is brought under this Part of this Act, the appellant shall be deemed to have made an application—

(a) in the case of an enforcement notice, for planning permission to retain on the land the buildings or works, or, as the case may be, to continue the use of the land, to which the notice relates, or

(b) in the case of a notice under section fifty-two of this Act, for planning permission for the development (if any) involved in the works to which the notice relates.

(3) Any application for planning permission deemed to have been made by virtue of the last preceding subsection shall be treated as having been referred to the Minister under section twenty-two of this Act, and the provisions of that section shall apply accordingly:

Provided that subsection (4) of that section shall apply as if the reference therein to sections fifteen and sixteen of this Act were omitted and the reference to subsections (1) to (3) of section seventeen of this Act were a reference only to subsection (1) of the said section seventeen.

(3) Where under this Part of this Act any person has appealed to the Minister or (in accordance with section fifty-seven of this Act) to a magistrates' court against a notice, neither that person nor any other shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

**65.** Where by virtue of any of the preceding provisions of this Part of this Act any expenses are recoverable by a local planning authority, those expenses shall be recoverable as a simple contract debt in any court of competent jurisdiction.

Recovery of expenses of local planning authorities under Part IV.

**66.—(1)** In relation to land of local planning authorities, and to the development by local authorities of land in respect of which they are the local planning authorities, the provisions of this Part of this Act shall have effect subject to such exceptions and modifications as may be prescribed by regulations made under this Act.

Enforcement in relation to local planning authorities.

(2) Any such regulations may in particular provide that any notice authorised to be served under this Part of this Act in relation to such land shall be served by the Minister and not by the local planning authority.

## PART V

ACQUISITION AND APPROPRIATION OF LAND AND PROVISIONS  
RELATED THERETO*Acquisition and appropriation of land*

Compulsory  
acquisition of  
designated  
land.

67.—(1) Where any land is designated by a development plan as subject to compulsory acquisition by a Minister or local authority or by statutory undertakers, that Minister or authority or those undertakers may be authorised to acquire that land compulsorily in accordance with the provisions of this section.

(2) The compulsory acquisition of land under this section may be authorised—

- (a) in the case of land designated by a development plan as subject to acquisition by a Minister, by that Minister ;
- (b) in the case of land so designated as subject to acquisition by a local authority, by the Minister concerned with the functions in question ;
- (c) in the case of land so designated as subject to acquisition by statutory undertakers, by the Minister who is the appropriate Minister for the purposes of those undertakers.

(3) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under this section, and accordingly shall have effect—

- (a) as if this section had been in force immediately before the commencement of that Act ;
- (b) as if any reference in that Act to a local authority (except the references thereto in subsection (2) of section one and in paragraph 9 of the First Schedule) included a reference to statutory undertakers ; and
- (c) as if references therein to the Minister of Transport, and to the enactments specified in paragraph (b) of subsection (1) of section one of that Act, included respectively references to any Minister and to the provisions of this section.

Compulsory  
acquisition of  
land for  
development.

68.—(1) Where any land is designated by a development plan as subject to compulsory acquisition by the appropriate local authority, then if the Minister is satisfied—

- (a) in the case of land comprised in an area defined by the plan as an area of comprehensive development, or of land contiguous or adjacent to any such area, that the land is required in order to secure the development or redevelopment of that area or that it is expedient in the public interest that the land should be held together with land so required, or



(b) in any other case, that it is necessary that the land should be acquired under this section for the purpose of securing its use in the manner proposed by the plan, he may authorise the council of the county borough or county district in which the land is situated to acquire the land compulsorily in accordance with the provisions of this section.

(2) Where under the preceding subsection the Minister has power to authorise the council of a county borough or county district to acquire any land compulsorily, he may, if after consultation with that council, and, in the case of land in a county, with the council of that county, he thinks it expedient to do so, authorise the land to be so acquired by any other local authority instead of that council.

(3) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under this section, and accordingly shall have effect as if this section had been in force immediately before the commencement of that Act.

69.—(1) Where a building preservation order is in force in respect of a building, and it appears to the Minister that reasonable steps are not being taken for properly preserving the building, the Minister may authorise the council of the county or county borough or county district in which the building is situated to acquire compulsorily under this section the building and any land comprising or contiguous or adjacent to it which appears to the Minister to be required for preserving the building or its amenities, or for affording access to it, or for its proper control or management.

Compulsory acquisition of building comprised in building preservation order.

(2) Where a building preservation order is in force in respect of a building, and it appears to the Minister of Works that reasonable steps are not being taken for properly preserving the building, that Minister may be authorised under this section to acquire compulsorily the building and any land comprising or contiguous or adjacent to it which appears to him to be required as mentioned in the preceding subsection.

(3) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under this section, and accordingly shall have effect—

- (a) as if this section had been in force immediately before the commencement of that Act, and
- (b) as if references therein to the Minister of Transport and to the enactments specified in paragraph (b) of subsection (1) of section one of that Act included respectively references to the Minister of Works and to the provisions of this section.

## PART V

(4) Any person having an interest in a building which it is proposed to acquire compulsorily under this section may, within twenty-eight days after the service of the notice required to be served under paragraph 3 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, apply to a magistrates' court acting for the petty sessions area within which the building to which the notice relates is situated for an order staying further proceedings on the compulsory purchase order; and, if the court is satisfied that reasonable steps are being taken for properly preserving the building, the court shall make an order accordingly.

(5) Any person aggrieved by the decision of a magistrates' court on an application under the last preceding subsection may appeal against that decision to a court of quarter sessions.

(6) Where a building is acquired under the provisions of subsection (1) of this section, the council of the county or county borough or county district by whom the building is acquired shall observe the provisions of the building preservation order relating to that building.

Extinguishment of rights over land compulsorily acquired.

**70.**—(1) Subject to the provisions of this section, upon the completion by the acquiring authority of a compulsory acquisition of land under this Part of this Act, all private rights of way and rights of laying down, erecting, continuing or maintaining any apparatus on, under or over the land shall be extinguished, and any such apparatus shall vest in the acquiring authority.

(2) The preceding subsection shall not apply to any right vested in, or apparatus belonging to, statutory undertakers for the purpose of the carrying on of their undertaking.

(3) In respect of any right or apparatus not falling within the last preceding subsection, subsection (1) of this section shall have effect subject—

(a) to any direction given by the acquiring authority before the completion of the acquisition that subsection (1) of this section shall not apply to any right or apparatus specified in the direction, and

(b) to any agreement which may be made (whether before or after the completion of the acquisition) between the acquiring authority and the person in or to whom the right or apparatus in question is vested or belongs.

(4) Any person who suffers loss by the extinguishment of a right or the vesting of any apparatus under this section shall be entitled to compensation from the acquiring authority.

(5) Any compensation payable under this section shall be determined in accordance with the Land Compensation Act, 1961.

**71.—(1) The council of any county, county borough or county district may acquire by agreement—**

**PART V**  
**Acquisition of**  
**land by**  
**agreement.**

- (a) any land (whether or not being land designated by a development plan as subject to compulsory acquisition) which they require for any purpose for which a local authority may be authorised to acquire land under section sixty-eight of this Act ;
- (b) any building in respect of which a building preservation order has been or could be made by the local planning authority, and any land comprising or contiguous or adjacent to it which appears to the Minister to be required for the purposes specified in subsection (1) of section sixty-nine of this Act.

(2) The powers conferred by the preceding subsection shall not be exercisable by a council except with the consent of the Minister, unless the land which is to be acquired either—

- (a) is immediately required by the council for the purpose for which it is to be acquired, or
- (b) if it is not so required, is land within the area of the council,

and shall not be exercisable except with the consent of the Minister in respect of corporate land.

(3) 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 council authorised to acquire the land under this section.

**72. Without prejudice to the generality of the powers conferred by the preceding provisions of this Part of this Act, any power of a local authority to acquire land thereunder, whether compulsorily or by agreement, shall include power to acquire land required for giving in exchange—**

**Acquisition of**  
**land for**  
**purposes of**  
**exchange.**

- (a) for land appropriated under the next following section, or
- (b) for Green Belt land, within the meaning of the Green Belt (London and Home Counties) Act, 1938, appropriated in accordance with that Act for any purpose specified in a development plan.

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**PART V**  
**Appropriation of land for planning purposes.**

**73.—(1)** Any local authority may be authorised, by an order made by that authority and confirmed by the Minister, to appropriate for any purpose specified in a development plan (being a purpose for which that authority can be authorised to acquire land under any enactment) any land for the time being held by them for other purposes, being land which is or forms part of a common, open space or fuel or field garden allotment (including any such land which is specially regulated by any enactment, whether public general or local or private), other than land which is Green Belt land within the meaning of the Green Belt (London and Home Counties) Act, 1938.

(2) Paragraph 11 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946 (which makes special provision with respect to compulsory purchase orders under that Act relating to land forming part of a common, open space or fuel or field garden allotment) shall apply to an order under this section authorising the appropriation of land as it applies to a compulsory purchase order under that Act.

(3) Section one hundred and sixty-three of the Local Government Act, 1933 (which contains general provisions as to the appropriation of land by local authorities) shall not apply to land which a local authority have power to appropriate under subsection (1) of this section.

(4) Where land appropriated under this section was acquired under an enactment incorporating the Lands Clauses Acts, any works executed on the land after the appropriation has been effected shall, for the purposes of section sixty-eight of the Lands Clauses Consolidation Act, 1845, be deemed to have been authorised by the enactment under which the land was acquired.

(5) On an appropriation of land by a local authority under this section, where—

- (a) the authority is not an authority to whom Part II of the Act of 1959 applies, or
- (b) the land was immediately before the appropriation held by the authority for the purposes of a grant-aided function within the meaning of the Act of 1959, or is appropriated by the authority for the purposes of such a function, or
- (c) the land, immediately before it was appropriated, was corporate land,

there shall be made in the accounts of the local authority such adjustments as the Minister may direct.

(6) On an appropriation under this section which does not fall within the last preceding subsection, there shall be made such adjustment of accounts as is required by subsection (1) of section twenty-four of the Act of 1959.

*Expedited completion of compulsory acquisition*

## PART V

**74.**—(1) Where, for the purposes of an acquisition under section sixty-eight of this Act, a local authority submit to the Minister a compulsory purchase order, and—

Order providing for expedited completion.

- (a) the order as submitted to the Minister includes an application for a direction under this section, and
- (b) the Minister is satisfied that it is urgently necessary in the public interest to empower that authority to enter upon any land (being the whole or part of the land to which the order relates) and to secure its vesting in them before the expiry of the time which would be required for the service of notices to treat,

the Minister may include in the order as confirmed by him a direction that the provisions of this Part of this Act relating to expedited completion shall apply to the order so far as it relates to the first-mentioned land.

(2) A compulsory purchase order which contains such a direction shall be registered in the register of local land charges, in such manner as may be prescribed by rules made for the purposes of this section under subsection (6) of section fifteen of the Land Charges Act, 1925, by the proper officer of the council of each county borough or county district in which the land to which the direction relates or any part thereof is situated; and it shall be the duty of the local authority, as soon as may be after the order has become operative, to notify that fact to the proper officer of the council by whom it is required to be so registered, and to furnish him with all information relating to the order which is required for the purpose.

(3) Where a compulsory purchase order containing a direction under this section is made in respect of land which has sustained war damage, being damage which has not been made good before the date on which the order is registered under the last preceding subsection, the local authority, when they notify the fact that the order has become operative to the proper officer under the last preceding subsection, shall notify the War Damage Commission of that action having been taken.

**75.**—(1) The provisions of this and the next following section and of the Fourth Schedule to this Act shall have effect in relation to a compulsory purchase order which includes such a direction as is mentioned in subsection (1) of the last preceding section.

General effect of order providing for expedited completion.

(2) When the order becomes operative, the incorporated enactments shall apply as if, on the relevant date, a notice to treat had (except as provided by the next following section) been served on every person on whom under section eighteen of the

## PART V

Lands Clauses Consolidation Act, 1845 (on the assumption that the acquiring authority required to take the whole of the relevant land and had knowledge of all the parties referred to in that section) the authority could have served such a notice.

(3) Subject to the next following subsection, the acquiring authority, at any time or from time to time after the order becomes operative, may execute, in respect of any area consisting of the whole or part of the relevant land, a declaration designating that area and stating—

- (a) that they intend to enter upon the land in the designated area, and take possession thereof, at the end of such period as may be specified in the declaration (not being less than fourteen days) from the date on which the service of notices on occupiers required by subsection (5) of this section is completed, and
- (b) that the land in the designated area is to vest in the acquiring authority at the end of that period.

(4) A declaration under the last preceding subsection shall not be executed before the end of the period of two months from the date of the first publication of the notice of confirmation of the order as required by the Acquisition of Land (Authorisation Procedure) Act, 1946:

Provided that the order may substitute a period longer than two months for the purposes of the operation of this subsection in relation to any land, or, if the order as submitted to the Minister so provided in respect of any land, may substitute a period shorter than two months for the purposes of the operation of this subsection in relation to that land.

(5) As soon as may be after executing a declaration under subsection (3) of this section, the acquiring authority shall serve—

- (a) on every occupier of any of the land in the area designated by the declaration (other than land excepted from this paragraph by the next following section), and
- (b) on every other person who has given information to the acquiring authority with respect to any land in that area, in pursuance of the invitation in that behalf required (in accordance with paragraph 2 of the Fourth Schedule to this Act) to be included in the notice of confirmation of the order,

a notice describing the designated area and stating the effect of the declaration.

(6) At the end of the period specified in such a declaration in accordance with paragraph (a) of subsection (3) of this section there shall vest in the acquiring authority the right to enter upon,

and take possession of, the land in the area designated by the declaration, or any of that land, without previous consent or compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845, and the land in that area shall vest in the acquiring authority as if, at the end of that period,—

- (a) the circumstances in which under that Act the promoters of an undertaking have powers to execute a deed poll (whether for vesting land or any interest in land in themselves or for extinguishing the whole or part of any rent-service, rentcharge, chief or other rent, or other payment or incumbrance) had arisen in respect of all the land in the designated area and in respect of all interests in that land, and
- (b) the acquiring authority had duly exercised those powers accordingly:

Provided that, in relation to tenancies to which the next following section applies, this subsection shall have effect subject to the provisions of that section.

(7) In this section “the incorporated enactments” means the provisions of the Lands Clauses Acts and the Land Compensation Act, 1961, as modified by the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, and by the provisions of this and the next following section and the Fourth Schedule to this Act, and the “relevant land”, in relation to a compulsory purchase order, means the aggregate of the land in respect of which it is directed by the order, in accordance with subsection (1) of the last preceding section, that the provisions of this Part of this Act relating to expedited completion shall apply to the order; and in this and the next following section “the relevant date”, in relation to any land, means the date on which the compulsory purchase order in question is registered under subsection (2) of the last preceding section by the proper officer of the council of the county borough or county district in which that land is situated.

**76.—**(1) The tenancies to which this section applies are minor tenancies and long tenancies which are about to expire.

Special provisions as to certain tenancies.

(2) Notwithstanding anything in subsection (2) of the last preceding section, no notice to treat shall by virtue of that subsection be taken to have been served on any person in respect of a tenancy to which this section applies.

(3) Land in which there subsists a tenancy to which this section applies is excepted from paragraph (a) of sub-section (5) of the last preceding section, and the reference in that paragraph to land excepted from that paragraph by this section shall be construed accordingly.

## PART V

(4) Where any land in an area designated by a declaration under subsection (3) of the last preceding section is land in which a minor tenancy is subsisting, then (without prejudice to any power, exercisable by virtue of the Lands Clauses Acts, to require a tenant to give up possession) the right of entry conferred by subsection (6) of that section shall not be exercisable in respect of that land, and the vesting of the land in the acquiring authority by virtue of that subsection shall be subject to the tenancy during its subsistence.

(5) Where any land in an area designated by a declaration under subsection (3) of the last preceding section is land in which a long tenancy which is about to expire is subsisting—

- (a) the right of entry conferred by subsection (6) of the last preceding section shall not be exercisable in respect of that land unless the acquiring authority have served a notice to treat in respect of the tenancy and have thereafter served upon every occupier of any of the land in which the tenancy subsists a notice, stating that, at the end of such period as may be specified in that notice (not being less than fourteen days) from the date on which the notice is served, they intend to enter upon and take possession of such land as may be specified in that notice, and the period specified in the last-mentioned notice has expired, and
- (b) the vesting of the land in the acquiring authority shall be subject to the tenancy until the end of the period specified in the last-mentioned notice, or the cesser of the tenancy, whichever first occurs.

(6) In this section “minor tenancy” means a tenancy for a year or from year to year or any lesser interest.

(7) In this section “long tenancy which is about to expire” means a tenancy granted for an interest greater than a minor tenancy, but having at the relevant date a period still to run which is not more than the specified period (that is to say, such period, longer than one year, as may for the purposes of this subsection be specified in the order in relation to the land in which the tenancy subsists); and in determining for the purposes of this subsection what period a tenancy still has to run at the relevant date it shall be assumed—

- (a) that the tenant will exercise any option to renew the tenancy, and will not exercise any option to terminate the tenancy, then or thereafter available to him, and
- (b) that the landlord will exercise any option to terminate the tenancy then or thereafter available to him.



*Powers exercisable in relation to land held for planning purposes, and other related powers*

PART V

**77.—**(1) Where any land has been acquired or appropriated by a local authority for planning purposes and is for the time being held by the authority for the purposes for which it was so acquired or appropriated, the authority (subject to the following provisions of this section) may appropriate the land for any purpose for which they are or may be authorised in any capacity to acquire land by virtue of or under any enactment not contained in this Part of this Act. Appropriation of land held for planning purposes.

(2) The consent of the Minister shall be requisite to any appropriation under this section—

- (a) by an authority which is not an authority to whom Part II of the Act of 1959 applies, or
- (b) of land which, immediately before the appropriation, is land which consists or forms part of a common, or formerly consisted or formed part of a common, and is held or managed by a local authority in accordance with a local Act, or
- (c) of land which, immediately before the appropriation, is corporate land ;

and any such consent may be given either in respect of a particular appropriation or in respect of appropriations of any class, and may be given either subject to or free from any conditions or limitations.

(3) For the purposes of subsection (2) of section twenty-three of the Act of 1959 (which makes provision as to the consent of Ministers to appropriations in certain cases) the power of appropriation conferred by subsection (1) of this section shall (except in respect of any exercise thereof in circumstances falling within the last preceding subsection) be deemed to be a power in relation to which subsection (1) of that section has effect.

(4) In relation to any appropriation under this section—

- (a) subsection (2) of section one hundred and sixty-three of the Local Government Act, 1933 (which relates to the operation of section sixty-eight of the Lands Clauses Consolidation Act, 1845), and
- (b) subsections (5) and (6) of section seventy-three of this Act,

shall have effect as they have effect in relation to appropriations under those sections respectively.

(5) In relation to any such land as is mentioned in subsection (1) of this section, this section shall have effect to the exclusion of the provisions of subsection (1) of section one hundred and sixty-three of the Local Government Act, 1933.

**PART V**  
**Disposal of**  
**land held for**  
**planning**  
**purposes.**

78.—(1) Where any land has been acquired or appropriated by a local authority for planning purposes, and is for the time being held by the authority for the purposes for which it was so acquired or appropriated, the authority may dispose of the land to such person, in such manner and subject to such conditions as may appear to them to be expedient in order to secure the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out thereon, whether by themselves or by any other person, or to secure the erection, construction or carrying out thereon of any buildings or works appearing to them to be needed for the proper planning of the area of the authority.

(2) The consent of the Minister shall be requisite to any disposal under this section—

- (a) by an authority which is not an authority to whom Part II of the Act of 1959 applies, or
- (b) of land comprised in an area defined by a development plan as an area of comprehensive development, or of land contiguous or adjacent to any such area which is designated by the development plan as subject to compulsory acquisition by the appropriate local authority, or
- (c) of land which, immediately before the disposal, is land which consists or forms part of a common, or formerly consisted or formed part of a common, and is held or managed by a local authority in accordance with a local Act, or
- (d) of land which, immediately before the disposal, is corporate land ;

and any such consent may be given either in respect of a particular disposal or in respect of disposals of any class, and may be given either subject to or free from any conditions or limitations.

(3) For the purposes of subsections (2) and (3) of section twenty-six of the Act of 1959 (which makes provision as to the consent of Ministers to disposals in certain cases), any disposal of land under this section shall be deemed to be a disposal which, apart from that section, could not be effected except with the consent of a Minister ; and for the purposes of subsection (4) of that section (which relates to disposals for a price, consideration or rent less than the best reasonably obtainable) the power of disposal conferred by subsection (1) of this section shall (except in respect of any exercise thereof in circumstances falling within the last preceding subsection) be deemed to be a power in relation to which subsection (1) of that section has effect.

(4) Subject to the next following subsection, if it appears to the Minister that it is expedient as mentioned in subsection (1) of this section that a local authority should dispose of land under

this section to any person, and the authority have refused to dispose of it to him or are unable to reach agreement with him as to the manner in which, or the terms or conditions on or subject to which, it is to be disposed of to him, the Minister may, after consultation with the authority and that person, require the authority to offer to dispose of it to him, and give directions as to the manner of the disposal and as to all or any of the terms or conditions on or subject to which it is to be offered to him.

(5) A local authority shall not be required by any directions given under the last preceding subsection (except to such extent as may appear to the Minister to be requisite in any particular case for giving effect to subsection (7) of this section) to offer to dispose of land for a money consideration less than the best that can reasonably be obtained, having regard to the other terms and conditions on and subject to which the offer is to be made; and any difference as to what is the best consideration shall be referred to and determined by an arbitrator agreed between the Minister and the authority, or, in default of such agreement, shall be referred to and determined by the Lands Tribunal.

(6) In estimating the best consideration for the purposes of of the last preceding subsection, any amount which only a particular purchaser might be prepared to offer by reason of special needs of his shall be disregarded.

(7) In relation—

- (a) to land comprised in an area defined by a development plan as an area of comprehensive development, and
- (b) to land contiguous or adjacent to any such area which is designated by the development plan as subject to compulsory acquisition by the appropriate local authority,

the powers conferred by this section on a local authority, and on the Minister in respect of the giving of consent to disposals under this section, shall be so exercised as to secure, so far as may be practicable, to persons who were living or carrying on business or other activities on any such land which the authority have acquired as mentioned in subsection (1) of this section, who desire to obtain accommodation on such land, and who are willing to comply with any requirements of the authority as to the development and use of such land, an opportunity to obtain thereon accommodation suitable to their reasonable requirements, on terms settled with due regard to the price at which any such land has been acquired from them.

In this subsection "development" includes redevelopment.

(8) Subject to the provisions of section twenty-seven of the Act of 1959 (which enables capital money in certain cases to be applied without the consent or approval of a Minister which

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would otherwise be required) and to the provisions of subsection (6) of section thirty of that Act in so far as it relates to the application of capital money received in respect of corporate land, section one hundred and sixty-six of the Local Government Act, 1933 (which relates to the application of capital money received from the disposal of land) shall have effect in relation to capital money received in respect of transactions under this section as it has effect in relation to capital money received in respect of such transactions as are mentioned in that section.

(9) In relation to any such land as is mentioned in subsection (1) of this section, this section shall have effect to the exclusion of sections one hundred and sixty-four and one hundred and sixty-five of the Local Government Act, 1933.

Development of land held for planning purposes.

**79.—(1)** The functions of a local authority shall include power for the authority, notwithstanding any limitation imposed by law on the capacity of the authority by virtue of its constitution, to erect, construct or carry out any building or work on any land to which this section applies, not being a building or work for the erection, construction or carrying out of which, whether by that local authority or by any other person, statutory power exists by virtue of, or could be conferred under, an alternative enactment.

(2) This section applies to any land which has been acquired or appropriated by a local authority for planning purposes and is for the time being held by the authority for the purposes for which it was so acquired or appropriated.

(3) The consent of the Minister shall be requisite to any exercise by a local authority of the power conferred on them by subsection (1) of this section; and any such consent may be given either in respect of a particular operation or in respect of operations of any class, and either subject to or free from any conditions or limitations.

(4) Where a local authority propose to carry out any operation which they would have power to carry out by virtue only of subsection (1) of this section, they shall notify the Minister of their proposal, and the Minister may direct such advertisement by the authority as appears to him to be requisite for the purposes of the last preceding subsection.

(5) The functions of a local authority shall include power for the authority, notwithstanding any such limitation as is mentioned in subsection (1) of this section, to repair, maintain and insure any buildings or works on land to which this section applies, and generally to deal therewith in a proper course of management.

(6) A local authority may, with the consent of the Minister, enter into arrangements with an authorised association for the carrying out by the association of any operation which, apart from the arrangements, the local authority would have power under this section to carry out, on such terms (including terms as to the making of payments or loans by the authority to the association) as may be specified in the arrangements :

Provided that nothing in this section shall be construed as authorising such an association to carry out any operation which they would not have power to carry out apart from this subsection.

(7) Nothing in this section shall be construed as authorising any act or omission on the part of a local authority which is actionable at the suit of any person on any grounds other than such a limitation as is mentioned in subsection (1) of this section.

(8) In this section “ alternative enactment ” means any enactment which is not contained in this Part of this Act or in section two, section five or section fourteen of the Local Employment Act, 1960, and “ authorised association ” means any society, company or body of persons approved by the Minister whose objects include the promotion, formation or management of garden cities, garden suburbs or garden villages, and the erection, improvement or management of buildings for the working classes and others, and which does not trade for profit or whose constitution forbids the issue of any share or loan capital with interest or dividend exceeding the rate for the time being fixed by the Treasury.

**80.**—(1) In the exercise of the powers of appropriation, disposal and development conferred by the provisions of sections seventy-seven and seventy-eight of this Act, and of subsection (1) of the last preceding section, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings ; and the Minister shall not give his consent to the appropriation or disposal thereunder of any land comprising a listed building, or to the erection, construction or carrying out of any building or work on any such land, unless either—

Special provisions as to features and buildings of architectural or historic interest.

- (a) the consent is given subject to such conditions or limitations as in the opinion of the Minister will secure the preservation of the listed building, or
- (b) the Minister, after giving the requisite notice of the application for his consent, is satisfied that the purpose which the local authority seek to achieve by the proposed exercise of their powers is one which ought in

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the public interest to be carried out, and that the carrying out of that purpose, whether by the use of the land in question or otherwise, either—

(i) would be prevented by the preservation of the listed building, or

(ii) would be so affected by the preservation thereof that, notwithstanding the desirability of preserving the building, it is inexpedient to do so.

(2) For the purposes of paragraph (b) of the preceding subsection the requisite notice of an application for the consent of the Minister is a notice which—

(a) contains such particulars of the appropriation, disposal or operation for which his consent is sought as appear to him to be requisite, and

(b) not less than twenty-eight days before he gives his decision on the application, is published in the London Gazette and, in each of two successive weeks, in one or more newspapers circulating in the locality in which the land is situated.

(3) In this section “preservation”, in relation to a building, means the preservation thereof either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character, “development” includes redevelopment, and “listed building” means a building included in any list compiled or approved under section thirty-two of this Act.

Power to  
override  
easements  
and other  
rights.

**81.**—(1) The erection, construction or carrying out, or maintenance, of any building or work on land which has been acquired or appropriated by a local authority for planning purposes, whether done by the local authority or by a person deriving title under them, is authorised by virtue of this section if it is done in accordance with planning permission, notwithstanding that it involves interference with an interest or right to which this section applies, or involves a breach of a restriction as to the user of land arising by virtue of a contract:

Provided that nothing in this subsection shall authorise interference with any right of way or right of laying down, erecting, continuing or maintaining apparatus on, under or over land, being a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking.

(2) This section applies to the following interests and rights, that is to say, any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.

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(3) In respect of any interference or breach in pursuance of subsection (1) of this section, compensation shall be payable under section sixty-three or section sixty-eight of the Lands Clauses Consolidation Act, 1845, to be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in respect of injurious affection where the compensation is to be estimated in connection with a purchase under that Act or the injury arises from the execution of works on land acquired under that Act.

(4) Where a person deriving title under the local authority by whom the land in question was acquired or appropriated is liable to pay compensation by virtue of the last preceding subsection, and fails to discharge that liability, the liability shall be enforceable against the local authority:

Provided that nothing in this subsection shall be construed as affecting any agreement between the local authority and any other person for indemnifying the local authority against any liability under this subsection.

(5) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than such an interference or breach as is mentioned in subsection (1) of this section.

**82.—(1)** Any consecrated land, whether or not including a building, which has been acquired by a Minister, a local authority or statutory undertakers under this Part of this Act, or which has been appropriated by a local authority for planning purposes, may, subject to the following provisions of this section,—

Use and development of consecrated land and burial grounds.

(a) in the case of land acquired by a Minister, be used in any manner by him or on his behalf for any purpose for which he acquired the land, and

(b) in any other case, be used by any person in any manner in accordance with planning permission,

notwithstanding any obligation or restriction imposed under ecclesiastical law or otherwise in respect of consecrated land:

Provided that this subsection does not apply to land which consists or forms part of a burial ground.

(2) Any use of consecrated land authorised by the preceding subsection, and the use of any land, not being consecrated land, acquired or appropriated as therein mentioned which at the time of acquisition or appropriation included a church or other building used or formerly used for religious worship or the site thereof, shall be subject to compliance with the prescribed requirements with respect to the removal and reinterment of any

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human remains, and the disposal of monuments and fixtures and furnishings; and, in the case of consecrated land, shall be subject to such provisions as may be prescribed for prohibiting or restricting the use of the land, either absolutely or until the prescribed consent has been obtained, so long as any church or other building used or formerly used for religious worship, or any part thereof, remains on the land.

(3) Any regulations made for the purposes of the last preceding subsection—

- (a) shall contain such provisions as appear to the Minister to be requisite for securing that any use of land which is subject to compliance with the regulations shall, as nearly as may be, be subject to the like control as is imposed by law in the case of a similar use authorised by an enactment not contained in this Act or by a Measure, or as it would be proper to impose on a disposal of the land in question otherwise than in pursuance of an enactment or Measure;
- (b) shall contain requirements relating to the disposal of any such land as is mentioned in the last preceding subsection such as appear to the Minister requisite for securing that the provisions of that subsection shall be complied with in relation to the use of the land; and
- (c) may contain such incidental and consequential provisions (including provision as to the closing of registers) as appear to the Minister to be expedient for the purposes of the regulations.

(4) Any land consisting of a burial ground or part of a burial ground, which has been acquired or appropriated as mentioned in subsection (1) of this section, may—

- (a) in the case of land acquired by a Minister, be used in any manner by him or on his behalf for any purpose for which he acquired the land, and
- (b) in any other case, be used by any person in any manner in accordance with planning permission,

notwithstanding anything in any enactment relating to burial grounds or any obligation or restriction imposed under ecclesiastical law or otherwise in respect of burial grounds:

Provided that this subsection shall not have effect in respect of any land which has been used for the burial of the dead until the prescribed requirements with respect to the removal and reinterment of human remains, and the disposal of monuments, in or upon the land have been complied with.



(5) Provision shall be made by any regulations made for the purposes of subsection (2) of this section and the proviso to the last preceding subsection—

- (a) for requiring the persons in whom the land is vested to publish notice of their intention to carry out the removal and reinterment of any human remains or the disposal of any monuments ;
- (b) for enabling the personal representatives or relatives of any deceased person themselves to undertake the removal and reinterment of the remains of the deceased, and the disposal of any monument commemorating the deceased, and for requiring the persons in whom the land is vested to defray the expenses of such removal, reinterment and disposal, not exceeding such amount as may be prescribed ;
- (c) for requiring compliance with such reasonable conditions (if any) as may be imposed, in the case of consecrated land, by the bishop of the diocese, with respect to the manner of removal, and the place and manner of reinterment of any human remains, and the disposal of any monuments, and with any directions given in any case by the Secretary of State with respect to the removal and reinterment of any human remains.

(6) Subject to the provisions of any such regulations, no faculty shall be required for the removal and reinterment in accordance with the regulations of any human remains, or for the removal or disposal of any monuments, and the provisions of section twenty-five of the Burial Act, 1857 (which prohibits the removal of human remains without the licence of the Secretary of State except in certain cases) shall not apply to a removal carried out in accordance with the regulations.

(7) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than contravention of any such obligation, restriction or enactment as is mentioned in subsection (1) or subsection (4) of this section.

(8) In this section “burial ground” includes any churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purposes of interment, and “monument” includes a tombstone or other memorial.

83.—(1) Any land being, or forming part of, a common, open space or fuel or field garden allotment, which has been acquired by a Minister, a local authority or statutory undertakers under this Part of this Act, or which has been appropriated by a local authority for planning purposes, may—

Use and development of land for open spaces.

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(a) in the case of land acquired by a Minister, be used in any manner by him or on his behalf for any purpose for which he acquired the land, and

(b) in any other case, be used by any person in any manner in accordance with planning permission,

notwithstanding anything in any enactment relating to land of that kind, or in any enactment by which the land is specially regulated.

(2) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than contravention of any such enactment as is mentioned in the preceding subsection.

Displacement  
of persons  
from land  
acquired or  
appropriated.

84.—(1) Where any land has been acquired or appropriated for planning purposes and is for the time being held by a local authority for the purposes for which it was acquired or appropriated, and the carrying out of redevelopment on the land will involve the displacement of persons residing in premises thereon, it shall be the duty of the authority, in so far as there is no other residential accommodation suitable to the reasonable requirements of those persons available on reasonable terms, to secure the provision of such accommodation in advance of the displacements from time to time becoming necessary as the redevelopment proceeds.

(2) Section one hundred and forty-four of the Housing Act, 1957 (which imposes obligations as to the provision of housing accommodation where land is acquired under statutory powers) shall not have effect in relation to an acquisition by a local authority under section sixty-eight of this Act.

(3) If the Minister certifies that possession of a house which has been acquired or appropriated by a local authority for planning purposes, and is for the time being held by the authority for the purposes for which it was acquired or appropriated, is immediately required for those purposes, nothing in the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, shall prevent the acquiring or appropriating authority from obtaining possession of the house.

(4) Where any land has been acquired by a Minister under this Part of this Act, or has been acquired or appropriated by a local authority for planning purposes, and that Minister or the local authority in question, as the case may be, requires possession of a building on the land, or of part of such a building, for the purposes for which the land was acquired or appropriated, then, whatever may be the value or rent of the building or part of a building, that Minister or authority may obtain possession thereof under the Small Tenements Recovery Act, 1838, at any

time after the tenancy of the occupier has expired or has been determined.

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(5) Where any land has been acquired by a Minister or a local authority under this Part of this Act, or has been appropriated by a local authority for planning purposes, that Minister or the local authority in question, as the case may be,—

- (a) may pay to any person who is displaced in the carrying out of redevelopment on the land such reasonable allowance as he or they think fit towards his expenses in removing, and
- (b) may pay to a person carrying on any business in a building from which he is so displaced such reasonable allowance as he or they think fit towards the loss which, in his or their opinion, that person will sustain by reason of the disturbance to his business consequent on his having to quit the building.

(6) In estimating loss for the purposes of paragraph (b) of the last preceding subsection, the Minister or local authority in question shall have regard to the period for which the premises occupied by the person referred to in that paragraph might reasonably have been expected to be available for the purpose of that person's business, and to the availability of other premises suitable for that purpose.

**85.**—(1) If it appears to the Minister, after consultation with the local authorities concerned, to be expedient that any land acquired by a local authority for planning purposes should be held by a joint body, consisting of representatives of that authority and of any other local authority, he may by order provide for the establishment of such a joint body and for the transfer to that body of the land so acquired.

Constitution of joint body to hold land acquired for planning purposes

(2) Any order under this section providing for the establishment of a joint body may make such provision as the Minister considers expedient with respect to the constitution and functions of that body, including provisions—

- (a) for incorporating the joint body ;
- (b) for conferring on them, in relation to land transferred to them as mentioned in the preceding subsection, any of the powers conferred on local authorities by this Part of this Act in relation to land acquired and held by such authorities for the purposes of this Part of this Act ;
- (c) for determining the manner in which their expenses are to be defrayed.

(3) Regulations under this Act may make such provision consequential upon or supplementary to the provisions of this section as appears to the Minister to be necessary or expedient.

## PART V

*Supplementary provisions*

Modification of incorporated enactments for purposes of Part V.

**86.**—(1) Where any land is designated by a development plan as subject to compulsory acquisition, and a compulsory purchase order relating to that land is submitted to the confirming authority in accordance with Part I of the First Schedule to the Act of 1946, or, as the case may be, is made in draft by a Minister in accordance with Part II of that Schedule, the confirming authority or that Minister, as the case may be, may disregard for the purposes of that Schedule any objection to the order or draft which, in the opinion of that authority or Minister, amounts in substance to an objection to the provisions of the development plan defining the proposed use of that or any other land.

(2) Where a compulsory purchase order authorising the acquisition of any land under section sixty-eight of this Act is submitted to the Minister in accordance with Part I of the First Schedule to the Act of 1946, then if the Minister—

- (a) is satisfied that the order ought to be confirmed so far as it relates to part of the land comprised therein, but
- (b) has not for the time being determined whether it ought to be confirmed so far as it relates to any other such land,

he may confirm the order so far as it relates to the land mentioned in paragraph (a) of this subsection, and give directions postponing consideration of the order, so far as it relates to any other land specified in the directions, until such time as may be so specified.

(3) Where the Minister gives directions under the last preceding subsection, the notices required by paragraph 6 of the First Schedule to the Act of 1946 to be published and served shall include a statement of the effect of the directions.

(4) Paragraph 9 of the First Schedule to the Act of 1946 (which makes special provision in relation to the compulsory acquisition of land of local authorities and statutory undertakers and inalienable land of the National Trust) shall not apply to land which is designated by a development plan as subject to compulsory acquisition.

(5) Regulations made under this Act may make provision for securing that any proceedings required by the First Schedule to the Act of 1946 to be taken for the purposes of the compulsory acquisition of any land under this Act may be taken concurrently with any proceedings required by or under this Act to be taken in connection with the approval, making or amendment of a development plan designating that land as subject to compulsory acquisition.

(6) In construing the Lands Clauses Acts as incorporated (by virtue of paragraph 1 of the Second Schedule to the Act of 1946) with any of the provisions of this Part of this Act—

- (a) references to the execution of the works shall be construed as including references to any erection, construction or carrying out of buildings or works authorised by section eighty-one of this Act ;
- (b) in relation to the erection, construction or carrying out of any buildings or works so authorised, references in section sixty-eight of the Lands Clauses Consolidation Act, 1845, to the promoters of the undertaking shall (notwithstanding anything in sub-paragraph (b) of paragraph 1 of the Second Schedule to the Act of 1946) be construed as references to the person by whom the buildings or works in question are erected, constructed or carried out ; and
- (c) references to the execution of the works shall be construed as including also references to any erection, construction or carrying out of buildings or works on behalf of a Minister or statutory undertakers on land acquired by that Minister or those undertakers, where the buildings or works are erected, constructed or carried out for the purposes for which the land was acquired.

(7) In this section “ the Act of 1946 ” means the Acquisition of Land (Authorisation Procedure) Act, 1946.

**87.**—(1) In this Part of this Act any reference to the acquisition of land for planning purposes is a reference to the acquisition thereof under section sixty-eight or section seventy-one of this Act, and any reference to the appropriation of land for planning purposes is a reference to the appropriation thereof for purposes for which land can be acquired under those sections.

Interpretation  
of Part V.

(2) In relation to a local authority or body corporate, nothing in sections eighty-one to eighty-three of this Act shall be construed as authorising any act or omission on their part in contravention of any limitation imposed by law on their capacity by virtue of the constitution of the authority or body.

(3) Any power conferred by section eighty-two or section eighty-three of this Act to use land in a manner therein mentioned shall be construed as a power so to use the land, whether it involves the erection, construction or carrying out of any building or work, or the maintenance of any building or work, or not.

## PART VI

COMPENSATION FOR PLANNING DECISIONS RESTRICTING  
NEW DEVELOPMENT*Unexpended balance of established development value*Scope of  
Part VI.

**88.**—(1) The provisions of this Part of this Act shall have effect for enabling compensation to be claimed in respect of planning decisions whereby permission for the carrying out of new development of land to which this section applies is refused or is granted subject to conditions.

(2) This section applies to any land in respect of which planning permission is refused or is granted subject to conditions, by a planning decision if, at the time of the planning decision, that land, or part of that land, has an unexpended balance of established development value.

(3) In accordance with the proviso to subsection (2) of section twenty of this Act, that subsection does not apply for the purposes of this Part of this Act.

(4) In this Part of this Act “interest” (where the reference is to an interest in land) means the fee simple or a tenancy of the land, and does not include any other interest therein; and any reference to the local planning authority, in relation to a planning decision made on behalf of that authority by another authority, by virtue of the delegation of any functions of the local planning authority to that other authority, shall be construed as a reference to that other authority.

Derivation of  
unexpended  
balance from  
claims under  
Part VI of  
Act of 1947.

**89.**—(1) In determining, for the purposes of this Part of this Act, whether land has an unexpended balance of established development value, regard shall be had to claims made, in pursuance of Part VI of the Act of 1947, for payments under the scheme provided for by section fifty-eight of that Act (that is to say, the scheme which, but for the provisions of section two of the Town and Country Planning Act, 1953, would have fallen to be made under the said section fifty-eight, providing for payments in respect of interests in land depreciated in value by virtue of the provisions of the Act of 1947).

(2) Where such a claim was made in respect of an interest in land, that claim shall for the purposes of this Part of this Act be taken to have been established in respect of that land under Part VI of the Act of 1947 if an amount was determined under the said Part VI as being the development value of the interest to which the claim related, and payment in respect of that interest would not have been excluded—

(a) by section sixty-three of the Act of 1947 (which excluded claims where the development value was small in proportion to the area, or to the restricted value, of the land), or

- (b) by any of sections eighty-two to eighty-five of that Act (which related to certain land belonging to local authorities, development corporations and statutory undertakers, and to land held on charitable trusts), or
- (c) by section eighty-four of that Act as applied by regulations under section ninety of that Act (which related to the National Coal Board).

(3) In this Part of this Act "established claim" means a claim which by virtue of the last preceding subsection is to be taken to have been established as therein mentioned, and references to the establishment of a claim shall be construed accordingly; and "the claim area", in relation to an established claim, means the land in respect of which the claim is by virtue of that subsection to be taken to have been established.

(4) References in this Part of this Act to the benefit of an established claim—

- (a) in relation to any time before the passing of the Town and Country Planning Act, 1953, whether before or after the making of the claim, or before or after the establishment thereof, shall be construed as references to the prospective right, under and subject to the provisions of the scheme referred to in subsection (1) of this section, to receive a payment in respect of the interest in land to which the claim related, and
- (b) in relation to any time after the passing of the said Act of 1953, shall be construed as references to such prospective right to the satisfaction of the claim as subsisted by virtue of section two of that Act immediately before the first day of January, nineteen hundred and fifty-five (being the date of the commencement of the Act of 1954);

and references to part of the benefit of an established claim shall be construed accordingly.

(5) References in this Part of this Act to the amount of an established claim are references to the amount determined under Part VI of the Act of 1947 as being the development value of the interest in land to which the claim related.

(6) In this section any reference to Part VI of the Act of 1947 includes a reference to the provisions of the said Part VI as modified by the First Schedule to the Act of 1954.

**90.**—(1) In this Part of this Act "original unexpended balance of established development value", in relation to any land, means the unexpended balance of established development value which that land had immediately after the time when, in accordance with section ninety-two of this Act, the adjustment of claim holdings is deemed to have been completed.

Original unexpended balance of established development value.

## PART VI

(2) For the purposes of this Part of this Act land shall be taken to have had such a balance if, immediately after the time referred to in the preceding subsection,—

- (a) there were subsisting one or more claim holdings whose area consisted of that land, or included that land together with other land, and
- (b) there was not subsisting any claim holding whose area consisted of part only of that land, whether with or without other land.

(3) Where the last preceding subsection applies, there shall be attributed to the land referred to in that subsection—

- (a) the value of any claim holding having an area consisting of that land, and
- (b) such fraction of the value of any claim holding whose area included that land as attached to that land,

and the original unexpended balance of established development value of that land shall be taken to have been an amount equal to eight-sevenths of the amount or aggregate amount so attributed.

Claim  
holdings,  
their areas  
and values.

**91.**—(1) Subject to the provisions of this and the next following section, in this Part of this Act—

- (a) “claim holding” means the benefit of an established claim, references to the area of a claim holding are references to the land which, in relation to the established claim constituting that holding, is the claim area, and references to the value of a claim holding are references to the amount of the established claim constituting that holding; and
- (b) references to the fraction of the value of a claim holding which attached to a part of the area of the holding are references to so much of the amount of the established claim of which that holding represents the benefit or part of the benefit (in this section referred to as “the relevant established claim”) as was properly attributable to that part of the area of the holding.

(2) In the case of a claim holding where—

- (a) the area of the holding is the same as the claim area of the relevant established claim, but
- (b) the value of the claim holding is, by virtue of the adjustment of claim holdings, less than the amount of the relevant established claim,

the amount of any such fraction as is referred to in paragraph (b) of the preceding subsection shall be treated as reduced proportionately.



(3) In the case of a claim holding where—

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- (a) the area of the holding consists of part only of the claim area of the relevant established claim, and
- (b) the value of the holding is, by virtue of the adjustment of claim holdings, less or greater than so much of the amount of the relevant established claim as was properly attributable to the area of the holding,

the amount of any such fraction as is referred to in paragraph (b) of subsection (1) of this section shall be treated as reduced, or (as the case may be) increased, proportionately.

(4) For the purposes of this section, the part of the amount of the relevant established claim which was properly attributable to any land forming part of the claim area shall be taken to have been so much of the amount of that claim as might reasonably be expected to have been attributed to that land, if the authority determining that amount had been required to apportion it, in accordance with the same principles as applied to its determination, between that land and the residue of the claim area.

92.—(1) The provisions of the Fifth Schedule to this Act shall have effect for the purposes of this Part of this Act; and any reference in this Part of this Act to the adjustment of claim holdings is a reference to the operation of those provisions. Adjustment of claim holdings.

(2) For the purposes of this Part of this Act the adjustment of claim holdings shall be deemed to have been completed on the first day of January, nineteen hundred and fifty-five.

93. Where in accordance with section ninety of this Act land had an original unexpended balance of established development value, then, subject to the following provisions of this Part of this Act, that land shall be taken— General provision for continuance of original unexpended balance.

- (a) to have continued to have that balance until the commencement of this Act, and
- (b) to continue to have that balance at all times thereafter.

94.—(1) Where at any time compensation becomes payable under this Part of this Act, or became payable under Part II of the Act of 1954, in respect of depreciation of the value of an interest in land by a planning decision, then, for the purpose of determining whether that land or any part thereof has or had an unexpended balance of established development value at any subsequent time, the amount of the compensation shall be deducted from the original unexpended balance of established development value of that land, and the original unexpended balance of that land or that part thereof shall be treated as having been reduced or extinguished accordingly immediately before that subsequent time. Reduction or extinguishment of balance in consequence of compensation.

## PART VI

(2) The preceding subsection shall have effect subject to the provisions of this Part of this Act relating to the recovery of compensation on subsequent development.

Reduction or extinguishment of balance on initiation of new development.

**95.**—(1) Where in accordance with section ninety of this Act land had an original unexpended balance of established development value, and at any time on or after the appointed day (whether before or after the commencement of this Act) any new development of that land is or was initiated, then (subject to the following provisions of this section) for the purpose of determining whether that land or any part thereof has or had an unexpended balance of established development value at any subsequent time,—

- (a) if the development relates or related only to that land, the value of that development (ascertained, with reference to that subsequent time, in accordance with the provisions of the Sixth Schedule to this Act), or
- (b) if the development relates or related to that land together with other land, so much of the value of that development (so ascertained) as is or was attributable to that land,

shall be deducted from the original unexpended balance of established development value of that land, and the original unexpended balance of that land or that part thereof shall be treated as having been reduced or extinguished accordingly immediately before that subsequent time.

(2) The preceding subsection shall not apply to any land if, in respect of any interest therein, a payment has become or becomes payable under section fifty-nine of the Act of 1947 (which provided for payments in respect of certain war-damaged land).

(3) For the purposes of subsection (1) of this section no account shall be taken of any development initiated before the first day of January, nineteen hundred and fifty-five, if—

- (a) a development charge under Part VII of the Act of 1947 was determined to be payable in respect thereof, or would have fallen to be so determined but for any exemption conferred by regulations under that Part of that Act, or by any provisions of Part VIII of that Act, or
- (b) in a certificate issued under section fifty-eight of the Act of 1954 (which related to monopoly value of licensed premises) it was certified that a development charge could have been determined to be payable in respect of that development if the circumstances referred to in paragraphs (a) and (b) of subsection (1) of that section had not existed.

**96.—(1) Where in the case of—****PART VI**

- (a) a compulsory acquisition to which this section applies,  
or  
(b) a sale of an interest in land by agreement in circumstances corresponding to such an acquisition,

Reduction  
or extin-  
guishment of  
balance on  
acquisition of  
land under  
compulsory  
powers.

any of the land in which the interest acquired or sold subsists or subsisted has or had an unexpended balance of established development value immediately before the relevant date (in this section referred to as "the relevant balance") the following provisions of this section shall have effect for the purpose of determining whether that land or any part thereof has or had an unexpended balance of established development value at any subsequent time.

**(2) This section applies—**

- (a) to every compulsory acquisition of an interest in land in pursuance of a notice to treat served on or after the thirtieth day of October, nineteen hundred and fifty-eight, whether before or after the commencement of this Act, and  
(b) to every compulsory acquisition of an interest in land, in pursuance of a notice to treat served on or after the first day of January, nineteen hundred and fifty-five, but before the said thirtieth day of October, by an authority possessing compulsory purchase powers, being at that time a government department or local or public authority within the meaning of the Acquisition of Land (Assessment of Compensation) Act, 1919, or a person or body of persons to whom that Act applied as it applied to such a department or authority.

(3) Unless, immediately after the acquisition or sale, there is or was outstanding some interest (other than an excepted interest) in the land to which some person other than the acquiring authority is or was entitled, the original unexpended balance of established development of that land shall be treated as having been extinguished immediately before the subsequent time referred to in subsection (1) of this section.

(4) If, immediately after the acquisition or sale, there is or was such an outstanding interest (other than an excepted interest) as is mentioned in the last preceding subsection, there shall be deducted from the said original balance an amount equal to any part of the relevant balance which is or was not attributable to any such outstanding interest, and the original unexpended balance of established development value of the land or the part thereof in question shall be treated as having been reduced or extinguished accordingly immediately before that subsequent time.

R

## PART VI

(5) For the purposes of this section any question as to the portion of the relevant balance which is or was attributable to an interest in land—

- (a) in relation to a compulsory acquisition to which this section applies, shall be determined in accordance with the provisions of the Seventh Schedule to this Act, and
- (b) in relation to a sale of an interest in land by agreement in circumstances corresponding to such an acquisition, shall be determined in accordance with the provisions of that Schedule as those provisions would apply if the sale had been a compulsory acquisition in pursuance of a notice to treat served on the relevant date.

(6) Any reference in this or the next following section to a sale of an interest in land by agreement in circumstances corresponding to a compulsory acquisition to which this section applies is a reference to a sale thereof—

- (a) to an authority possessing compulsory purchase powers, in pursuance of a contract made on or after the thirtieth day of October, nineteen hundred and fifty-eight, whether before or after the commencement of this Act, or
- (b) to such an authority possessing compulsory purchase powers as is mentioned in paragraph (b) of subsection (2) of this section, in pursuance of a contract made on or after the first day of January, nineteen hundred and fifty-five, but before the said thirtieth day of October.

(7) In this section “the relevant date” means the date of service of the notice to treat or the date of the contract in pursuance of which the interest was sold, as the case may be, and “excepted interest” means the interest of any such person as is mentioned in section one hundred and twenty-one of the Lands Clauses Consolidation Act, 1845 (which relates to persons having no greater interest than as tenant for a year or from year to year).

Reduction or extinguishment of balance in consequence of severance or injurious affection.

97.—(1) Where in connection with—

- (a) a compulsory acquisition to which the last preceding section applies, or
- (b) a sale of an interest in land by agreement in circumstances corresponding to such an acquisition,

compensation is or was payable, or an amount is or was included in the purchase price, in respect of an interest in land other than the relevant land (in this section referred to as “the interest affected”), for damage sustained by reason that the relevant land is or was severed from other land held therewith, or that any

other land (whether held with the relevant land or not) is or was injuriously affected, then (subject to the following provisions of this section) for the purpose of determining whether that other land or any part thereof has or had an unexpended balance of established development value at any subsequent time, there shall be deducted from the original unexpended balance of established development value of that other land an amount calculated in accordance with the following provisions of this section, and the original unexpended balance of that land, or of the part thereof in question, as the case may be, shall be treated as having been reduced or extinguished accordingly immediately before that subsequent time.

(2) In the case of an acquisition or sale in pursuance of a notice to treat served, or contract made, on or after the thirtieth day of October, nineteen hundred and fifty-eight, the amount to be deducted, as mentioned in the preceding subsection, shall be the amount (if any) by which the compensation payable, or amount included in the purchase price, as therein mentioned exceeds or exceeded the compensation which would have been so payable, or the amount which would have been so included, if the extent of the damage sustained in respect of the other land in question had fallen to be ascertained on the assumption that planning permission would not be granted for any new development of that land, but would be granted for any development thereof other than new development.

(3) The following provisions of this section shall have effect with respect to any such acquisition or sale as is mentioned in subsection (1) of this section, being an acquisition or sale in pursuance of a notice to treat served, or contract made, before the thirtieth day of October, nineteen hundred and fifty-eight; and any such acquisition or sale is hereinafter referred to as an acquisition or sale to which this subsection applies.

(4) No such deduction as is mentioned in subsection (1) of this section shall be made in the case of an acquisition or sale to which the last preceding subsection applies unless—

- (a) where it was a compulsory acquisition, an amount was paid by way of compensation as mentioned in the said subsection (1);
- (b) the amount which was so paid, or, in the case of a sale by agreement, was included in the purchase price as mentioned in the said subsection (1) (hereafter in this section referred to as “the sum paid for severance or injurious affection”) exceeded the loss of immediate value of the interest affected; and

## PART VI

(c) where it was a sale by agreement, the other land in question was held with the relevant land.

(5) Subject to the last preceding subsection, the amount to be deducted as mentioned in subsection (1) of this section, in the case of an acquisition or sale to which subsection (3) of this section applies, shall be the amount by which the sum paid for severance or injurious affection exceeded the loss of immediate value of the interest affected.

(6) The following provisions of this subsection shall have effect, in the case of an acquisition or sale to which subsection (3) of this section applies, where so much (if any) of the sum paid for severance or injurious affection as was attributable to the loss of immediate value of the interest affected was less than the depreciation in restricted value of that interest, that is to say,—

- (a) the amount of the difference shall be ascertained, and
- (b) for the purpose of determining whether, at any time after the acquisition or sale, the land in which the interest affected subsisted or any part thereof had or has an unexpended balance of established development value (whether or not that land or any part thereof would apart from this subsection have had an original unexpended balance of established development value) a claim holding with an area consisting of that land and a value equal to seven-eighths of the amount of the difference shall be deemed to have subsisted immediately after the time when the adjustment of claim holdings was completed.

(7) In this section—

“the loss of immediate value” means the amount (if any) by which the difference in the value of the interest affected, immediately before and immediately after the acquisition or sale, exceeded the loss of development value ;

“the loss of development value” means the amount (if any) by which the value of the interest affected immediately before the acquisition or sale, if calculated on the assumption that, until such time as the land in which that interest subsisted might reasonably be expected to become ripe for new development, no use whatever could be made of that land, would have exceeded the value of that interest immediately after the acquisition or sale if calculated on the like assumption ;

“the depreciation in restricted value” means the amount (if any) by which the value of the interest affected,

immediately after the acquisition or sale, would have been less than the value of that interest immediately before the acquisition or sale, if both values were calculated on the assumption that planning permission would not be granted for any new development of that land, but would be granted for any development thereof other than new development ;

“ the relevant land ”, in relation to an acquisition or sale, means the land in which the interest acquired or sold subsisted.

**98.**—(1) Where, immediately after the time when the adjustment of claim holdings was completed, any land taken as a whole had an original unexpended balance of established development value, and at any time thereafter (whether before or after the commencement of this Act) an act or event occurs or has occurred in relation to part of that land such that, in accordance with any of the preceding provisions of this Part of this Act, an amount is required to be deducted from the original unexpended balance of that part of that land for the purpose of determining whether it has or had an unexpended balance of established development value at any subsequent time, then (without prejudice to the operation of any of the preceding provisions of this Part of this Act with respect to any part of the land taken separately) the land taken as a whole shall be treated as not having (or as not having had) any such balance at that subsequent time.

Supplementary provisions as to deductions from original balance.

(2) Where in accordance with any of the preceding provisions of this Part of this Act an amount is required to be deducted from the original unexpended balance of established development value of any land, there shall be attributed to the various parts of that land so much of that amount as might reasonably be expected to have been attributed thereto if the authority determining the amount had been required to apportion it between those parts in accordance with the same principles as applied to its determination.

(3) Where two or more acts or events occur or have occurred in relation to the same land (whether before or after the commencement of this Act) such that, in accordance with any of the preceding provisions of this Part of this Act, an amount is required to be deducted from the original unexpended balance of established development value of that land or any part thereof, those provisions shall apply cumulatively, and the requisite deduction from the original unexpended balance of established development value of that land shall be made by reference to each of those acts or events.

**PART VI**  
Provision of  
information  
relating to  
unexpended  
balance.

**99.**—(1) Subject to the provisions of this section, the Minister shall, on application being made to him by any person, and may if he thinks fit without any such application, issue a certificate in the prescribed form with respect to any land stating whether any of that land had an original unexpended balance of established development value, and, if so,—

- (a) giving a general statement of what was taken by the Central Land Board, for the purposes of Part VI of the Act of 1947, to be the state of that land on the appointed day, and
- (b) specifying (subject to any outstanding claims under Part I or Part V of the Act of 1954) the amount of that original balance.

(2) Any such certificate issued with respect to any land may, if the Minister thinks fit, contain additional information with respect to acts or events in consequence of which, in accordance with any of the preceding provisions of this Part of this Act, an amount is required to be deducted from the original unexpended balance of established development value of any of that land.

(3) Where, at any time on or after the first day of January, nineteen hundred and fifty-five (whether before or after the commencement of this Act), a notice to treat has been served with a view to the compulsory acquisition of an interest in land by an authority possessing compulsory purchase powers, that authority may apply to the Minister for, and shall be entitled to the issue of, a certificate showing the unexpended balance of established development value (if any) of any of that land immediately before the service of that notice.

(4) Where the issue of a certificate under this section with respect to any land involves a new apportionment, or, in the case of a certificate under the last preceding subsection, involves the calculation of a deduction from the original unexpended balance of established development value by virtue of section ninety-five of this Act, then—

- (a) except in the case of a certificate under the last preceding subsection, or of a certificate which the Minister proposes to issue without any application being made for it, the certificate shall not be issued otherwise than on the application of a person who is for the time being entitled to an interest in that land ;
- (b) before issuing the certificate, the Minister shall give notice in writing to any person entitled to an interest in land appearing to him to be an interest which will be substantially affected by the apportionment or calculation, giving particulars of the proposed apportionment or calculation, and stating that objections or



## PART VI

other representations with respect thereto may be made to the Minister within the period of thirty days from the date of the notice ; and

- (c) the certificate shall not be issued before the end of that period, and if within that period an objection to the proposed apportionment or calculation has been made by any person to whom notice has been given under the last preceding paragraph, or by any other person who establishes that he is entitled to an interest in land which is substantially affected by the apportionment or calculation, and that objection has not been withdrawn, the next following subsection shall have effect.

(5) Where by virtue of paragraph (c) of the last preceding subsection this subsection is to have effect, then—

- (a) if within a further period of thirty days the person by whom any such objection was made requires the dispute to be referred to the Lands Tribunal, the dispute shall be so referred, and the certificate shall not be issued until either the Tribunal has decided the matter or the reference to the Tribunal has been withdrawn ;
- (b) the certificate may be issued before the end of the said further period if every such objection has been withdrawn ;
- (c) the certificate shall be issued at the end of that further period, notwithstanding that every such objection has not been withdrawn, if no requirement has within that period been made under paragraph (a) of this subsection.

(6) Where, on a reference to the Lands Tribunal under this section, it is shown that a new apportionment relates partly to the same matters as a previous apportionment, and is consistent with that previous apportionment in so far as it relates to those matters, the Tribunal shall not vary the new apportionment in such a way as to be inconsistent with the previous apportionment in so far as it relates to those matters.

(7) A certificate under subsection (3) of this section shall be conclusive evidence of the unexpended balance shown therein ; and a certificate under subsection (1) of this section shall be sufficient proof of any facts stated therein unless the contrary is shown.

(8) An application for a certificate under this section shall be made in such form and manner as may be prescribed, and shall be accompanied by sufficient particulars, including a map if necessary, to enable the land to be identified, and, where a new apportionment will be involved, particulars of the nature of the applicant's interest, and such information as to the nature of any

**PART VI** other interest in the land, and as to the name and address of the person entitled to that other interest, as may be known to the applicant.

(9) On any application under subsection (1) of this section the applicant shall pay in the prescribed manner a fee of five shillings, and, if the application involves a new apportionment, the certificate shall not be issued until the applicant has paid in the prescribed manner a further fee of fifteen shillings.

(10) In this section "new apportionment" means an apportionment which relates wholly or partly to any matter to which no previous apportionment related.

### *Right to compensation*

General provision as to right to compensation.

**100.** Subject to the provisions of this Part of this Act, a person shall be entitled to compensation under this Part of this Act in respect of a planning decision whereby planning permission for the carrying out of new development of land is refused, or is granted subject to conditions, if—

- (a) at the time of the decision he is entitled to an interest in any land to which the decision relates which has an unexpended balance of established development value, and
- (b) the value of that interest, or, in the case of an interest extending to other land, the value of that interest in so far as it subsists in such land as is referred to in the preceding paragraph, is depreciated by the decision.

Planning decisions not ranking for compensation.

**101.—**(1) Compensation under this Part of this Act shall not be payable—

- (a) in respect of the refusal of planning permission for any development which consists of or includes the making of any material change in the use of any buildings or other land, or
- (b) in respect of any decision made on an application in pursuance of regulations under section thirty-four of this Act for consent to the display of advertisements.

(2) Compensation under this Part of this Act shall not be payable in respect of the imposition, on the granting of planning permission to develop land, of any condition relating to—

- (a) the number or disposition of buildings on any land ;
- (b) the dimensions, design, structure or external appearance of any building, or the materials to be used in its construction ;

- (c) the manner in which any land is to be laid out for the purposes of the development, including the provision of facilities for the parking, loading, unloading or fuelling of vehicles on the land ;
- (d) the use of any buildings or other land ; or
- (e) the location or design of any means of access to a highway, or the materials to be used in the construction of any such means of access,

or in respect of any condition subject to which permission is granted for the winning and working of minerals.

In this subsection " means of access to a highway " does not include a service road.

(3) Compensation under this Part of this Act shall not be payable in respect of the refusal of permission to develop land, if the reason or one of the reasons stated for the refusal is that development of the kind proposed would be premature by reference to either or both of the following matters, that is to say,—

- (a) the order of priority (if any) indicated in the development plan for the area in which the land is situated for development in that area ;
- (b) any existing deficiency in the provision of water supplies or sewerage services, and the period within which any such deficiency may reasonably be expected to be made good :

Provided that this subsection shall not apply if the planning decision refusing the permission is made on an application made more than seven years after the date of a previous planning decision whereby permission to develop the same land was refused for the same reason, or for reasons which included the same reason.

(4) Compensation under this Part of this Act shall not be payable in respect of the refusal of permission to develop land, if the reason or one of the reasons stated for the refusal is that the land is unsuitable for the proposed development on account of its liability to flooding or to subsidence.

(5) In subsection (3) of this section, the reference to the development plan for the area in which the land is situated is a reference to the development plan for that area as approved by the Minister, or, if the plan so approved has been amended by the Minister, to that plan as so amended.

(6) For the purposes of this section, a planning decision whereby permission to develop land is granted subject to a condition prohibiting development on a specified part of that land shall be treated as a decision refusing the permission with respect to that part of the land.

**PART VI**  
No compensation if certain other development permitted.

**102.**—(1) Compensation under this Part of this Act shall not be payable in respect of a planning decision whereby permission is refused for the development of land if, notwithstanding that refusal, there is available with respect to that land planning permission for development to which this section applies:

Provided that, where such permission is available with respect to part only of the land, this section shall have effect only in so far as the interest subsists in that part.

(2) Where a claim for compensation under this Part of this Act is made in respect of an interest in any land, planning permission for development to which this section applies shall be taken for the purposes of this section to be available with respect to that land or a part thereof if, immediately before the Minister gives notice of his findings in respect of that claim, there is in force with respect to that land, or that part thereof, a grant of, or an undertaking by the Minister to grant, planning permission for some such development, subject to no conditions other than such as are mentioned in subsection (2) of the last preceding section.

(3) This section applies to any development of a residential, commercial or industrial character, being development which consists wholly or mainly of the construction of houses, flats, shop or office premises, or industrial buildings (including warehouses), or any combination thereof.

Further exclusions from compensation.

**103.**—(1) Where an interest in any land has (whether before or after the commencement of this Act) been compulsorily acquired by, or sold to, an authority possessing compulsory purchase powers (not being statutory undertakers or the National Coal Board), that authority, and any person deriving title from that authority under a disposition made by that authority on or at any time after the appointed day, shall not be entitled to compensation under this Part of this Act in respect of a planning decision made after the service of the notice to treat, or after the making of the contract of sale, as the case may be, by reason that the value of that interest, or of any interest created (whether immediately or derivatively) out of that interest, is depreciated by the decision.

(2) The preceding subsection shall apply to land which has at any time on or after the appointed day (whether before or after the commencement of this Act) been appropriated by a local authority for a purpose for which the authority could have been authorised to acquire the land compulsorily, as it applies to land in which an interest has been acquired as mentioned in that subsection, with the substitution, for the reference to the service of the notice to treat, of a reference to the appropriation.

(3) Where at the relevant date any land was or is operational land of statutory undertakers, or land of the National Coal Board of a class specified in regulations made under section ninety of the Act of 1947 or under section two hundred and four of this Act, the statutory undertakers or the National Coal Board, as the case may be, and any person deriving title from those undertakers or that Board, shall not be entitled to compensation under this Part of this Act, in respect of a planning decision made after the relevant date, by reason that the value of any interest in that land is depreciated by that decision.

In this subsection "the relevant date", in relation to land which was such operational land or land of the National Coal Board as is mentioned in this subsection on the first day of January, nineteen hundred and fifty-five, means that day, and, in relation to land which (whether before or after the commencement of this Act) became or becomes such operational land or land of the National Coal Board on a date subsequent to the said first day of January, means that subsequent date.

(4) A person shall not be entitled to compensation under this Part of this Act in respect of depreciation of the value of an interest in land by a planning decision if he is entitled to compensation by virtue of section one hundred and nineteen of this Act in respect of depreciation of the value of that interest by that decision.

**104.**—(1) The provisions of this section shall have effect where—

Grant of  
planning  
permission  
treated as  
subject to  
notional  
condition.

(a) on an application for planning permission for the carrying out of new development of land, a planning decision is made whereby the permission is granted, whether unconditionally or subject to conditions, and

(b) the Minister certifies that he is satisfied that particular buildings or works to which the application related were only included therein because the applicant had reason to believe that permission for the other development to which the application related (in this section referred to as "the principal development") would not have been granted except subject to a condition requiring the erection or construction of those buildings or works.

(2) Where the preceding subsection applies, then for the purposes of this Part of this Act—

(a) the application shall be deemed to have included, in place of those buildings or works, such other development of the land on which the buildings or works were to be erected or constructed as might reasonably have been expected to have been included having regard to the principal development; and

## PART VI

- (b) the permission shall be deemed to have been granted for the principal development subject to a condition requiring the erection or construction of those buildings or works.

Notice under s. 40 treated as planning decision.

**105.** Where a notice under subsection (1) of section forty of this Act is served in respect of the whole or part of any land, the provisions of this Part of this Act shall have effect as if the application, in consequence of which the notice is served, had been an effective application for planning permission, and as if the notice had been a planning decision of the local planning authority refusing that permission in respect of that land or that part thereof, as the case may be.

*Measure of compensation*

General provisions as to amount of compensation.

**106.**—(1) Where a person is entitled to compensation under this Part of this Act in respect of depreciation by a planning decision of the value of an interest in land, the amount of the compensation, subject to the following provisions of this section, shall be whichever is the lesser of the following amounts, that is to say,—

- (a) the amount by which the value of that interest (if it is an interest subsisting only in land to which this section applies), or (if it is an interest extending to other land) the amount by which the value of the interest in so far as it subsists in land to which this section applies, is depreciated by the decision ; and
- (b) the amount of the unexpended balance of established development value, immediately before the decision, of so much of the land in which the interest subsists as is land to which this section applies.

(2) Land to which this section applies, in relation to a planning decision, is land which—

- (a) constitutes or forms part of the decision area, and
- (b) at the time of the decision has an unexpended balance of established development value.

(3) If, in the case of any land to which this section applies, compensation is payable under this Part of this Act in respect of two or more interests in that land by reason of the same planning decision, and the aggregate amount of compensation payable apart from this subsection in respect of those interests would exceed the amount mentioned in paragraph (b) of subsection (1) of this section, the amount mentioned in that paragraph shall be allocated between those interests in proportion to the depreciation of the value of each of them respectively, and the amount of the compensation payable in respect of any of those interests shall be the sum so allocated to that interest.

(4) Where the land constituting the decision area, taken as a whole, does not satisfy both of the following conditions, that is to say,—

- (a) that at the time of the decision it has an unexpended balance of established development value, and
- (b) that every interest subsisting therein, the value of which is depreciated by the decision, subsists in the whole of that land,

the provisions of the next following subsection shall have effect for the purpose of assessing the compensation payable under this Part of this Act in respect of any interest subsisting in that land or any part thereof.

(5) Where this subsection applies in relation to an interest in land—

- (a) the depreciation of the value of the interest by the planning decision shall first be ascertained with reference to the whole of the land which constitutes or forms part of the decision area and is land in which that interest subsists ;
- (b) the land referred to in the preceding paragraph shall then be treated as divided into as many parts as may be requisite to ensure that each such part consists of land which either satisfies both of the conditions mentioned in the last preceding subsection or is not land which, at the time of the decision, has an unexpended balance of established development value ; and
- (c) the depreciation of the value of the interest, ascertained in accordance with paragraph (a) of this subsection, shall then be apportioned between those parts, according to the nature of those parts and the effect of the planning decision in relation to each of them,

and the amount of the compensation shall be the aggregate of the amounts which would be payable by virtue of the preceding provisions of this section if the planning decision had been made separately with respect to each of those parts.

(6) In this section “ the decision area ” in relation to a planning decision means the aggregate of the land to which the decision relates.

**107.**—(1) For the purposes of this Part of this Act, the value of an interest in land, or of an interest in so far as it subsists in particular land, shall be taken to be depreciated by a planning decision (in this section referred to as “ the relevant decision ”) if, and to the extent to which, that value, calculated in accordance with the following provisions of this section, falls short of

Assessment of  
depreciation.

**PART VI** what that value, so calculated, would have been if the relevant decision had been a decision to the contrary effect.

(2) Subject to the following provisions of this section, any such value shall for the purposes of this section be calculated—

- (a) as at the time of the relevant decision, but
- (b) as affected by that decision, by any grant of planning permission made after that decision and in force immediately before the Minister gives notice of his findings on the claim for compensation in respect of that decision, and by any undertaking to grant planning permission so in force, and
- (c) on the assumption that, after the relevant decision, and apart from any such permission or undertaking as is mentioned in the last preceding paragraph, planning permission would not be granted for any new development of the land in question, but would be granted for any development thereof other than new development.

(3) If in consequence of another planning decision or of an order, being a decision or order made—

- (a) before the relevant decision, and
- (b) either in respect of the whole or part of the land to which the relevant decision relates, or in respect of land which includes the whole or part of that land,

compensation to which this subsection applies has become or becomes payable in respect of that other planning decision or that order, the calculation to be made under this section shall be made as if that other planning decision had been a decision to the contrary effect, or that order had not been made, as the case may be.

(4) The last preceding subsection applies—

- (a) to any compensation payable under this Part of this Act, or under Part II or Part V of the Act of 1954, and
- (b) to so much of any compensation payable under section one hundred and eighteen of this Act, or under the provisions of that section as applied by section one hundred and nineteen thereof, and so much of any compensation to which Part IV of the Act of 1954 applied, as is or was payable in respect of loss or damage consisting of depreciation of the value of an interest in land.

(5) In this section “ a decision to the contrary effect ”—

- (a) in relation to a decision refusing permission, means a decision granting the permission subject to such conditions (if any) of a description falling within subsection



(2) of section one hundred and one of this Act as the authority making the decision might reasonably have been expected to impose if the permission had not been refused ; and

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- (b) in relation to a decision granting the permission subject to conditions, means a decision granting the permission applied for subject only to such of those conditions (if any) as fell within subsection (2) of that section.

*Claims for, and payment of, compensation*

**108.**—(1) Compensation under this Part of this Act shall not be payable unless a claim for it is duly made in accordance with the provisions of this section.

General provisions as to claims for compensation.

(2) A claim for compensation under this Part of this Act shall not have effect unless it is made before the end of the period of six months beginning with the date of the planning decision to which it relates :

Provided that the Minister may in any particular case (either before, on or after the date on which the time for claiming would otherwise have expired) allow an extended, or further extended, period for making such a claim.

(3) Regulations made under this section may—

- (a) require claims for compensation under this Part of this Act to be made in a form prescribed by the regulations ;
- (b) require a claimant to provide such evidence in support of the claim, and such information as to the interest of the claimant in the land to which the claim relates, and as to the interests of other persons therein which are known to the claimant, as may be so prescribed.

(4) Any claim for such compensation in respect of a planning decision shall be sent to the local planning authority ; and it shall be the duty of that authority, as soon as may be after receipt of a claim, to transmit the claim to the Minister, and to furnish the Minister with—

- (a) any evidence or other information provided by the claimant in accordance with regulations made under this section, and
- (b) such other information (if any) as may be required by or under regulations made under this section, being information appearing to the Minister to be relevant to the exercise of his powers under the provisions of Part III of this Act relating to the review of planning decisions where compensation is claimed.

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(5) Where a claim is transmitted to the Minister under the last preceding subsection—

- (a) if it appears to the Minister that the development to which the planning decision related was not new development, or that at the time of the planning decision no part of the land to which the claim relates had an unexpended balance of established development value, or that compensation is excluded by section one hundred and one or section one hundred and two of this Act, the Minister shall notify the claimant accordingly, stating on which of those grounds it appears to him that compensation is not payable, and inviting the claimant to withdraw the claim ;
- (b) unless the claim is withdrawn, the Minister shall give notice of the claim to every other person (if any) appearing to him to have an interest in the land to which the planning decision related.

Effect on claims of direction under s. 25.

**109.**—(1) Where, in accordance with subsection (3) of section twenty-six of this Act, the Minister gives notice of a direction under section twenty-five of this Act to a person who has made a claim for compensation in respect of the planning decision to which that direction relates, that person, if he does not withdraw the claim, may, at any time within thirty days after the service on him of the Minister's notice, give notice to the Minister modifying the claim.

(2) Subject to any modification by virtue of a notice given by a claimant under the preceding subsection, where the Minister gives a direction under section twenty-five of this Act in respect of a decision of a local planning authority, any claim made in respect of that decision shall have effect as if it had been made in respect of the decision which, by virtue of the direction, is substituted for the decision of the authority, or, as the case may be, as if it had been made in respect of the decision of the authority as modified by the direction.

Determination of claims.

**110.**—(1) Provision shall be made by regulations under this section—

- (a) for requiring claims for compensation under this Part of this Act to be determined by the Minister in such manner as may be prescribed by the regulations ;
- (b) for regulating the practice and procedure to be followed in connection with the determination of such claims ;
- (c) for requiring the Minister, on determining any such claim, to give notice of his findings to the claimant, and to every other person (if any) who has made a claim for compensation under this Part of this Act in respect of the same planning decision, and, if his findings in-

clude an apportionment, to give particulars of the apportionment to any other person entitled to an interest in land appearing to the Minister to be an interest substantially affected by the apportionment.

(2) Subject to the next following subsection, provision shall be made by regulations under this section—

- (a) in relation to a decision refusing permission, means a notice of the Minister's findings has been given in accordance with the preceding subsection, if he wishes to dispute the findings, and any other person to whom particulars of an apportionment included in those findings have been so given, or who establishes that he is entitled to an interest in land which is substantially affected by such an apportionment, if he wishes to dispute the apportionment, to require the findings, or, as the case may be, the apportionment, to be referred to the Lands Tribunal ;
- (b) for enabling the claimant and every other person to whom notice of any findings or apportionment has been given as mentioned in the preceding paragraph to be heard by the Tribunal on any reference under this section of those findings or of that apportionment, as the case may be ; and
- (c) for requiring the Tribunal, on any such reference, either to confirm or to vary the Minister's findings or the apportionment, as the case may be, and to notify the parties of the decision of the Tribunal.

(3) Where on a reference to the Lands Tribunal under this section it is shown that an apportionment relates wholly or partly to the same matters as a previous apportionment, and is consistent with that previous apportionment in so far as it relates to those matters, the Tribunal shall not vary the apportionment in such a way as to be inconsistent with the previous apportionment in so far as it relates to those matters.

111. Where compensation is determined under the last preceding section to be payable, the Minister shall pay the compensation to the person entitled thereto in accordance with the preceding provisions of this Part of this Act. Payment of compensation.

#### *Subsequent recovery of compensation*

112.—(1) Where, on a claim for compensation under this Part of this Act in respect of a planning decision, the Minister determines that compensation is payable and that the amount of the compensation exceeds twenty pounds, the Minister shall (if it appears to him to be practicable to do so) apportion the amount of the compensation between different parts of the land to which Apportionment and registration of compensation.

## PART VI

the claim for compensation relates, and shall include particulars of the apportionment in the notice of his findings under section one hundred and ten of this Act.

(2) In carrying out an apportionment under the preceding subsection the Minister shall divide the land into parts, and shall distribute the compensation between those parts, according to the way in which the different parts of the land appear to him to be differently affected by the planning decision.

(3) On a reference to the Lands Tribunal under section one hundred and ten of this Act, unless the decision of the Tribunal will not affect the amount of the compensation or any apportionment thereof by the Minister, the preceding provisions of this section shall apply with the substitution, for references to the Minister, of references to the Lands Tribunal.

(4) Where, on a claim for compensation under this Part of this Act in respect of a planning decision, compensation has become payable of an amount exceeding twenty pounds, the Minister shall cause notice of that fact, specifying the planning decision and the land to which the claim for compensation relates, and the amount of the compensation and any apportionment thereof under this section, to be deposited with the council of the county borough or county district in which the land is situated, and, if that council is not the local planning authority, with the local planning authority.

(5) Notices deposited under this section shall be registered in the register of local land charges, in such manner as may be prescribed by rules made for the purposes of this section under subsection (6) of section fifteen of the Land Charges Act, 1925, by the proper officer of the council of the county borough or county district.

(6) In relation to compensation specified in a notice registered under this section, references in this Part of this Act to so much of the compensation as is attributable to a part of the land to which the notice relates shall be construed in accordance with the following provisions, that is to say,—

- (a) if the notice does not include an apportionment under the preceding provisions of this section, the amount of the compensation shall be treated as distributed rateably according to area over the land to which the notice relates ;
- (b) if the notice includes such an apportionment, the compensation shall be treated as distributed in accordance with that apportionment as between the different parts of the land by reference to which the apportionment is made ; and so much of the compensation as, in accordance with the apportionment, is attributed to a part of the land shall be treated as distributed rateably according to area over that part of the land.

**113.**—(1) No person shall carry out any new development to which this section applies, on land in respect of which a notice (hereafter in this Part of this Act referred to as a “compensation notice”) is registered under the last preceding section, until such amount (if any) as is recoverable under this section in respect of the compensation specified in the notice has been paid or secured to the satisfaction of the Minister.

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Recovery of  
compensation  
on subsequent  
development.

(2) Subject to the following provisions of this section, this section applies to any new development—

- (a) which is development of a residential, commercial or industrial character and consists wholly or mainly of the construction of houses, flats, shop or office premises, or industrial buildings (including warehouses), or any combination thereof, or
- (b) which consists in the winning and working of minerals, or
- (c) to which, having regard to the probable value of the development, it is in the opinion of the Minister reasonable that this section should apply.

(3) This section shall not apply to any development by virtue of paragraph (c) of the last preceding subsection if, on an application made to him for the purpose, the Minister has certified that, having regard to the probable value of the development, it is not in his opinion reasonable that this section should apply thereto.

(4) Where the compensation specified in the compensation notice became payable in respect of the imposition of conditions on the granting of permission to develop land, this section shall not apply to the development for which that permission was granted.

**114.**—(1) Subject to the following provisions of this section, the amount recoverable under the last preceding section in respect of the compensation specified in a compensation notice—

Amount  
recoverable,  
and pro-  
visions for  
payment or  
remission  
thereof.

- (a) if the land on which the development is to be carried out (in this subsection referred to as “the development area”) is identical with, or includes (with other land) the whole of, the land comprised in the compensation notice, shall be the amount of compensation specified in that notice ;
- (b) if the development area forms part of the land comprised in the compensation notice, or includes part of that land together with other land not comprised in that notice, shall be so much of the amount of the compensation specified in that notice as is attributable to land comprised in that notice and falling within the development area.

## PART VI

(2) Where, in the case of any land in respect of which a compensation notice has been registered, the Minister is satisfied, having regard to the probable value of any proper development of that land, that no such development is likely to be carried out unless he exercises his powers under this subsection, he may, in the case of any particular development, remit the whole or part of any amount otherwise recoverable under the last preceding section; and where part only of any such amount has been remitted, he shall cause the compensation notice to be amended by substituting therein, for the statement of the amount of the compensation, in so far as it is attributable to that land, a statement of the amount which has been remitted under this subsection.

(3) Where, in connection with the development of any land, an amount becomes recoverable under the last preceding section in respect of the compensation specified in a compensation notice, then, except where, and to the extent that, payment of that amount has been remitted under the last preceding subsection, no amount shall be recoverable under the last preceding section in respect of that compensation, in so far as it is attributable to that land, in connection with any subsequent development thereof.

(4) No amount shall be recoverable under the last preceding section in respect of any compensation by reference to which a sum has become recoverable by the Minister under section one hundred and ninety of this Act.

(5) An amount recoverable under the last preceding section in respect of any compensation shall be payable to the Minister, and—

(a) shall be so payable either as a single capital payment or as a series of instalments of capital and interest combined, or as a series of other annual or periodical payments, of such amounts, and payable at such times, as the Minister may direct, after taking into account any representations made by the person by whom the development is to be carried out; and

(b) except where the amount is payable as a single capital payment, shall be secured by that person in such manner (whether by mortgage, covenant or otherwise) as the Minister may direct.

(6) If any person initiates any new development to which the last preceding section applies in contravention of subsection (1) of that section, the Minister may serve a notice on him specifying the amount appearing to the Minister to be the amount recoverable under that section in respect of the compensation in question, and requiring him to pay that amount to the Minister within such period, not being less than three months after the service of the notice, as may be specified in the notice.

## PART VI

115.—(1) Where an amount has become recoverable under section one hundred and thirteen of this Act in respect of the compensation specified in a compensation notice, the following provisions of this section shall have effect for the purpose of determining any question as to the unexpended balance of established development value of any land at any subsequent time.

Amount recovered not to be deducted from unexpended balance.

(2) Except where, and to the extent that, payment of that amount has been remitted under the last preceding section, so much (if any) of that compensation as is attributable to that land shall, for the purpose mentioned in the preceding subsection, be treated as not having become payable, and accordingly (notwithstanding anything in section ninety-four of this Act) shall not be deducted from that balance.

*Supplementary provisions*

116.—(1) Regulations made under this section may make provision as to the exercise of the right to claim compensation under this Part of this Act, and as to the person to whom such compensation or any part thereof is to be paid, and as to the application of any such compensation or any part thereof, in cases where, apart from this section, the right to claim the compensation is exercisable by reference to an interest in land which is subject to a mortgage, or to a rentcharge, or to the trusts of a settlement, or which was so subject at a time specified in the regulations.

Mortgages, rentcharges and settlements.

(2) In relation to any case where, by virtue of any such regulations, compensation or a part thereof is to be paid to the owner of a rentcharge, the regulations may apply all or any of the provisions of section twenty-five of the War Damage Act, 1943 (which relates to the rights of owners of rentcharges as to payments for war damage) subject to such adaptations and modifications as may be prescribed by the regulations, and may provide for disputes arising under the regulations, so far as they relate to rentcharges, to be referred to the Lands Tribunal for determination by that tribunal.

117.—(1) In calculating value for any of the purposes of this Part of this Act—

Calculation of value.

- (a) rules (2) to (4) of the rules set out in section five of the Land Compensation Act, 1961, shall apply with the necessary modifications; and
- (b) if the interest to be valued is subject to a mortgage, it shall be treated as if it were not subject to the mortgage:

Provided that rule (3) of those rules shall not apply for the purposes of the Sixth Schedule to this Act.

## PART VI

(2) Where, for the purposes of any of the provisions of this Part of this Act, value falls to be calculated by reference to the duration of a tenancy, and, by reason of any option or other contractual right with respect to the determination, renewal or continuance of the tenancy, the date of expiry of the tenancy is not ascertainable with certainty, that date shall be taken to be such as appears reasonable and probable having regard to the interests of the party by whom the option is exercisable, or in whose favour the right operates, and to any other material considerations subsisting at the time when the calculation of value falls to be made.

## PART VII

## COMPENSATION FOR OTHER PLANNING RESTRICTIONS

*Revocation or modification of planning permission*

Compensation where planning permission revoked or modified.

**118.**—(1) Where planning permission is revoked or modified by an order under section twenty-seven of this Act, then if, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, it is shown that a person interested in the land—

- (a) has incurred expenditure in carrying out work which is rendered abortive by the revocation or modification, or
- (b) has otherwise sustained loss or damage which is directly attributable to the revocation or modification,

the local planning authority shall pay to that person compensation in respect of that expenditure, loss or damage.

(2) For the purposes of this section, any expenditure incurred in the preparation of plans for the purposes of any work, or upon other similar matters preparatory thereto, shall be taken to be included in the expenditure incurred in carrying out that work.

(3) Subject to the last preceding subsection, no compensation shall be paid under this section in respect of any work carried out before the grant of the permission which is revoked or modified, or in respect of any other loss or damage (not being loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done before the grant of that permission.

(4) In calculating, for the purposes of this section, the amount of any loss or damage consisting of depreciation of the value of an interest in land, it shall be assumed that planning permission would be granted for development of the land of any class specified in the Third Schedule to this Act.

(5) In this Part of this Act any reference to an order under section twenty-seven of this Act includes a reference to an order under the provisions of that section as applied by subsection (2) of section twenty-eight of this Act.



## PART VII

**119.**—(1) The provisions of this section shall have effect where—

- (a) planning permission for the development of land has been granted by a development order, and
- (b) that permission is withdrawn, whether by the revocation or amendment of the order or by the issue of directions under powers in that behalf conferred by the order, and
- (c) on an application made in that behalf under Part III of this Act, planning permission for that development is refused, or is granted subject to conditions other than those previously imposed by the development order.

Application of s. 118 to special cases of refusal or conditional grant of planning permission.

(2) In any case falling within the preceding subsection, the provisions of the last preceding section shall apply as if the planning permission granted by the development order—

- (a) had been granted by the local planning authority under Part III of this Act, and
- (b) had been revoked or modified by an order under section twenty-seven of this Act,

and the provisions of section one hundred and twenty (except paragraph (b) of subsection (5) thereof) and of sections one hundred and twenty-one and one hundred and twenty-two of this Act shall apply as if references therein to an order under section twenty-seven of this Act were references to the planning decision whereby the planning permission in question is refused, or is granted subject to conditions other than those previously imposed by the development order.

**120.**—(1) Where compensation becomes payable under the preceding provisions of this Part of this Act, and includes compensation for depreciation of an amount exceeding twenty pounds, the local planning authority shall (if it appears to them to be practicable to do so) apportion the amount of the compensation for depreciation between different parts of the land to which the claim for that compensation relates, and give particulars of any such apportionment to the claimant and to every other person (if any) entitled to an interest in land which appears to the authority to be substantially affected by the apportionment.

Registration and apportionment of compensation for depreciation.

(2) In carrying out an apportionment under the preceding subsection, the local planning authority shall divide the land into parts, and shall distribute the compensation for depreciation between those parts, according to the way in which different parts of the land appear to the authority to be differently affected by the order in consequence of which the compensation is payable.

(3) Subsection (2) of section one hundred and ten of this Act, and any regulations made by virtue thereof, shall have effect with respect to any such apportionment (subject to any necessary

**PART VII** modifications) as they have effect with respect to an apportionment under subsection (1) of section one hundred and twelve of this Act.

(4) On a reference to the Lands Tribunal by virtue of the last preceding subsection, subsections (1) and (2) of this section, so far as they relate to the making of an apportionment, shall apply with the substitution, for references to the local planning authority, of references to the Lands Tribunal.

(5) Where compensation becomes payable under the preceding provisions of this Part of this Act, and includes compensation for depreciation exceeding twenty pounds, the local planning authority shall give notice thereof to the Minister, specifying the amount of the compensation for depreciation and any apportionment thereof under this section; and subsections (4) to (6) of section one hundred and twelve of this Act shall have effect with respect thereto as they have effect with respect to compensation under Part VI of this Act, subject, however, to any necessary modifications, and, in particular, with the substitution—

(a) for references to the compensation mentioned in that section, of references to the compensation for depreciation specified in the notice, and

(b) for references to the planning decision, of references to the order under section twenty-seven of this Act in consequence of which the compensation is payable.

(6) In this and the next following section “compensation for depreciation” means so much of any compensation payable under the preceding provisions of this Part of this Act as is payable in respect of loss or damage consisting of depreciation of the value of an interest in land, and “interest” (where the reference is to an interest in land) means the fee simple or a tenancy of the land and does not include any other interest therein.

**Exchequer contribution towards compensation in certain cases.**

**121.**—(1) Where a notice under the last preceding section is given to the Minister in consequence of the making of an order under section twenty-seven of this Act, and the circumstances are such that, if the permission revoked or modified by the order had been refused, or, as the case may be, had been granted as so modified, at the time when it was granted, compensation under Part VI of this Act could have been claimed and would have been payable by the Minister, the Minister may, subject to the provisions of this section, pay to the local planning authority a contribution of the amount appearing to him to be the amount of compensation which would have been so payable by him under Part VI of this Act.

(2) The amount of any such contribution shall not exceed—

(a) the amount of the compensation for depreciation paid by the local planning authority, or

(b) the unexpended balance of established development value, at the date of the making of the order, of the land in respect of which that compensation was paid.

(3) Regulations made under this section shall make provision, in relation to cases where the Minister proposes to pay a contribution under this section,—

(a) for requiring the Minister to give notice of his proposal to persons entitled to such interests as may be prescribed in the land to which the proposal relates, and to such other persons (if any) as may be determined in accordance with the regulations to be affected by the proposal ;

(b) for enabling persons to whom notice of the proposal is given to object to the proposal, on the grounds that compensation would not have been payable as mentioned in subsection (1) of this section, or that the amount of the compensation so payable would have been less than the amount of the proposed contribution ;

(c) for enabling any person making such an objection to require the matter in dispute to be referred to the Lands Tribunal for determination ; and

(d) where a contribution under this section is paid, for applying (with any necessary modifications) the provisions of Part VI of this Act as to the reduction or extinguishment of the unexpended balance of established development value of land, as if the contribution had been a payment of compensation under Part VI of this Act.

122.—(1) In relation to notices registered under the provisions of section one hundred and twelve of this Act, as applied by the preceding provisions of this Part of this Act, sections one hundred and thirteen and one hundred and fourteen of this Act shall have effect as they have effect in relation to compensation notices registered as therein mentioned: Recovery, on subsequent development, of compensation under s. 118.

Provided that, in a case where the compensation under section one hundred and eighteen of this Act specified in such a notice became payable in respect of an order modifying planning permission, the said sections shall not apply to development in accordance with that permission as modified by the order.

(2) Subject to the next following subsection, any sum recovered by the Minister under section one hundred and thirteen of this Act, as applied by the preceding subsection, shall be paid to the local planning authority who paid the compensation to which that sum relates.

## PART VII

(3) In paying any such sum to the local planning authority, the Minister shall deduct therefrom—

- (a) the amount of any contribution paid by him under the last preceding section in respect of the compensation to which the sum relates ;
- (b) the amount of any grant paid by him under Part XII of this Act in respect of that compensation :

Provided that, if the sum recovered by the Minister is an instalment of the total sum recoverable, or is recovered by reference to development of part of the land in respect of which the compensation was payable, any deduction to be made under paragraph (a) or paragraph (b) of this subsection shall be a deduction of such amount as the Minister may determine to be the proper proportion of the amount referred to in that paragraph.

*Other restrictions*

Compensation for planning decisions restricting development other than new development.

123.—(1) The provisions of this section shall have effect where, on an application for planning permission to carry out development of any class specified in Part II of the Third Schedule to this Act, the Minister, either on appeal or on the reference of the application to him for determination, refuses the permission or grants it subject to conditions.

(2) If, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, it is shown that the value of the interest of any person in the land is less than it would have been if the permission had been granted, or had been granted unconditionally, as the case may be, the local planning authority shall pay to that person compensation of an amount equal to the difference.

(3) In determining, for the purposes of the last preceding subsection, whether or to what extent the value of an interest in land is less than it would have been if the permission had been granted, or had been granted unconditionally,—

- (a) it shall be assumed that any subsequent application for the like planning permission would be determined in the same way ; but
- (b) if, in the case of a refusal of planning permission, the Minister, on refusing that permission, undertook to grant planning permission for some other development of the land in the event of an application being made in that behalf, regard shall be had to that undertaking.

(4) Where, on such an application as is mentioned in subsection (1) of this section, planning permission is granted by the Minister subject to conditions for regulating the design or

external appearance of buildings, or the size or height of buildings, the Minister, if it appears to him to be reasonable to do so having regard to the local circumstances, may direct that those conditions shall be disregarded, either altogether or to such extent as may be specified in the direction, in assessing the compensation (if any) payable under this section.

(5) Where, in the case of an application for planning permission to carry out any such development as is mentioned in subsection (1) of this section, a notice under subsection (1) of section forty of this Act is served in respect of the whole or part of the land to which the application relates, the preceding provisions of this section shall have effect as if the application had been an effective application for planning permission, and as if that permission had been refused, as mentioned in subsection (1) of this section, in respect of that land or that part thereof, as the case may be.

(6) No compensation shall be payable under this section in respect of an interest in land in respect of which a purchase notice is served.

**124.**—(1) The provisions of this section shall have effect where an order is made under section twenty-eight of this Act, requiring a use of land to be discontinued, or imposing conditions on the continuance thereof, or requiring any buildings or works on land to be altered or removed. Compensation in respect of orders under s. 28.

(2) If, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, it is shown that any person has suffered damage in consequence of the order by depreciation of the value of an interest in the land to which he is entitled, or by being disturbed in his enjoyment of the land, that authority shall pay to that person compensation in respect of that damage.

(3) Without prejudice to the last preceding subsection, any person who carries out any works in compliance with the order shall be entitled, on a claim made as mentioned in that subsection, to recover from the local planning authority compensation in respect of any expenses reasonably incurred by him in that behalf.

(4) Any compensation payable to a person under this section by virtue of such an order as is mentioned in subsection (1) of this section shall be reduced by the value to him of any timber, apparatus or other materials removed for the purpose of complying with the order.

## PART VII

Compensation in respect of tree and building preservation orders.

**125.**—(1) The matters for which provision may under section twenty-nine of this Act be made by a tree preservation order, or may under section thirty of this Act be made by a building preservation order, include the payment by the local planning authority, subject to such exceptions and conditions as may be specified in the order, of compensation in respect of damage or expenditure caused or incurred in consequence of the refusal of any consent required under the order, or of the grant of any such consent subject to conditions.

(2) Subsection (4) of section thirty-one of this Act applies for the purposes of this section.

Compensation for restrictions on advertising.

**126.** Where, for the purpose of complying with any regulations made under section thirty-four of this Act, works are carried out by any person—

- (a) for removing an advertisement which was being displayed on the seventh day of January, nineteen hundred and forty-seven, and was being displayed on the date on which the regulations came into force, or
- (b) for discontinuing the use for the display of advertisements of a site used for that purpose on the last-mentioned date,

that person shall, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, be entitled to recover from that authority compensation in respect of any expenses reasonably incurred by him in that behalf.

*Supplementary provisions*

General provisions as to compensation for depreciation under Part VII.

**127.**—(1) For the purpose of assessing any compensation to which this section applies, the rules set out in section five of the Land Compensation Act, 1961, shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.

(2) This section applies to any compensation which, under the preceding provisions of this Part of this Act, other than section one hundred and twenty-five thereof, is payable in respect of depreciation of the value of an interest in land.

(3) Where an interest in land is subject to a mortgage—

- (a) any compensation to which this section applies, which is payable in respect of depreciation of the value of that interest, shall be assessed as if the interest were not subject to the mortgage ;
- (b) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to

the making of a claim by the person entitled to the interest ;

PART VII

- (c) no compensation to which this section applies shall be payable in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage) ; and
- (d) any compensation to which this section applies which is payable in respect of the interest which is subject to the mortgage shall be paid to the mortgagee, or, if there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.

**128.**—(1) Except in so far as may be otherwise provided by any tree preservation order or building preservation order, or by any regulations made under this Act, any question of disputed compensation under this Part of this Act shall be referred to and determined by the Lands Tribunal. Determination of claims for compensation.

(2) In relation to the determination of any such question, the provisions of sections two and four of the Land Compensation Act, 1961, shall apply, subject to any necessary modifications and to the provisions of any regulations made under this Act.

PART VIII

PROVISIONS ENABLING OWNER TO REQUIRE PURCHASE OF HIS INTEREST

*Interests affected by planning decisions or orders*

**129.**—(1) Where, on an application for planning permission to develop any land, permission is refused or is granted subject to conditions, then if any owner of the land claims— Purchase notice on refusal or conditional grant of planning permission.

- (a) that the land has become incapable of reasonably beneficial use in its existing state, and
- (b) in a case where planning permission was granted subject to conditions, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted development in accordance with those conditions, and
- (c) in any case, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of any other development for which planning permission has been granted or for which the local planning authority or the Minister has undertaken to grant planning permission,

he may, within the time and in the manner prescribed by regulations under this Act. serve on the council of the county borough

## PART VIII

or county district in which the land is situated a notice requiring that council to purchase his interest in the land in accordance with the following provisions of this Part of this Act.

(2) Where, for the purpose of determining whether the conditions specified in paragraphs (a) to (c) of the preceding subsection are fulfilled in relation to any land, any question arises as to what is or would in any particular circumstances be a reasonably beneficial use of that land, then, in determining that question for that purpose, no account shall be taken of any prospective use of that land which would involve the carrying out of new development.

(3) A notice under this section, or under any other provision of this Part of this Act to which this subsection is applied, is in this Act referred to as a "purchase notice".

Action by  
council on  
whom  
purchase  
notice is  
served.

**130.**—(1) The council on whom a purchase notice is served under the last preceding section shall, before the end of the period of three months beginning with the date of service of that notice, serve on the owner by whom the purchase notice was served a notice stating either—

- (a) that the council are willing to comply with the purchase notice, or
- (b) that another local authority or statutory undertakers specified in the notice under this subsection have agreed to comply with it in their place, or
- (c) that, for reasons specified in the notice under this subsection, the council are not willing to comply with the purchase notice and have not found any other local authority or statutory undertakers who will agree to comply with it in their place, and that they have transmitted a copy of the purchase notice to the Minister, on a date specified in the notice under this subsection, together with a statement of the reasons so specified.

(2) Where the council on whom a purchase notice is served by an owner have served on him a notice in accordance with paragraph (a) or paragraph (b) of the preceding subsection, the council, or the other local authority or statutory undertakers specified in the notice, as the case may be, shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of Part V of this Act, and to have served a notice to treat in respect thereof on the date of service of the notice under the preceding subsection.

(3) Where the council on whom a purchase notice is served by an owner propose to serve on him a notice in accordance



with paragraph (c) of subsection (1) of this section, they shall transmit a copy of the purchase notice to the Minister, together with a statement of their reasons.

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**131.**—(1) Where a copy of a purchase notice is transmitted to the Minister under subsection (3) of the last preceding section, the Minister shall consider whether to confirm the notice or to take other action under the next following section in respect thereof. Procedure on reference of purchase notice to Minister.

(2) Before confirming a purchase notice or taking any other action under the next following section in respect thereof, the Minister shall give notice of his proposed action—

- (a) to the person by whom the purchase notice was served ;
- (b) to the council on whom the purchase notice was served ;
- (c) to the local planning authority for the area in which the land is situated ; and
- (d) if the Minister proposes to substitute any other local authority or statutory undertakers for the council on whom the purchase notice was served, to that other local authority or those statutory undertakers.

(3) If, within such period as may be specified in a notice under the last preceding subsection, being a period of not less than twenty-eight days from the service of that notice, any of the persons, authorities or statutory undertakers on whom that notice is served so requires, the Minister, before confirming the purchase notice or taking any other action under the next following section in respect thereof, shall afford to those persons, authorities and undertakers an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

(4) Where the Minister has given notice under subsection (2) of this section of his proposed action, and any of the persons, authorities and statutory undertakers concerned have appeared before and been heard by a person appointed by the Minister for the purpose, and it then appears to the Minister to be expedient to take action under the next following section otherwise than in accordance with the notice given by him, the Minister may take that action accordingly.

**132.**—(1) Subject to the following provisions of this section, if the Minister is satisfied that the conditions specified in paragraphs (a) to (c) of subsection (1) of section one hundred and twenty-nine of this Act are fulfilled in relation to a purchase notice, he shall confirm the notice. Action by Minister in relation to purchase notice.

(2) If it appears to the Minister to be expedient to do so, he may, in lieu of confirming the purchase notice, grant planning permission for the development in respect of which the application was made, or, where planning permission for that development was granted subject to conditions, revoke or amend those

**PART VIII**

conditions so far as appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of that development.

(3) If it appears to the Minister that the land, or any part of the land, could be rendered capable of reasonably beneficial use within a reasonable time by the carrying out of any other development for which planning permission ought to be granted, he may, in lieu of confirming the purchase notice, or in lieu of confirming it so far as it relates to that part of the land, as the case may be, direct that planning permission for that development shall be granted in the event of an application being made in that behalf.

(4) If it appears to the Minister, having regard to the probable ultimate use of the land, that it is expedient to do so, he may, if he confirms the notice, modify it, either in relation to the whole or in relation to any part of the land to which it relates, by substituting another local authority or statutory undertakers for the council on whom the notice was served.

(5) In the last preceding section, any reference to the taking of action by the Minister under this section is a reference to the taking by him of any such action as is mentioned in subsections (1) to (4) of this section, or to the taking by him of a decision not to confirm the purchase notice on the grounds that any of the conditions referred to in subsection (1) of this section are not fulfilled.

Effect of  
Minister's  
action in  
relation to  
purchase  
notice.

**133.**—(1) Where the Minister confirms a purchase notice, the council on whom the purchase notice was served (or, if under subsection (4) of the last preceding section the Minister modified the purchase notice by substituting another local authority or statutory undertakers for that council, that other local authority or those statutory undertakers) shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of Part V of this Act, and to have served a notice to treat in respect thereof on such date as the Minister may direct.

(2) If, before the end of the relevant period, the Minister has neither confirmed the purchase notice nor taken any such action in respect thereof as is mentioned in subsection (2) or subsection (3) of the last preceding section, and has not notified the owner by whom the notice was served that he does not propose to confirm the notice, the notice shall be deemed to be confirmed at the end of that period, and the council on whom the notice was served shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of Part V of this Act, and to have served a notice to treat in respect thereof at the end of that period.

(3) For the purposes of the last preceding subsection the relevant period is whichever of the following periods first expires, that is to say,—

- (a) the period of nine months beginning with the date of service of the purchase notice, and
- (b) the period of six months beginning with the date on which a copy of the purchase notice was transmitted to the Minister.

(4) Where the Minister has notified the owner by whom a purchase notice has been served of a decision on his part to confirm, or not to confirm, the notice (including any decision not to confirm the notice in respect of part of the land to which it relates, and including any decision to grant any permission, or give any direction, in lieu of confirming the notice, either wholly or in part) and that decision of the Minister is quashed under the provisions of Part XI of this Act, the purchase notice shall be treated as cancelled, but the owner may serve a further purchase notice in its place.

(5) For the purposes of any regulations made under this Act as to the time within which a purchase notice may be served, the service of a purchase notice under the last preceding subsection shall not be treated as out of time if the notice is served within the period which would be applicable in accordance with those regulations if the planning decision, in consequence of which the notice is served, had been made on the date on which the decision of the Minister was quashed as mentioned in the last preceding subsection.

**134.**—(1) Where by virtue of section one hundred and eighteen of this Act compensation is payable in respect of expenditure incurred in carrying out any work on land, then, if a purchase notice is served in respect of an interest in that land, any compensation payable in respect of the acquisition of that interest in pursuance of the purchase notice shall be reduced by an amount equal to the value of the works in respect of which compensation is payable by virtue of that section.

Special provisions as to compensation where purchase notice served.

(2) Where a purchase notice served in respect of an interest in land does not take effect, or does not take effect in relation to a part of the land, by reason that the Minister gives a direction under subsection (3) of section one hundred and thirty-two of this Act, then if, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, it is shown that the permitted development value of that interest (or, as the case may be, of that interest so far as it relates to that part of the land) is less than its existing use value, the local planning authority shall pay to the person entitled to that interest compensation of an amount which (subject to the following provisions of this section) shall be equal to the difference.

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(3) If the planning permission which, by the direction referred to in the last preceding subsection, is required to be granted would be granted subject to conditions for regulating the design or external appearance of buildings, or the size or height of buildings, or for regulating the number of buildings to be erected on the land, the Minister, if it appears to him to be reasonable to do so having regard to the local circumstances, may direct that those conditions shall be disregarded, either altogether or to such extent as may be specified in the direction, in assessing any compensation payable under the last preceding subsection.

(4) Sections one hundred and twenty-seven and one hundred and twenty-eight of this Act shall have effect in relation to compensation under subsection (2) of this section as they have effect in relation to compensation to which those sections apply.

(5) In this section "permitted development value", in relation to an interest in land in respect of which a direction is given under subsection (3) of section one hundred and thirty-two of this Act, means the value of that interest calculated with regard to that direction, but on the assumption that no planning permission would be granted otherwise than in accordance with that direction, and "existing use value", in relation to such an interest, means the value of that interest as (for the purpose of ascertaining the compensation payable on an acquisition thereof in pursuance of the purchase notice) that value would have been assessed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, as modified by the provisions of sections fifty-one to fifty-four of the Act of 1947, if no enactment repealing, modifying or superseding any of those provisions had been passed after the passing of the Act of 1947.

Purchase notice in respect of order revoking or modifying planning permission.

135.—(1) Where by an order under section twenty-seven of this Act planning permission in respect of any land is revoked, or is modified by the imposition of conditions, then if any owner of the land claims—

- (a) that the land has become incapable of reasonably beneficial use in its existing state, and
- (b) in a case where the planning permission was modified by the imposition of conditions, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted development in accordance with those conditions, and
- (c) in any case, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of any other development for which planning permission has been granted or for which the local planning authority or the Minister has undertaken to grant planning permission,

he may, within the time and in the manner prescribed by regulations under this Act, serve on the council of the county borough or county district in which the land is situated a notice requiring that council to purchase his interest in the land in accordance with the preceding provisions of this Part of this Act.

(2) Subsection (3) of section one hundred and twenty-nine of this Act shall apply to this section ; and, subject to the next following subsection, subsection (2) of that section and sections one hundred and thirty to one hundred and thirty-four of this Act shall apply to a notice served by virtue of subsection (1) of this section as they apply to a notice served by virtue of subsection (1) of section one hundred and twenty-nine of this Act.

(3) In the application of section one hundred and thirty-two of this Act to a purchase notice served by virtue of subsection (1) of this section, that section shall apply as if the following subsection were substituted for subsection (2) thereof:

“(2) If it appears to the Minister to be expedient to do so, he may, in lieu of confirming the purchase notice, cancel the order revoking the planning permission, or, where the order modified the permission by the imposition of conditions, revoke or amend those conditions so far as appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of the development in respect of which the permission was granted”.

**136.**—(1) If any person entitled to an interest in land in respect of which an order is made under section twenty-eight of this Act claims—

Purchase notice in respect of order requiring discontinuance of use or alteration or removal of buildings or works.

(a) that by reason of the order the land is incapable of reasonably beneficial use in its existing state, and

(b) that it cannot be rendered capable of reasonably beneficial use by the carrying out of any development for which planning permission has been granted, whether by that order or otherwise,

he may, within the time and in the manner prescribed by regulations under this Act, serve on the council of the county borough or county district in which the land is situated a notice requiring that council to purchase his interest in the land in accordance with the preceding provisions of this Part of this Act.

(2) Subsection (3) of section one hundred and twenty-nine of this Act shall apply to this section ; and, subject to the next following subsection, subsection (2) of that section and sections one hundred and thirty to one hundred and thirty-four of this Act shall apply to a notice served by virtue of subsection (1) of this section as they apply to a notice served by virtue of subsection (1) of section one hundred and twenty-nine of this Act.

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(3) In the application of section one hundred and thirty-two of this Act to a purchase notice served by virtue of subsection (1) of this section, that section shall have effect subject to the following modifications, that is to say,—

(a) in subsection (1), for the reference to the conditions therein mentioned, there shall be substituted a reference to the conditions specified in paragraphs (a) and (b) of subsection (1) of this section ; and

(b) the following subsection shall be substituted for subsection (2):—

“(2) If it appears to the Minister to be expedient to do so, he may, in lieu of confirming the purchase notice, revoke the order under section twenty-eight of this Act, or, as the case may be, amend that order so far as appears to him to be required in order to prevent the land from being rendered incapable of reasonably beneficial use by the order”.

(4) Where a purchase notice in respect of an interest in land is served in consequence of such an order as is mentioned in subsection (1) of this section, then if—

(a) that interest is acquired in accordance with the preceding provisions of this Part of this Act, or

(b) compensation is payable in respect of that interest under subsection (2) of section one hundred and thirty-four of this Act,

no compensation shall be payable in respect of that order under section one hundred and twenty-four of this Act.

(5) Except as provided by this section, no purchase notice shall be served in respect of an interest in land while the land is incapable of reasonably beneficial use by reason only of such an order as is mentioned in subsection (1) of this section.

Purchase notices in other cases.

**137.**—(1) Sections one hundred and twenty-nine to one hundred and thirty-four of this Act are provisions falling within subsection (2) of section twenty-nine of this Act ; and subsection (1) of the said section twenty-nine, and subsection (5) of section thirty and subsection (2) of section thirty-four of this Act, shall have effect accordingly.

(2) Where, in the case of an application for planning permission, a notice under subsection (1) of section forty of this Act is served in respect of the whole or part of the land to which the application relates, the provisions of sections one hundred and twenty-nine to one hundred and thirty-four of this Act shall have effect as if the application had been an effective application for planning permission, and as if that permission had been refused in respect of that land or that part thereof, as the case may be.

*Interests of owner-occupiers affected by planning proposals* PART VIII

**138.**—(1) The provisions of sections one hundred and thirty-nine to one hundred and fifty-one of this Act shall have effect in relation to land which— Scope of these provisions.

- (a) is land designated by a development plan as subject to compulsory acquisition, or
- (b) is land allocated by a development plan for the purposes of any functions of a government department, local authority or statutory undertakers, or of the National Coal Board, or is land defined in such a plan as the site of proposed development for the purposes of any such functions, or
- (c) is land indicated in a development plan (otherwise than by being allocated or defined as mentioned in the last preceding paragraph) as land on which a highway is proposed to be constructed or land to be included in a highway as proposed to be improved or altered, or
- (d) is land authorised by a special enactment to be compulsorily acquired, or land falling within the limits of deviation within which powers of compulsory acquisition conferred by a special enactment are exercisable, or
- (e) is land on or adjacent to the line of a highway proposed to be constructed, improved or altered, as indicated in an order or scheme which has come into operation under the provisions of Part II of the Highways Act, 1959, relating to trunk roads or special roads, being land in relation to which a power of compulsory acquisition conferred by any of the provisions of Part X of that Act may become exercisable, as being land required for purposes of construction, improvement or alteration as indicated in the order or scheme, or
- (f) is land shown on plans approved by a resolution of a local highway authority as land comprised in the site of a highway as proposed to be constructed, improved or altered by that authority.

(2) Interests qualifying for protection under these provisions are either—

- (a) interests in hereditaments or parts of hereditaments, or
- (b) interests in agricultural units or parts of agricultural units.

(3) An interest in the whole or part of a hereditament shall be taken to be an interest qualifying for protection under these provisions if, on the date of service of a notice under the next following section in respect thereof, either—

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- (a) the annual value of the hereditament does not exceed such amount as may be prescribed for the purposes of this paragraph by an order made by the Minister, and the interest in question is the interest of an owner-occupier of the hereditament, or
- (b) in a case not falling within the preceding paragraph, the interest in question is the interest of a resident owner-occupier of the hereditament.

(4) An interest in the whole or part of an agricultural unit shall be taken to be an interest qualifying for protection under these provisions if, on the date of service of a notice under the next following section in respect thereof, it is the interest of an owner-occupier of the unit.

(5) In this section and in the said sections one hundred and thirty-nine to one hundred and fifty-one "these provisions" means the provisions of this section and of those sections, and "the specified descriptions" means the descriptions contained in paragraphs (a) to (f) of subsection (1) of this section.

Notice  
requiring  
purchase of  
claimant's  
interest.

**139.—(1)** Where the whole or part of a hereditament or agricultural unit is comprised in land of any of the specified descriptions, and a person claims that—

- (a) he is entitled to an interest in that hereditament or unit, and
- (b) the interest is one which qualifies for protection under these provisions, and
- (c) since the relevant date he has made reasonable endeavours to sell that interest, and
- (d) he has been unable to sell it except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the hereditament or unit were comprised in land of any of the specified descriptions,

he may serve on the appropriate authority a notice in the prescribed form requiring that authority to purchase that interest to the extent specified in, and otherwise in accordance with, these provisions.

(2) The preceding subsection shall apply in relation to an interest in part of a hereditament or agricultural unit as it applies in relation to an interest in the entirety of a hereditament or agricultural unit:

Provided that this subsection shall not enable any person—

- (a) if he is entitled to an interest in the entirety of a hereditament or agricultural unit, to make any claim or serve any notice under this section in respect of his interest in part of the hereditament or unit, or



(b) if he is entitled to an interest only in part of a hereditament or agricultural unit, to make or serve any such claim or notice in respect of his interest in less than the entirety of that part.

(3) In this section “ the relevant date ”—

- (a) in relation to land designated, allocated, defined or indicated as mentioned in any of paragraphs (a) to (c) of subsection (1) of the last preceding section, means the date (whether before or after the commencement of this Act) on which the development plan, or the amendment of the development plan, by virtue of which the land was first so designated, allocated, defined or indicated came into operation ;
- (b) in relation to any such land as is mentioned in paragraph (d) of that subsection, means the date (whether before or after the commencement of this Act) on which the special enactment in question came into operation ;
- (c) in relation to land falling within paragraph (e) of that subsection, means the date (whether before or after the commencement of this Act) of the coming into operation of the order or scheme by virtue of which it falls within that paragraph ;
- (d) in relation to land falling within paragraph (f) of that subsection, means the date (whether before or after the commencement of this Act) of the passing of the resolution by virtue of which it falls within that paragraph.

(4) In these provisions “ the claimant ”, in relation to a notice served under this section, means the person who served that notice, and any reference to the interest of the claimant, in relation to such a notice, is a reference to the interest which the notice requires the appropriate authority to purchase as mentioned in subsection (1) of this section.

**140.**—(1) Where a notice has been served under the last preceding section in respect of a hereditament or an agricultural unit, the appropriate authority, at any time before the end of the period of two months beginning with the date of service of that notice, may serve on the claimant a counter-notice in the prescribed form objecting to the notice. Objection to notice requiring purchase of claimant's interest.

(2) The grounds on which objection may be made in a counter-notice to a notice served under the last preceding section are :—

- (a) that no part of the hereditament or agricultural unit to which the notice relates is comprised in land of any of the specified descriptions ;

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- (b) that the appropriate authority (unless compelled to do so by virtue of these provisions) do not propose to acquire any part of the hereditament, or (in the case of an agricultural unit) any part of the affected area, in the exercise of any relevant powers ;
- (c) that (in the case of an agricultural unit) the appropriate authority propose in the exercise of relevant powers to acquire a part of the affected area specified in the counter-notice, but (unless compelled to do so by virtue of these provisions) do not propose to acquire any other part of that area in the exercise of any such powers ;
- (d) that, on the date of service of the notice under the last preceding section, the claimant was not entitled to an interest in any part of the hereditament or agricultural unit to which the notice relates ;
- (e) that (for reasons specified in the counter-notice) the interest of the claimant is not an interest qualifying for protection under these provisions ;
- (f) that the conditions specified in paragraphs (c) and (d) of subsection (1) of the last preceding section are not fulfilled.

(3) Any counter-notice served under this section in respect of a notice under the last preceding section shall specify the grounds (being one or more of the grounds mentioned in the last preceding subsection) on which the appropriate authority object to the notice.

(4) In this section “ relevant powers ”, in relation to any land falling within any of the specified descriptions, means any powers under which the appropriate authority are or could be authorised—

- (a) to acquire that land compulsorily as being land falling within that description, or
- (b) to acquire that land compulsorily for any of the relevant purposes ;

and “ the relevant purposes ”, in relation to any such land, means the purposes for which, in accordance with the circumstances by virtue of which that land falls within the description in question, it is liable to be acquired or is indicated as being proposed to be acquired.

Reference of objection to Lands Tribunal.

**141.**—(1) Where a counter-notice has been served under the last preceding section, objecting to a notice served under section one hundred and thirty-nine of this Act, the claimant, at any time before the end of the period of two months beginning with the date of service of the counter-notice, may require the objection to be referred to the Lands Tribunal.

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(2) On any such reference, if the objection is not withdrawn, the Lands Tribunal shall consider the matters set out in the notice served by the claimant and the grounds of the objection specified in the counter-notice; and, subject to the next following subsection, unless it is shown to the satisfaction of the Tribunal that the objection is not well-founded, the Tribunal shall uphold the objection.

(3) An objection on the grounds mentioned in paragraph (b) or paragraph (c) of subsection (2) of the last preceding section shall not be upheld by the Tribunal unless it is shown to the satisfaction of the Tribunal that the objection is well-founded.

(4) If the Tribunal determines not to uphold the objection, the Tribunal shall declare that the notice to which the counter-notice relates is a valid notice.

(5) If the Tribunal upholds the objection, but only on the grounds mentioned in paragraph (c) of subsection (2) of the last preceding section, the Tribunal shall declare that the notice is a valid notice in relation to the part of the affected area specified in the counter-notice as being the part which the appropriate authority propose to acquire as therein mentioned, but not in relation to any other part of the affected area.

(6) In any case falling within subsection (4) or subsection (5) of this section, the Tribunal shall give directions specifying the date on which notice to treat (as mentioned in the next following section) is to be deemed to have been served.

**142.**—(1) Where a notice has been served under section one hundred and thirty-nine of this Act, and either—

(a) no counter-notice objecting to that notice is served in accordance with these provisions, or

(b) where such a counter-notice has been served, the objection is withdrawn, or, on a reference to the Lands Tribunal, is not upheld by the Tribunal,

Effect of  
valid notice  
requiring  
purchase.

the appropriate authority shall be deemed to be authorised to acquire compulsorily under the appropriate enactment the interest of the claimant in the hereditament, or (in the case of an agricultural unit) the interest of the claimant in so far as it subsists in the affected area, and to have served a notice to treat in respect thereof on the date mentioned in the next following subsection.

(2) The said date—

(a) in a case where, on a reference to the Lands Tribunal, the Tribunal determines not to uphold the objection, is the date specified in directions given by the Tribunal in accordance with subsection (6) of the last preceding section;

S\*

## PART VIII

(b) in any other case, is the date on which the period of two months beginning with the date of service of the notice under section one hundred and thirty-nine of this Act comes to an end.

(3) Where the notice under section one hundred and thirty-nine of this Act relates to an agricultural unit, and the appropriate authority have served a counter-notice objecting to that notice on the grounds mentioned in paragraph (c) of subsection (2) of section one hundred and forty of this Act, then if either—

(a) the claimant, without referring that objection to the Lands Tribunal, and before the time for so referring it has expired, gives notice to the appropriate authority that he accepts the proposal of the authority to acquire the part of the affected area specified in the counter-notice, and withdraws his claim as to the remainder of that area, or

(b) on a reference to the Lands Tribunal, the Tribunal makes a declaration in accordance with subsection (5) of the last preceding section in respect of that part of the affected area,

the appropriate authority shall be deemed to be authorised to acquire compulsorily under the appropriate enactment the interest of the claimant in so far it subsists in the part of the affected area specified in the counter-notice (but not in so far as it subsists in any other part of that area) and to have served a notice to treat in respect thereof on the date mentioned in the next following subsection.

(4) The said date—

(a) in a case falling within paragraph (a) of the last preceding subsection, is the date on which notice is given in accordance with that paragraph, and

(b) in a case falling within paragraph (b) of that subsection, is the date specified in directions given by the Lands Tribunal in accordance with subsection (6) of the last preceding section.

Compensation  
for  
acquisition in  
pursuance of  
notice  
requiring  
purchase.

**143.**—(1) Subject to the next following subsection, the compensation payable in respect of a compulsory acquisition in pursuance of a notice served under these provisions in respect of a hereditament—

(a) shall not include any amount attributable to damage sustained by reason that the hereditament is severed from other land held therewith, and

(b) shall not include any amount attributable to disturbance.

(2) Paragraph (a) of the preceding subsection shall not apply to an amount attributable to damage sustained by reason that the hereditament is severed from agricultural land held therewith.

(3) The compensation payable in respect of a compulsory acquisition in pursuance of a notice served under these provisions in respect of an agricultural unit shall not include any amount attributable to disturbance.

**144.**—(1) Subject to the next following subsection, the person by whom a notice has been served under section one hundred and thirty-nine of this Act may withdraw the notice at any time before the compensation payable in respect of a compulsory acquisition in pursuance of the notice has been determined by the Lands Tribunal, or at any time before the end of the period of six weeks beginning with the date on which the compensation is so determined; and, where such a notice is withdrawn by virtue of this subsection, any notice to treat deemed to have been served in consequence thereof shall be deemed to have been withdrawn. Withdrawal of notice requiring purchase.

(2) A person shall not be entitled by virtue of the preceding subsection to withdraw a notice after the appropriate authority have exercised a right of entering upon and taking possession of land in pursuance of a notice to treat deemed to have been served in consequence of that notice.

(3) No compensation shall be payable in respect of the withdrawal of a notice to treat which is deemed to have been withdrawn by virtue of subsection (1) of this section.

**145.**—(1) The provisions of subsections (2) and (3) of this section shall have effect where the grounds of objection specified in a counter-notice served under section one hundred and forty of this Act consist of or include the grounds mentioned in paragraph (b) of subsection (2) of that section, and either— Effect on powers of compulsory acquisition of counter-notice disclaiming intention to acquire.

(a) the objection on the grounds mentioned in that paragraph is referred to and upheld by the Lands Tribunal, or

(b) the time for referring that objection to the Lands Tribunal expires without its having been so referred.

(2) If a compulsory purchase order has been made under the appropriate enactment in respect of land which consists of or includes the whole or part of the hereditament or agricultural unit to which the counter-notice relates, or if the land in question falls within paragraph (d) of subsection (1) of section one hundred and thirty-eight of this Act, any power conferred by that order, or by the special enactment, as the case may be, for the compulsory acquisition of the interest of the claimant in the hereditament or agricultural unit or any part thereof shall cease to have effect.

(3) If the land in question falls within paragraph (a) of subsection (1) of section one hundred and thirty-eight of this Act, then (without prejudice to the effect of any subsequent designation)

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the development plan shall have effect as if no part of the hereditament, or (in the case of an agricultural unit) no part of the affected area, were designated therein as land subject to compulsory acquisition.

(4) The provisions of subsections (5) and (6) of this section shall have effect where the grounds of objection specified in a counter-notice under section one hundred and forty of this Act consist of or include the grounds mentioned in paragraph (c) of subsection (2) of that section, and either—

(a) the objection on the grounds mentioned in that paragraph is referred to and upheld by the Lands Tribunal, or

(b) the time for referring that objection to the Lands Tribunal expires without its having been so referred; and in those subsections any reference to “the part of the affected area not required” is a reference to the whole of that area except the part specified in the counter-notice as being the part which the appropriate authority propose to acquire as mentioned in the counter-notice.

(5) If a compulsory purchase order has been made under the appropriate enactment in respect of land which consists of or includes any of the part of the affected area not required, or if the land in question falls within paragraph (d) of subsection (1) of section one hundred and thirty-eight of this Act, any power conferred by that order, or by the special enactment, as the case may be, for the compulsory acquisition of the interest of the claimant in any land comprised in the part of the affected area not required shall cease to have effect.

(6) If the land in question falls within paragraph (a) of subsection (1) of section one hundred and thirty-eight of this Act, then (without prejudice to the effect of any subsequent designation) the development plan shall have effect as if no land comprised in the part of the affected area not required were designated therein as land subject to compulsory acquisition.

Death of claimant after service of notice requiring purchase.

**146.**—(1) In relation to any time after the death of a person who has served a notice under section one hundred and thirty-nine of this Act, the provisions mentioned in the next following subsection shall apply as if any reference therein to the claimant were a reference to the claimant’s personal representatives.

(2) The said provisions are subsection (1) of section one hundred and forty, subsection (1) of section one hundred and forty-one and subsection (3) of section one hundred and forty-two of this Act.

“Appropriate authority” for purposes of these provisions.

**147.**—(1) Subject to the following provisions of this section, in these provisions “the appropriate authority”, in relation to any land, means the government department, local authority or other body by whom, in accordance with the circumstances by

virtue of which the land falls within any of the specified descriptions, the land is liable to be acquired or is indicated as being proposed to be acquired.

(2) If any question arises—

- (a) whether the appropriate authority in relation to any land for the purposes of these provisions is the Minister of Transport or a local highway authority, or
- (b) which of two or more local highway authorities is the appropriate authority in relation to any land for those purposes,

that question shall be referred to the Minister of Transport, whose decision shall be final.

(3) Subject to the last preceding subsection, if any question arises as to which of two or more local authorities is the appropriate authority in relation to any land for the purposes of these provisions, that question shall be referred to the Minister, whose decision shall be final.

148.—(1) Subject to the following provisions of this section, in these provisions “the appropriate enactment”, in relation to land falling within any of the specified descriptions, means the enactment which provides for the compulsory acquisition of land as being land falling within that description. “Appropriate enactment” for purposes of these provisions.

(2) In relation to land falling within the description contained in paragraph (b) of subsection (1) of section one hundred and thirty-eight of this Act an enactment shall, for the purposes of the preceding subsection, be taken to be an enactment which provides for the compulsory acquisition of land as being land falling within that description if—

- (a) the enactment provides for the compulsory acquisition of land for the purposes of the functions which are indicated in the development plan as being the functions for the purposes of which the land is allocated or is proposed to be developed, or
- (b) where no particular functions are so indicated in the development plan, the enactment provides for the compulsory acquisition of land for the purposes of any of the functions of the government department, local authority or other body for the purposes of whose functions the land is allocated or is defined as the site of proposed development.

(3) Where, in accordance with the circumstances by virtue of which any land falls within any of the specified descriptions, it is indicated that the land is proposed to be acquired for highway purposes, any enactment under which a highway authority are or (subject to the fulfilment of the relevant conditions) could be authorised to acquire that land compulsorily for highway

## PART VIII

purposes shall, for the purposes of subsection (1) of this section, be taken to be an enactment providing for the compulsory acquisition of that land as being land falling within the description in question.

(4) In the last preceding subsection the reference to the fulfilment of the relevant conditions is a reference to such one or more of the following as are applicable to the circumstances in question, that is to say,—

- (a) the coming into operation of any requisite order under the provisions of Part II of the Highways Act, 1959, relating to trunk roads ;
- (b) the coming into operation of any requisite scheme or order under the provisions of the said Part II relating to special roads ;
- (c) the making or approval of any requisite plans.

(5) If, apart from this subsection, two or more enactments would be the appropriate enactment in relation to any land for the purposes of these provisions, the appropriate enactment for those purposes shall be taken to be that one of those enactments under which, in the circumstances in question, it is most likely that (apart from these provisions) the land would have been acquired by the appropriate authority.

(6) If any question arises as to which enactment is the appropriate enactment in relation to any land for the purposes of these provisions, that question shall be referred—

- (a) where the appropriate authority are a government department, to the Minister or Board in charge of that department ;
- (b) where the appropriate authority are a local highway authority, to the Minister of Transport ;
- (c) where the appropriate authority are statutory undertakers, to the appropriate Minister ; and
- (d) in any other case, to the Minister,

and the decision of the Minister or Board to whom a question is referred under this subsection shall be final.

Meaning of  
“owner-  
occupier” and  
“resident  
owner-  
occupier”.

**149.**—(1) Subject to the following provisions of this section, in these provisions “owner-occupier”, in relation to a hereditament, means a person who—

- (a) occupies the whole or part of the hereditament in right of an owner's interest therein, and has so occupied the hereditament or that part thereof during the whole of the period of six months ending with the date of service, or
- (b) occupied, in right of an owner's interest, the whole or part of the hereditament during the whole of a period



of six months ending not more than six months before the date of service, the hereditament, or that part thereof, as the case may be, having been unoccupied since the end of that period.

(2) Subject to the following provisions of this section, in these provisions "owner-occupier", in relation to an agricultural unit, means a person who—

- (a) occupies the whole of that unit, and has occupied it during the whole of the period of six months ending with the date of service, or
- (b) occupied the whole of that unit during the whole of a period of six months ending not more than six months before the date of service,

and, at all times material for the purposes of paragraph (a) or paragraph (b) of this subsection, as the case may be, has been entitled to an owner's interest in the whole or part of that unit.

(3) In these provisions "resident owner-occupier", in relation to a hereditament, means an individual who—

- (a) occupies the whole or part of the hereditament as a private dwelling in right of an owner's interest therein, and has so occupied the hereditament or that part thereof, as the case may be, during the whole of the period of six months ending with the date of service, or
- (b) occupied, in right of an owner's interest, the whole or part of the hereditament as a private dwelling during the whole of a period of six months ending not more than six months before the date of service, the hereditament, or that part thereof, as the case may be, having been unoccupied since the end of that period.

(4) In this section "owner's interest", in relation to a hereditament or agricultural unit, means a freehold interest therein or a tenancy thereof granted or extended for a term of years certain of which, on the date of service, not less than three years remain unexpired; and in this and the next following section "date of service", in relation to a hereditament or agricultural unit, means the date of service of a notice in respect thereof under section one hundred and thirty-nine of this Act.

**150.**—(1) Subject to the following provisions of this section, in these provisions the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"the affected area", in relation to an agricultural unit, means so much of that unit as, on the date of service, consists of land falling within any of the specified descriptions:

General  
interpretation  
of these  
provisions.

## PART VIII

“ agricultural unit ” means land which is occupied as a unit for agricultural purposes, including any dwellinghouse or other building occupied by the same person for the purpose of farming the land ;

“ annual value ”, in relation to a hereditament, means the value which, on the date of service, is shown in the valuation list as the rateable value of that hereditament, except that, where the rateable value differs from the net annual value, it means the value which on that date is shown in the valuation list as the net annual value thereof ;

“ the claimant ” has the meaning assigned to it by subsection (4) of section one hundred and thirty-nine of this Act ;

“ hereditament ” means the aggregate of the land which forms the subject of a single entry in the valuation list for the time being in force for a rating area ;

“ special enactment ” means a local enactment, or a provision contained in an Act other than a local or private Act, being a local enactment or provision authorising the compulsory acquisition of land specifically identified therein ; and in this definition “ local enactment ” means a local or private Act, or an order confirmed by Parliament or brought into operation in accordance with special parliamentary procedure ;

“ the specified descriptions ” and “ these provisions ” have the meanings assigned to them respectively by subsection (5) of section one hundred and thirty-eight of this Act.

(2) Where any land is on the boundary between two or more rating areas, and accordingly—

(a) different parts of that land form the subject of single entries in the valuation lists for the time being in force for those areas respectively, but

(b) if the whole of that land had been in one of those areas, it would have formed the subject of a single entry in the valuation list for that area,

the whole of that land shall be treated, for the purposes of the definition of “ hereditament ” in the preceding subsection, as if it formed the subject of a single entry in the valuation list for a rating area.

(3) Land which forms the subject of an entry in the valuation list by reason only that it is land over which any shooting, fishing or other sporting rights are exercisable, or that it is land over which a right of exhibiting advertisements is let out or reserved, shall not be taken to be a hereditament within the said definition.

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(4) Where, in accordance with subsection (2) of this section, land whereof different parts form the subject of single entries in the valuation lists for the time being in force for two or more rating areas is treated as if it formed the subject of a single entry in the valuation list for a rating area, the definition of "annual value" in subsection (1) of this section shall apply as if any reference therein to a value shown in the valuation list were a reference to the aggregate of the values shown (as rateable values or as net annual values, as the case may be) in those valuation lists in relation to the different parts of that land.

(5) Any reference in these provisions to a development plan is a reference to such a plan in the form in which (whether as originally made or approved by the Minister or as subsequently amended) that plan is for the time being in force.

**151.**—(1) The provisions of this section shall have effect for the purposes of the application of these provisions to a hereditament or agricultural unit occupied for the purposes of a partnership firm. Special provisions as to partnerships.

(2) Occupation for the purposes of the firm shall be treated as occupation by the firm, and not as occupation by any one or more of the partners individually, and the definitions of "owner-occupier" in subsections (1) and (2) of section one hundred and forty-nine of this Act shall apply in relation to the firm accordingly.

(3) If, after the service by the firm of a notice under section one hundred and thirty-nine of this Act, any change occurs (whether by death or otherwise) in the constitution of the firm, any proceedings, rights or obligations consequential upon that notice may be carried on or exercised by or against, or (as the case may be) shall be incumbent upon, the partners for the time being constituting the firm.

(4) Nothing in this section or elsewhere in these provisions shall be construed as indicating an intention to exclude the operation of section nineteen of the Interpretation Act, 1889 (whereby, unless the contrary intention appears, "person" includes any body of persons corporate or unincorporate) in relation to any of these provisions.

(5) Subsection (2) of this section shall not affect the definition of "resident owner-occupier" in subsection (3) of section one hundred and forty-nine of this Act.

*Supplementary provisions*

**152.** Without prejudice to the provisions of subsection (1) of section one hundred and forty-four of this Act, the power conferred by section thirty-one of the Land Compensation Act, 1961, to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of any of the provisions of this Part of this Act. No withdrawal of constructive notice to treat.

PART IX  
HIGHWAYS

Stopping up  
and diversion  
of highways.

**153.**—(1) The Minister of Transport may by order authorise the stopping up or diversion of any highway, if he is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III of this Act, or to be carried out by a government department.

(2) Any order made under this section may make such provision as appears to the Minister of Transport to be necessary or expedient for the provision or improvement of any other highway, and may direct—

- (a) that any highway so provided or improved shall for the purposes of the Highways Act, 1959, be a highway maintainable at the public expense ;
- (b) that the said Minister, or any local authority specified in that behalf in the order, shall be the highway authority for that highway ;
- (c) in the case of a highway for which the said Minister is to be the highway authority, that the highway shall, on such date as may be specified in the order, become a trunk road within the meaning of the Highways Act, 1959.

(3) Any order made under this section may contain such incidental and consequential provisions as appear to the Minister of Transport to be necessary or expedient, including in particular provision for authorising that Minister, or requiring any other authority or person specified in the order,—

- (a) to pay, or to make contributions in respect of, the cost of doing any work provided for by the order or any increased expenditure to be incurred which is attributable to the doing of any such work, or
- (b) to repay, or to make contributions in respect of, any compensation paid by the highway authority in respect of restrictions imposed under section one or section two of the Restriction of Ribbon Development Act, 1935, in relation to any highway stopped up or diverted under the order.

(4) The powers of the Minister of Transport under subsection (1) of this section shall include power to make an order authorising the stopping up or diversion of any highway which is temporarily stopped up or diverted under any other enactment.

(5) The provisions of this section shall have effect without prejudice to—

- (a) any power conferred on the Minister of Transport by any other enactment to authorise the stopping up or diversion of a highway, or

- (b) the provisions of section three of the Acquisition of Land (Authorisation Procedure) Act, 1946, or
- (c) the provisions of section one hundred and fifty-five of this Act.

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**154.**—(1) Before making an order under the last preceding section, the Minister of Transport shall publish in at least one local newspaper circulating in the relevant area, and in the London Gazette, a notice—

Procedure in relation to orders under s. 153.

- (a) stating the general effect of the order ;
- (b) specifying a place in the relevant 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 during a period of three months from the date of the publication of the notice ; and
- (c) stating that, within that period, any person may by notice to that Minister object to the making of the order.
- (2) Not later than the date on which that notice is so published, the Minister of Transport—

- (a) shall serve a copy of the notice, together with a copy of the draft order and of any relevant map or plan, on every local authority in whose area any highway to which the order relates is situated, and on any water, hydraulic power, gas or electricity undertakers having any cables, mains, pipes or wires laid along, across, under or over any highway to be stopped up or diverted under the order, and
- (b) shall cause a copy of the notice to be displayed in a prominent position at the ends of so much of any highway as is proposed to be stopped up or diverted under the order.

(3) If before the end of the said period of three months an objection is received by the Minister of Transport from any local authority or undertakers on whom a notice is required to be served under the last preceding subsection, or from any other person appearing to him to be affected by the order, and the objection is not withdrawn, the said Minister shall cause a local inquiry to be held :

Provided that, if the objection is made by a person other than such a local authority or undertakers, the said Minister may dispense with such an inquiry if he is satisfied that in the special circumstances of the case the holding of such an inquiry is unnecessary.

(4) After considering any objections to the order which are not withdrawn, and, where a local inquiry is held, the report of the person who held the inquiry, the Minister of Transport:

## PART IX

(subject to the next following subsection) may make the order either without modification or subject to such modifications as he thinks fit.

(5) Where the order contains a provision requiring any such payment, repayment or contribution as is mentioned in paragraph (a) or paragraph (b) of subsection (3) of the last preceding section, and objection to that provision is duly made, in accordance with subsection (3) of this section, by an authority or person who would be required thereby to make such a payment, repayment or contribution, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

(6) Immediately after the order has been made, the Minister of Transport shall publish, in the manner specified in subsection (1) of this section, a notice stating that the order has been made, and naming a place where a copy of the order may be seen at all reasonable hours; and the provisions of subsection (2) of this section shall have effect in relation to any such notice as they have effect in relation to a notice under subsection (1) of this section.

(7) In this section "the relevant area", in relation to an order, means the area in which any highway to which the order relates is situated, and "local authority" means the council of a county, county borough, county district or parish, or of a borough included in a rural district, and the parish meeting of a rural parish not having a separate parish council.

Extinguishment of public rights of way over land held for planning purposes.

**155.**—(1) Where any land has been acquired or appropriated for planning purposes, and is for the time being held by a local authority for the purposes for which it was acquired or appropriated, the Minister may by order extinguish any public right of way over the land if he is satisfied that an alternative right of way has been or will be provided or that the provision of an alternative right of way is not required.

(2) The provisions of the last preceding section (except subsection (5) thereof) shall have effect in relation to orders under this section as they have effect in relation to orders under section one hundred and fifty-three of this Act, with the substitution, for references to the Minister of Transport, of references to the Minister.

(3) In this section any reference to the acquisition or appropriation of land for planning purposes shall be construed in accordance with subsection (1) of section eighty-seven of this Act as if this section were in Part V of this Act.

Compulsory acquisition of land in connection with highways.

**156.**—(1) The Minister of Transport or a local highway authority may be authorised to acquire land compulsorily—

(a) for the purpose of providing or improving any highway which is to be provided or improved in pursuance of an order under section one hundred and fifty-three of

this Act, or for any other purpose for which land is required in connection with such an order, or

- (b) for the purpose of providing any public right of way which is to be provided as an alternative to a right of way extinguished under the last preceding section.

(2) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the acquisition of land under this section, and accordingly shall have effect—

- (a) as if this section had been in force immediately before the commencement of that Act, and  
(b) as if this section were included among the enactments specified in paragraph (b) of subsection (1) of section one of that Act.

**157.**—(1) In relation to orders under section one hundred and fifty-three of this Act, regulations made under this Act by the Minister of Transport may make provision for securing that any proceedings required to be taken for the purposes of the acquisition of land under the last preceding section (as mentioned in paragraph (a) of subsection (1) of the last preceding section) may be taken concurrently with any proceedings required to be taken for the purposes of the order.

Concurrent proceedings in connection with highways.

(2) In relation to orders under section one hundred and fifty-five of this Act, regulations made under this Act may make provision for securing—

- (a) that any proceedings required to be taken for the purposes of such an order may be taken concurrently with any proceedings required to be taken for the purposes of the acquisition of the land over which the right of way is to be extinguished, or  
(b) that any proceedings required to be taken for the purposes of the acquisition of any other land under the last preceding section (as mentioned in paragraph (b) of subsection (1) of the last preceding section) may be taken concurrently with either or both of the proceedings referred to in the preceding paragraph.

**158.**—(1) Where in pursuance of an order under section one hundred and fifty-three of this Act a highway is stopped up or diverted, and, immediately before the date on which the order became operative, there was under, in, on, over, along or across the highway a telegraphic line belonging to or used by the Postmaster-General, the Postmaster-General shall have the same powers in respect of that line as if the order had not become operative:

Provisions as to telegraphic lines.

Provided that if any person entitled to land over which the highway subsisted requires that the telegraphic line should be altered, paragraphs (1) to (8) of section seven of the Telegraph Act, 1878, shall apply to the alteration, and accordingly shall

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have effect, subject to any necessary modifications, as if references therein to undertakers included references to the person so requiring the line to be altered.

(2) Where any such order provides for the improvement of a highway, other than a trunk road, and, immediately before the date on which the order became operative, there was under, in, on, over, along or across the highway a telegraphic line belonging to or used by the Postmaster-General, then if the local highway authority require that that line should be altered, paragraphs (1) to (8) of the said section seven shall apply to the alteration, and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to the local highway authority:

Provided that those paragraphs shall not apply by virtue of this subsection to the alteration of a telegraphic line for the purpose of authority's works as defined in Part II of the Public Utilities Street Works Act, 1950.

(3) Where an order under section one hundred and fifty-five of this Act extinguishing a public right of way is made on the application of a local authority, and at the time of the publication of the notice required by subsection (1) of section one hundred and fifty-four of this Act (as applied by the said section one hundred and fifty-five) there was under, in, on, over, along or across the land over which the right of way subsisted a telegraphic line belonging to or used by the Postmaster-General—

- (a) the power of the Postmaster-General to remove the line shall, notwithstanding the making of the order, be exercisable at any time not later than the end of the period of three months from the date on which the right of way is extinguished, and shall be exercisable in respect of the whole or any part of the line after the end of that period if before the end of that period the Postmaster-General has given notice to the local authority of his intention to remove the line or that part thereof, as the case may be ;
- (b) the Postmaster-General may by notice given in that behalf to the local authority not later than the end of the said period of three months abandon the telegraphic line or any part thereof ;
- (c) subject to the last preceding paragraph, the Postmaster-General shall be deemed at the end of that period to have abandoned any part of the line which he has then neither removed nor given notice of his intention to remove ;
- (d) the Postmaster-General shall be entitled to recover from the local authority the expense of providing, in substitution for the line and any telegraphic line connected



therewith which is rendered useless in consequence of the removal or abandonment of the line, a telegraphic line in such other place as the Postmaster-General may require ;

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- (e) where under the preceding provisions of this subsection the Postmaster-General has abandoned the whole or any part of a telegraphic line, it shall vest in the local authority, and the provisions of the Telegraph Acts, 1863 to 1954, shall not apply in relation to the line or that part thereof with respect to anything done or omitted after the abandonment thereof.

(4) In this section "telegraphic line" and "alter" have the same meanings as in the Telegraph Act, 1878.

## PART X

## STATUTORY UNDERTAKERS

*General provisions*

159.—(1) Where an application for planning permission to develop operational land is made by statutory undertakers, and is referred to the Minister under Part III of this Act, or where an appeal is made to the Minister under Part III of this Act from the decision on such an application, the application or appeal shall be dealt with by the Minister and the appropriate Minister.

Planning permission to develop operational land.

(2) If, on such an application or appeal, the Minister and the appropriate Minister propose to refuse planning permission, or to grant it subject to conditions, they shall notify to the statutory undertakers the decision which they propose to make ; and if, within twenty-eight days from the date on which the statutory undertakers receive that notification, the undertakers make an application to the appropriate Minister in that behalf, the decision shall be embodied in an order made by the Minister and the appropriate Minister, and that order shall be subject to special parliamentary procedure.

(3) Notwithstanding anything in Part III of this Act, planning permission to develop operational land of statutory undertakers shall not, except with their consent, be granted subject to conditions requiring that any buildings or works authorised by the permission shall be removed, or that any use of the land so authorised shall be discontinued, at the end of a specified period.

(4) Subject to the provisions of this Part of this Act as to compensation, the provisions of this Act shall apply to an application which is dealt with under this section by the Minister and the appropriate Minister as if it had been dealt with by the Minister.

## PART X

(5) For the avoidance of doubt it is hereby declared that, for the purposes of the application of the Statutory Orders (Special Procedure) Act, 1945, to any order made by the Minister and the appropriate Minister under this section, the requirements imposed by this Act with respect to the consideration of any such application or appeal as is mentioned in subsection (1) of this section shall be deemed to be requirements with respect to proceedings preliminary to the making of the order within the meaning of section two of the said Act of 1945.

Development  
requiring  
authorisation  
of government  
department.

**160.**—(1) Where, under the enactments regulating the carrying on of a statutory undertaking, the authorisation of a government department is required in respect of any development of operational land, and that department propose to decide—

- (a) to refuse the authorisation on the grounds that planning permission ought not to be granted for the development, and on no other grounds, or
- (b) to grant the authorisation and direct that planning permission shall be deemed to be granted subject to conditions other than conditions imposed as part of the authorisation,

the provisions of subsection (2) of the last preceding section shall apply (subject to any necessary modifications) in relation to that decision, and to the proposal to make that decision, as they apply in relation to any such decision or proposed decision as is mentioned in that subsection.

(2) Where the authorisation of a government department is required as mentioned in the preceding subsection, then, except where that authorisation has been granted without any direction as to the grant of planning permission, the Minister and the appropriate Minister shall not be required to deal with an application for planning permission under subsection (1) of the last preceding section.

(3) The provisions of subsection (3) of section forty-one of this Act shall have effect for the purposes of this section as they have effect for the purposes of that section.

Revocation or  
modification  
of permission  
to develop  
operational  
land.

**161.**—(1) In relation to any planning permission, granted on the application of statutory undertakers, for the development of operational land, the provisions of Part III of this Act with respect to the revocation and modification of planning permission shall have effect as if, for any reference therein to the Minister, there were substituted a reference to the Minister and the appropriate Minister.

(2) Where the Minister and the appropriate Minister propose to confirm or make an order under section twenty-seven of this Act as modified by the preceding subsection, they shall give notice of that proposal to the statutory undertakers, and shall afford them an opportunity of objecting to the proposal; and if any

objection is so made by the statutory undertakers and is not withdrawn, the order shall be subject to special parliamentary procedure. PART X

**162.**—(1) The provisions of Part III of this Act with respect to the making of orders requiring the discontinuance of any use of land or imposing conditions on the continuance thereof, or requiring buildings or works on land to be altered or removed, shall have effect, in relation to operational land of statutory undertakers, as if, for any reference therein to the Minister, there were substituted a reference to the Minister and the appropriate Minister. Order requiring discontinuance of use etc. of operational land.

(2) Where the Minister and the appropriate Minister propose to confirm or make an order under section twenty-eight of this Act as modified by the preceding subsection, they shall give notice of that proposal to the statutory undertakers, and shall afford them an opportunity of objecting to the proposal; and if any objection is so made by the statutory undertakers and is not withdrawn, the order shall be subject to special parliamentary procedure.

**163.**—(1) Notwithstanding anything in paragraph 10 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, a compulsory purchase order to which this section applies may be confirmed or made without the appropriate Minister's certificate. Acquisition of land of statutory undertakers.

(2) This section applies to any compulsory purchase order under this Act authorising the acquisition of land which has been acquired by statutory undertakers for the purposes of their undertaking.

(3) Except where the appropriate Minister's certificate is given, or the land to which the order relates is land designated by a development plan as subject to compulsory acquisition,—

(a) a compulsory purchase order to which this section applies shall be of no effect unless it is confirmed or made by the appropriate Minister jointly with the Minister or Ministers who would apart from this subsection have power to make or confirm it, and

(b) if any objection to such an order is duly made by the statutory undertakers and is not withdrawn, the order shall be subject to special parliamentary procedure.

(4) Where any operational land of statutory undertakers is designated as subject to compulsory acquisition as mentioned in subsection (4) of section five of this Act, any reference in that subsection to an order made by the Minister shall be construed, in relation to that land, as a reference to an order made by the Minister and the appropriate Minister.

## PART X

(5) In this section "the appropriate Minister's certificate" means such a certificate as is mentioned in paragraph 10 of the First Schedule to the said Act of 1946.

Extinguishment of rights of way, and rights as to apparatus, of statutory undertakers.

164.—(1) Where any land has been acquired by a Minister, a local authority or statutory undertakers under Part V of this Act, or has been appropriated by a local authority for planning purposes, and—

- (a) there subsists over that land a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, being a right of way or a right of laying down, erecting, continuing or maintaining apparatus on, under or over the land, or
- (b) there is on, under or over the land apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking.

the acquiring or appropriating authority may serve on the statutory undertakers a notice stating that, at the end of such period as may be specified in the notice, the right will be extinguished, or requiring that, before the end of such period as may be so specified, the apparatus shall be removed.

(2) The statutory undertakers on whom a notice is served under the preceding subsection may, before the end of the period of twenty-eight days from the service of the notice, serve a counter-notice on the acquiring or appropriating authority stating that they object to all or any of the provisions of the notice, and specifying the grounds of their objection.

(3) If no counter-notice is served under the last preceding subsection—

- (a) any right to which the notice relates shall be extinguished at the end of the period specified in that behalf in the notice, and
- (b) if, at the end of the period so specified in relation to any apparatus, any requirement of the notice as to the removal of the apparatus has not been complied with, the acquiring or appropriating authority may remove the apparatus and dispose of it in any way the authority may think fit.

(4) If a counter-notice is served under subsection (2) of this section on a local authority or on statutory undertakers, the authority or undertakers may either withdraw the notice (without prejudice to the service of a further notice) or may apply to the Minister and the appropriate Minister for an order under this section embodying the provisions of the notice, with or without modification.

## PART X

(5) If a counter-notice is served under subsection (2) of this section on a Minister, he may withdraw the notice (without prejudice to the service of a further notice) or he and the appropriate Minister may make an order under this section embodying the provisions of the notice, with or without modification.

(6) In this section any reference to the appropriation of land for planning purposes shall be construed in accordance with subsection (1) of section eighty-seven of this Act as if this section were in Part V of this Act.

**165.**—(1) Where a Minister and the appropriate Minister Orders under propose to make an order under subsection (5) of the last preced- s. 164.  
ing section, they shall prepare a draft of the order.

(2) Before making an order under subsection (4) or subsection (5) of the last preceding section, the Ministers proposing to make the order—

- (a) shall afford to the statutory undertakers on whom notice was served under subsection (1) of that section an opportunity of objecting to the application for, or proposal to make, the order, and
- (b) if any objection is made, shall consider the objection and afford to those statutory undertakers (and, in a case falling within subsection (4) of that section, to the local authority or statutory undertakers on whom the counter-notice was served) an opportunity of appearing before, and being heard by, a person appointed by the Minister and the appropriate Minister for the purpose,

and may then, if they think fit, make the order in accordance with the application or in accordance with the draft order, as the case may be, either with or without modification.

(3) Where an objection to an order under the last preceding section is duly made and is not withdrawn before the making of the order, the order shall be subject to special parliamentary procedure.

(4) Subject to the last preceding subsection, where an order is made under the last preceding section,—

- (a) any right to which the order relates shall be extinguished at the end of the period specified in that behalf in the order, and
- (b) if, at the end of the period so specified in relation to any apparatus, any requirement of the order as to the removal of the apparatus has not been complied with, the acquiring or appropriating authority may remove the apparatus and dispose of it in any way the authority may think fit.

**PART X**  
**Extension or modification of functions of statutory undertakers.**

**166.**—(1) The powers conferred by this section shall be exercisable where, on a representation made by statutory undertakers, it appears to the Minister and the appropriate Minister to be expedient that the powers and duties of those undertakers should be extended or modified, in order—

- (a) to secure the provision of services which would not otherwise be provided, or satisfactorily provided, for any purpose in connection with which a local authority or Minister may be authorised under Part V of this Act to acquire land, or
- (b) to facilitate an adjustment of the carrying on of the undertaking necessitated by any of the acts and events mentioned in the next following subsection.

(2) The said acts and events are—

- (a) the acquisition under Part V of this Act of any land in which an interest was held, or which was used, for the purpose of the carrying on of the undertaking of the statutory undertakers in question ;
- (b) the extinguishment of a right or the imposition of any requirement by virtue of section one hundred and sixty-four of this Act ;
- (c) a decision on an application made by the statutory undertakers for planning permission to develop any such land as is mentioned in paragraph (a) of this subsection ;
- (d) the revocation or modification of planning permission granted on any such application ;
- (e) the making of an order under section twenty-eight of this Act in relation to any such land.

(3) The powers conferred by this section shall also be exercisable where, on a representation made by a local authority or Minister, it appears to the Minister and the appropriate Minister to be expedient that the powers and duties of statutory undertakers should be extended or modified, in order to secure the provision of new services, or the extension of existing services, for any purpose in connection with which the local authority or Minister making the representation may be authorised under Part V of this Act to acquire land.

(4) Where the powers conferred by this section are exercisable, the Minister and the appropriate Minister may, if they think fit, by order provide for such extension or modification of the powers and duties of the statutory undertakers as appears to them to be requisite in order to secure the services in question, as mentioned in paragraph (a) of subsection (1) of this section or in the last preceding subsection, or to secure the adjustment

in question, as mentioned in paragraph (b) of subsection (1) of this section, as the case may be.

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(5) Without prejudice to the generality of the last preceding subsection, an order under this section may make provision—

- (a) for empowering the statutory undertakers to acquire (whether compulsorily or by agreement) any land specified in the order, and to erect or construct any buildings or works so specified ;
- (b) for applying, in relation to the acquisition of any such land or the construction of any such works, enactments relating to the acquisition of land and the construction of works ;
- (c) where it has been represented that the making of the order is expedient for the purposes mentioned in paragraph (a) of subsection (1) of this section, or in subsection (3) of this section, for giving effect to such financial arrangements between the local authority or Minister and the statutory undertakers as they may agree, or as, in default of agreement, may be determined to be equitable in such manner and by such tribunal as may be specified in the order ;
- (d) for such incidental and supplemental matters as appear to the Minister and the appropriate Minister to be expedient for the purposes of the order.

**167.**—(1) As soon as may be after making such a representation as is mentioned in subsection (1) or subsection (3) of the last preceding section—

Procedure in relation to orders under s. 166.

- (a) the statutory undertakers, in a case falling within subsection (1) of that section, or
- (b) the local authority or Minister making the representation, in a case falling within subsection (3) thereof,

shall publish, in such form and manner as may be directed by the Minister and the appropriate Minister, a notice giving such particulars as may be so directed of the matters to which the representation relates, and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made, and shall also, if it is so directed by the Minister and the appropriate Minister, serve a like notice on such persons, or persons of such classes, as may be so directed.

(2) Orders under the last preceding section shall be subject to special parliamentary procedure.

**168.**—(1) Where, on a representation made by statutory undertakers, the appropriate Minister is satisfied that the fulfilment of any obligation incurred by those undertakers in connection with the carrying on of their undertaking has been rendered impracticable by an act or event to which this subsection applies, the appropriate Minister may, if he thinks fit, by order direct that the statutory undertakers shall be relieved of the fulfilment

Relief of statutory undertakers from obligations rendered impracticable.

## PART X

of that obligation, either absolutely or to such extent as may be specified in the order.

(2) The preceding subsection applies to the following acts and events, that is to say—

- (a) the compulsory acquisition under Part V of this Act of any land in which an interest was held, or which was used, for the purpose of the carrying on of the undertaking of the statutory undertakers, and
- (b) the acts and events specified in paragraphs (b) to (e) of subsection (2) of section one hundred and sixty-six of this Act.

(3) As soon as may be after making a representation to the appropriate Minister under subsection (1) of this section, the statutory undertakers shall, as may be directed by the appropriate Minister, either publish (in such form and manner as may be so directed) a notice giving such particulars as may be so directed of the matters to which the representation relates, and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made, or serve such a notice on such persons, or persons of such classes, as may be so directed, or both publish and serve such notices.

(4) If any objection to the making of an order under this section is duly made and is not withdrawn before the order is made, the order shall be subject to special parliamentary procedure.

(5) The provisions of subsection (1) of section eleven of this Act shall have effect, subject to any necessary modifications, in relation to an order made under this section as they have effect in relation to a development plan approved by the Minister under Part II of this Act, as if in those provisions any reference to the local planning authority were a reference to the appropriate Minister.

(6) Subject to the next following subsection, and to the provisions of Part XI of this Act, an order under this section shall become operative on the date on which the notice required by the provisions applied by the last preceding subsection is first published.

(7) Where in accordance with subsection (4) of this section the order is subject to special parliamentary procedure, the last preceding subsection shall not apply.

Objections to orders under ss. 166 and 168.

**169.**—(1) For the purposes of sections one hundred and sixty-six and one hundred and sixty-eight of this Act, an objection to the making of an order thereunder shall not be treated as duly made unless—

- (a) the objection is made within the time and in the manner specified in the notice required by the section under which the order is proposed to be made, and
- (b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.



(2) Where an objection to the making of such an order is duly made in accordance with the preceding subsection and is not withdrawn, the following provisions of this section shall have effect in relation thereto:

Provided that, in the application of those provisions to an order under section one hundred and sixty-six of this Act, any reference to the appropriate Minister shall be construed as a reference to the Minister and the appropriate Minister.

(3) Unless the appropriate Minister decides apart from the objection not to make the order, or decides to make a modification which is agreed to by the objector as meeting the objection, the appropriate Minister, before making a final decision, shall consider the grounds of the objection as set out in the statement, and may, if he thinks fit, require the objector to submit within a specified period a further statement in writing as to any of the matters to which the objection relates.

(4) In so far as the appropriate Minister, after considering the grounds of the objection as set out in the original statement and in any such further statement, is satisfied that the objection relates to a matter which can be dealt with in the assessment of compensation, the appropriate Minister may treat the objection as irrelevant for the purpose of making a final decision.

(5) If, after considering the grounds of the objection as set out in the original statement and in any such further statement, the appropriate Minister is satisfied that, for the purpose of making a final decision, he is sufficiently informed as to the matters to which the objection relates, or if, where a further statement has been required, it is not submitted within the specified period, the appropriate Minister may make a final decision without further investigation as to those matters.

(6) Subject to subsections (4) and (5) of this section, the appropriate Minister, before making a final decision, shall afford to the objector an opportunity of appearing before, and being heard by, a person appointed for the purpose by the appropriate Minister; and if the objector avails himself of that opportunity, the appropriate Minister shall afford an opportunity of appearing and being heard on the same occasion to the statutory undertakers, local authority or Minister on whose representation the order is proposed to be made, and to any other persons to whom it appears to the appropriate Minister to be expedient to afford such an opportunity.

(7) Notwithstanding anything in the preceding provisions of this section, if it appears to the appropriate Minister that the matters to which the objection relates are such as to require investigation by public local inquiry before he makes a final decision, he shall cause such an inquiry to be held; and where he determines to cause such an inquiry to be held, any of the requirements of those provisions to which effect has not been given at the time of that determination shall be dispensed with.

## PART X

(8) In this section any reference to making a final decision, in relation to an order, is a reference to deciding whether to make the order or what modification (if any) ought to be made.

*Compensation*

Right to compensation in respect of certain decisions and orders.

**170.**—(1) Statutory undertakers shall, subject to the following provisions of this Part of this Act, be entitled to compensation from the local planning authority—

- (a) in respect of any decision made in accordance with section one hundred and fifty-nine of this Act whereby planning permission to develop operational land of those undertakers is refused or is granted subject to conditions ;
- (b) in respect of any decision made by a government department in respect of any such land, either refusing an authorisation as mentioned in paragraph (a) of subsection (1) of section one hundred and sixty of this Act, or directing that planning permission shall be deemed to be granted subject to conditions as mentioned in paragraph (b) of that subsection ;
- (c) in respect of any order under section twenty-seven of this Act, as modified by section one hundred and sixty-one thereof, whereby planning permission, granted on the application of those undertakers for the development of any such land, is revoked or modified.

(2) Where, by virtue of section one hundred and sixty-four of this Act, any right vested in or belonging to statutory undertakers is extinguished, or any requirement is imposed on statutory undertakers, those undertakers shall be entitled to compensation from the acquiring or appropriating authority at whose instance the right was extinguished or the requirement imposed.

(3) Notwithstanding anything in subsection (1) of this section, if the decision or order in question relates to land acquired by the statutory undertakers after the seventh day of January, nineteen hundred and forty-seven, and the Minister and the appropriate Minister are satisfied, having regard to the nature, situation and existing development of the land and of any neighbouring land, and to any other material considerations, that it is unreasonable that compensation should be recovered in respect of that decision or order, they may include therein a direction that subsection (1) of this section shall not apply to that decision or order :

Provided that the power conferred by this subsection shall not be exercisable in relation to a decision falling within paragraph (b) of subsection (1) of this section, if the land in question

was acquired by the statutory undertakers (whether compulsorily or by agreement) for the purposes of the development to which the decision relates, and was so acquired with the consent or authority of a government department.

**171.**—(1) Where statutory undertakers are entitled to compensation—

Measure of  
compensation  
to statutory  
undertakers.

- (a) as mentioned in subsection (1) or subsection (2) of the last preceding section, or
- (b) under the provisions of section one hundred and twenty-four in respect of an order made under section twenty-eight of this Act as modified by section one hundred and sixty-two thereof, or
- (c) in respect of a compulsory acquisition of land which has been acquired by those undertakers for the purposes of their undertaking, where the first-mentioned acquisition is effected under a compulsory purchase order confirmed or made without the appropriate Minister's certificate,

the amount of the compensation shall (subject to the next following section) be an amount calculated in accordance with the following provisions of this section.

(2) The said amount, subject to the next following subsection, shall be the aggregate of the following amounts, that is to say—

- (a) the amount of any expenditure reasonably incurred in acquiring land, providing apparatus, erecting buildings or doing work for the purpose of any adjustment of the carrying on of the undertaking rendered necessary by the proceeding giving rise to compensation ;
- (b) whichever of the following is applicable, namely—
  - (i) where such an adjustment is made, the estimated amount of any decrease in net receipts from the carrying on of the undertaking pending the adjustment, in so far as the decrease is directly attributable to the proceeding giving rise to compensation, together with such amount as appears reasonable compensation for any estimated decrease in net receipts from the carrying on of the undertaking in the period after the adjustment has been completed, in so far as the decrease is directly attributable to the adjustment ;
  - (ii) where no such adjustment is made, such amount as appears reasonable compensation for any estimated decrease in net receipts from the carrying on of the undertaking which is directly attributable to the proceeding giving rise to compensation ;

T

## PART X

(c) where the compensation is under subsection (2) of the last preceding section, and is in respect of the imposition of a requirement to remove apparatus, the amount of any expenditure reasonably incurred by the statutory undertakers in complying with the requirement, reduced by the value after removal of the apparatus removed.

(3) Where any such adjustment as is mentioned in paragraph (a) of the last preceding subsection is made, the aggregate amount mentioned in that subsection shall be reduced by such amount (if any) as appears to the Lands Tribunal to be appropriate to offset—

(a) the estimated value of any property (whether moveable or immoveable) belonging to the statutory undertakers and used for the carrying on of their undertaking which, in consequence of the adjustment, ceases to be so used, in so far as the value of the property has not been taken into account under paragraph (c) of the last preceding subsection, and

(b) the estimated amount of any increase in net receipts from the carrying on of the undertaking in the period after the adjustment has been completed, in so far as that amount has not been taken into account under paragraph (b) of the last preceding subsection and is directly attributable to the adjustment,

and by any further amount which appears to the Lands Tribunal to be appropriate, having regard to any increase in the capital value of immoveable property belonging to the statutory undertakers which is directly attributable to the adjustment, allowance being made for any reduction made under paragraph (b) of this subsection.

(4) References in this section to a decrease in net receipts shall be construed as references to the amount by which a balance of receipts over expenditure is decreased, or a balance of expenditure over receipts is increased, or, where a balance of receipts over expenditure is converted into a balance of expenditure over receipts, as references to the aggregate of the two balances; and references to an increase in net receipts shall be construed accordingly.

(5) In this section “proceeding giving rise to compensation” means the particular action (that is to say, the decision, order, extinguishment of a right, imposition of a requirement, or acquisition) in respect of which compensation falls to be assessed, as distinct from any development or project in connection with which that action may have been taken, and “the appropriate Minister’s certificate” has the same meaning as in section one hundred and sixty-three of this Act.

**172.**—(1) Where statutory undertakers are entitled to compensation in respect of such a compulsory acquisition as is mentioned in paragraph (c) of subsection (1) of the last preceding section, the statutory undertakers may by notice in writing under this section elect that the compensation shall be ascertained in accordance with the enactments (other than rule (5) of the rules set out in section five of the Land Compensation Act, 1961) which would be applicable apart from the last preceding section ; and if the undertakers so elect the compensation shall be ascertained accordingly.

**PART X**  
Exclusion of s. 171 at option of statutory undertakers.

(2) An election under this section may be made either in respect of the whole of the land comprised in the compulsory acquisition in question or in respect of part of that land.

(3) Any notice under this section shall be given to the acquiring authority before the end of the period of two months from the date of service of notice to treat in respect of the interest of the statutory undertakers.

**173.**—(1) Where the amount of any such compensation as is mentioned in subsection (1) of section one hundred and seventy-one of this Act falls to be ascertained in accordance with the provisions of that section, the compensation shall, in default of agreement, be assessed by the Lands Tribunal, if apart from this section it would not fall to be so assessed.

Procedure for assessing compensation where s. 171 applies.

(2) For the purposes of any proceedings arising before the Lands Tribunal in respect of compensation falling to be ascertained as mentioned in the preceding subsection, the provisions of sections two and four of the Land Compensation Act, 1961, shall apply as they apply to proceedings on a question referred to the Tribunal under section one of that Act, but with the substitution in section four of that Act, for references to the acquiring authority, of references to the person from whom the compensation is claimed.

*Supplementary provisions*

**174.**—(1) The provisions of this Part of this Act specified in the next following subsection do not apply in relation to the display of advertisements on operational land of statutory undertakers.

Special provisions as to display of advertisements on operational land.

(2) The said provisions are sections one hundred and fifty-nine to one hundred and sixty-two and subsections (1) and (3) of section one hundred and seventy of this Act.

**175.** In relation to statutory undertakers who are local planning authorities, the last preceding section and the provisions specified in subsection (2) thereof shall have effect subject to such exceptions and modifications as may be prescribed by regulations made under this Act.

Special provisions as to statutory undertakers who are local planning authorities.

## PART XI

VALIDITY OF PLANNING INSTRUMENTS AND DECISIONS,  
AND PROCEEDINGS RELATING THERETO

Validity of  
development  
plans and of  
certain  
orders,  
decisions and  
directions.

**176.**—(1) Except as provided by the following provisions of this Part of this Act, the validity of—

- (a) a development plan or an amendment of a development plan, whether before or after it has been approved or made, or
- (b) an order under section one hundred and fifty-three of this Act, whether before or after the order has been made, or
- (c) an order under section one hundred and sixty-eight of this Act, whether before or after the order has been made, or
- (d) any such order as is mentioned in subsection (2) of this section, whether before or after it has been confirmed, or
- (e) any such action on the part of the Minister as is mentioned in subsection (3) of this section,

shall not be questioned in any legal proceedings whatsoever.

(2) The orders referred to in paragraph (d) of the preceding subsection are orders of any of the following descriptions, that is to say—

- (a) any order under section twenty-seven of this Act or under the provisions of that section as applied by or under any other provision of this Act ;
- (b) any order under section twenty-eight of this Act ;
- (c) any tree preservation order ;
- (d) any building preservation order ;
- (e) any order made in pursuance of subsection (4) of section thirty-four of this Act.

(3) The action referred to in paragraph (e) of subsection (1) of this section is action on the part of the Minister of any of the following descriptions, that is to say—

- (a) any decision of the Minister on an application for planning permission referred to him under section twenty-two of this Act ;
- (b) any decision of the Minister on an appeal under section twenty-three of this Act ;
- (c) any decision of the Minister to confirm a purchase notice ;
- (d) any decision of the Minister not to confirm a purchase notice, including any decision not to confirm a purchase notice in respect of part of the land to which it

relates, and including any decision to grant any permission, or give any direction, in lieu of confirming a purchase notice, either wholly or in part ;

- (e) any decision of the Minister relating to an application for consent under a tree preservation order or building preservation order, or relating to an application for consent under any regulations made in accordance with section thirty-four of this Act, or relating to any certificate or direction under any such order or regulations, whether it is a decision of the Minister on appeal or a decision on an application referred to him for determination in the first instance ;
- (f) the giving by the Minister of any direction under section twenty-five of this Act.

(4) Nothing in this section shall affect the exercise of any jurisdiction of any court in respect of any refusal or failure on the part of the Minister to take any such action as is mentioned in the last preceding subsection.

**177.**—(1) Subject to the next following subsection, the validity of an enforcement notice which has been served under Part IV of this Act on the owner and occupier of the land shall not, except by way of an appeal under Part IV of this Act, be questioned in any proceedings whatsoever on any of the grounds specified in paragraphs (b) to (e) of subsection (1) of section forty-six of this Act.

Validity of enforcement notices and similar notices.

(2) The preceding subsection shall not apply to proceedings brought under subsection (5) of section forty-seven of this Act against a person who—

- (a) has held an interest in the land since before the enforcement notice was served under Part IV of this Act, and
- (b) did not have the enforcement notice served on him thereunder, and
- (c) did not appeal against that notice under Part IV of this Act.

(3) The validity of a notice which has been served under section fifty-two of this Act on the owner and occupier of the building to which the notice relates shall not, except by way of an appeal under Part IV of this Act, be questioned in any proceedings whatsoever on the grounds that the works to which the notice relates were not, or were not wholly, works in contravention of subsection (1) of section thirty-three of this Act.

(4) Subject to the next following subsection, the validity of a notice which has been served under section thirty-six of this Act

## PART XI

on the owner and occupier of the land shall not, except by way of an appeal under Part IV of this Act, be questioned in any proceedings whatsoever on any of the grounds specified in paragraphs (a) to (c) of subsection (1) of section fifty-seven of this Act.

(5) The last preceding subsection shall not apply to proceedings brought under section fifty-six of this Act against a person on whom the notice referred to in that subsection was not served, but who has held an interest in the land since before that notice was served on the owner and occupier of the land, if he did not appeal against the notice under Part IV of this Act.

(6) The validity of a notice purporting to be an enforcement notice shall not depend on whether any non-compliance to which the notice relates was a non-compliance with conditions, or with limitations, or with both; and any reference in such a notice to non-compliance with conditions or limitations (whether both expressions are used in the notice or only one of them) shall be construed as a reference to non-compliance with conditions, or with limitations, or both with conditions and limitations, as the case may require.

Proceedings  
for question-  
ing validity  
of development  
plans and of  
orders under  
ss. 153 and 168.

**178.**—(1) If any person aggrieved by a development plan, or by an amendment of a development plan, desires to question the validity thereof or of any provision contained therein on the grounds that it is not within the powers of this Act, or that any requirement of this Act or of any regulation made thereunder has not been complied with in relation to the approval or making of the plan, or, as the case may be, in relation to the making of the amendment, he may, within six weeks from the date on which the notice required by subsection (1) of section eleven of this Act is first published, make an application to the High Court under this section.

(2) On any application under this section the High Court—

(a) may by interim order suspend the operation of the plan or amendment, as the case may be, or of any provision contained therein, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings;

(b) if satisfied that the plan or amendment, or any provision contained therein, is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by a failure to comply with any requirement of this Act or of any regulation made thereunder, may quash the plan or amendment or any provision contained therein, either generally or in so far as it affects any property of the applicant.

(3) The preceding provisions of this section shall apply to an order under section one hundred and fifty-three of this Act as they apply to a development plan, as if, in subsection (1) of this



section, for the reference to the notice therein mentioned, there were substituted a reference to the notice required by subsection (6) of section one hundred and fifty-four of this Act.

(4) Subsections (1) and (2) of this section shall apply, subject to any necessary modifications, to an order under section one hundred and sixty-eight of this Act as they apply in relation to a development plan.

**179.**—(1) If any person—

(a) is aggrieved by any order to which this section applies and desires to question the validity of that order, on the grounds that the order is not within the powers of this Act, or that any of the relevant requirements have not been complied with in relation to that order, or

(b) is aggrieved by any action on the part of the Minister to which this section applies and desires to question the validity of that action, on the grounds that the action is not within the powers of this Act, or that any of the relevant requirements have not been complied with in relation to that action,

Proceedings  
for questioning  
validity of  
other orders,  
decisions and  
directions.

he may, within six weeks from the date on which the order is confirmed or the action is taken, as the case may be, make an application to the High Court under this section.

(2) Without prejudice to the preceding subsection, if the authority directly concerned with any order to which this section applies, or with any action on the part of the Minister to which this section applies, desire to question the validity of that order or action on any of the grounds mentioned in the preceding subsection, the authority may, within six weeks from the date on which the order is confirmed or the action is taken, as the case may be, make an application to the High Court under this section.

(3) This section applies to any such order as is mentioned in subsection (2) of section one hundred and seventy-six of this Act and to any such action on the part of the Minister as is mentioned in subsection (3) of that section.

(4) On any application under this section the High Court—

(a) may by interim order suspend the operation of the order or action, the validity whereof is questioned by the application, until the final determination of the proceedings ;

(b) if satisfied that the order or action in question 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 of the relevant requirements in relation thereto, may quash that order or action :

## PART XI

Provided that paragraph (a) of this subsection shall not apply to applications questioning the validity of tree preservation orders or building preservation orders.

(5) In relation to a tree preservation order, or to an order made in pursuance of subsection (4) of section thirty-four of this Act, the powers conferred on the High Court by the last preceding subsection shall be exercisable by way of quashing or (where applicable) suspending the operation of the order either in whole or in part, as the court may determine.

(6) References in this section to the confirmation of an order do not include the provisional confirmation of an order in pursuance of subsection (6) of section twenty-nine of this Act or in pursuance of subsection (2) of section thirty-one thereof, but (with that exception) include the confirmation of an order subject to modifications as well as the confirmation of an order in the form in which it was made.

(7) In this section "the relevant requirements", in relation to any order or action to which this section applies, means any requirements of this Act or of the Tribunals and Inquiries Act, 1958, or of any order, regulations or rules made under this Act or under that Act, which are applicable to that order or action, and any reference to the authority directly concerned with any order or action to which this section applies—

- (a) in relation to an order made by a local authority other than the local planning authority, and in relation to any decision of the Minister on appeal from a decision made by such a local authority, is a reference to that local authority;
- (b) in relation to any such decision as is mentioned in paragraph (c) or paragraph (d) of subsection (3) of section one hundred and seventy-six of this Act, is a reference to the council on whom the notice in question was served, and, in a case where the Minister has modified such a notice, wholly or in part, by substituting another local authority or statutory undertakers for that council, includes a reference to that local authority or those statutory undertakers;
- (c) in any other case, is a reference to the local planning authority:

Provided that if, in a case falling within paragraph (a) of this subsection, the order or decision in question was made in the exercise of functions delegated to the other local authority by the local planning authority, and it is agreed between the two authorities that the local planning authority shall act in the matter, the reference shall be construed as a reference to the local planning authority.

**180.—**(1) Where the Minister gives a decision in proceedings on an appeal under Part IV of this Act against an enforcement notice, the appellant or the local planning authority or any person (other than the appellant) on whom the enforcement notice was served under Part IV of this Act may, according as rules of court may provide, either appeal to the High Court against the decision on a point of law or require the Minister to state and sign a case for the opinion of the High Court.

PART XI  
Appeals to  
High Court  
relating to  
enforcement  
notices and  
similar notices.

(2) Where the Minister gives a decision in proceedings on an appeal under Part IV of this Act against a notice served under section fifty-two of this Act, the appellant or the local planning authority or any person (other than the appellant) on whom the notice was served may appeal to the High Court against the decision on a point of law.

(3) At any stage of the proceedings on any such appeal as is mentioned in either of the preceding subsections, the Minister may state any question of law arising in the course of the proceedings in the form of a special case for the decision of the High Court; and a decision of the High Court on a case stated by virtue of this subsection shall be deemed to be a judgment of the court within the meaning of section twenty-seven of the Supreme Court of Judicature (Consolidation) Act, 1925 (which relates to the jurisdiction of the Court of Appeal to hear and determine appeals from any judgment of the High Court).

(4) In relation to any proceedings in the High Court or the Court of Appeal brought by virtue of this section the power to make rules of court shall include power to make rules—

- (a) prescribing the powers of the High Court or the Court of Appeal with respect to the remitting of the matter with the opinion or direction of the court for re-hearing and determination by the Minister, and
- (b) providing for the Minister, either generally or in such circumstances as may be prescribed by the rules, to be treated as a party to any such proceedings and to be entitled to appear and to be heard accordingly.

(5) Rules of court relating to any such proceedings as are mentioned in the last preceding subsection may provide for excluding so much of subsection (1) of section sixty-three of the Supreme Court of Judicature (Consolidation) Act, 1925, as requires appeals to the High Court to be heard and determined by a Divisional Court; but no appeal to the Court of Appeal shall be brought by virtue of this section except with the leave of the High Court or the Court of Appeal.

(6) In this section “decision” includes a direction or order, and references to the giving of a decision shall be construed accordingly.

**PART XI**  
 Appeals to  
 High Court  
 against  
 decisions  
 under s. 43

**181.**—(1) If, in the case of any decision to which this section applies, the person who made the application to which the decision relates, or the local planning authority, is dissatisfied with the decision in point of law, that person or the local planning authority (as the case may be) may, according as rules of court may provide, either appeal against the decision to the High Court or require the Minister to state and sign a case for the opinion of the High Court.

(2) This section applies to any decision of the Minister—

- (a) on an application under section forty-three of this Act which is referred to the Minister under the provisions of section twenty-two of this Act as applied by that section, or
- (b) on an appeal from a decision of the local planning authority under section forty-three of this Act, being an appeal brought under the provisions of section twenty-three of this Act as so applied.

(3) Where an application under section forty-three of this Act is made as part of an application for planning permission, the preceding provisions of this section shall have effect in relation to that application in so far as it is an application under the said section forty-three, but not in so far as it is an application for planning permission.

(4) In relation to proceedings in the High Court or the Court of Appeal brought by virtue of this section, the power to make rules of court shall include power to make rules prescribing the powers of the High Court or the Court of Appeal with respect to—

- (a) the giving of any decision which might have been given by the Minister ;
- (b) the remitting of the matter, with the opinion or direction of the court, for re-hearing and determination by the Minister ;
- (c) the giving of directions to the Minister.

(5) Rules of court relating to such proceedings as are mentioned in the last preceding subsection may provide for excluding so much of subsection (1) of section sixty-three of the Supreme Court of Judicature (Consolidation) Act, 1925, as requires appeals to the High Court to be heard and determined by a Divisional Court ; but no appeal to the Court of Appeal shall be brought by virtue of this section except with the leave of the High Court or the Court of Appeal.

(6) Without prejudice to the preceding provisions of this section, the power to make rules of court in relation to proceedings in the High Court or the Court of Appeal brought by virtue of this section shall include power to make rules providing for the Minister, either generally or in such circumstances as may be prescribed by the rules, to be treated as a party to any such proceedings and to be entitled to appear and to be heard accordingly.

**182.** In relation to any action which—

PART XI

- (a) apart from the provisions of Part X of this Act, would fall to be taken by the Minister, and, if so taken, would be action falling within subsection (3) of section one hundred and seventy-six of this Act, but
- (b) by virtue of Part X of this Act, is required to be taken by the Minister and the appropriate Minister,

Special provision as to decisions relating to statutory undertakers.

the provisions of sections one hundred and seventy-six and one hundred and seventy-nine of this Act shall have effect (subject to the next following section) as if any reference in those provisions to the Minister were a reference to the Minister and the appropriate Minister.

**183.**—(1) Where in accordance with subsection (4) of section five of this Act any land to which a development plan relates is designated as subject to compulsory acquisition in pursuance of an order which is subject to special parliamentary procedure, then—

Special provisions as to orders subject to special parliamentary procedure.

- (a) if that order is confirmed by Act of Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, the provisions of sections one hundred and seventy-six and one hundred and seventy-eight of this Act shall not apply to the plan in so far as it so designates that land ;
- (b) in any other case, section one hundred and seventy-eight of this Act shall have effect in relation to the plan, in so far as it so designates that land, as if in subsection (1) of that section, for the reference to the date therein mentioned, there were substituted a reference to the date on which the order becomes operative under section six of the said Act of 1945.

(2) Where an order under section one hundred and fifty-three or section one hundred and sixty-eight of this Act is subject to special parliamentary procedure, then—

- (a) if the order is confirmed by Act of Parliament under section six of the said Act of 1945, the provisions of sections one hundred and seventy-six and one hundred and seventy-eight of this Act shall not apply to the order ;
- (b) in any other case, section one hundred and seventy-eight of this Act shall have effect in relation to the order as if, in subsection (1) of that section, for the reference to the date therein mentioned, there were substituted a reference to the date on which the order becomes operative under section six of the said Act of 1945.

(3) Where by virtue of Part X of this Act any such action as is mentioned in the last preceding section is required to be embodied in an order, and that order is subject to special parliamentary procedure, then—

## PART XI

- (a) if the order in which the action is embodied is confirmed by Act of Parliament under section six of the said Act of 1945, the provisions of sections one hundred and seventy-six and one hundred and seventy-nine of this Act shall not apply ;
- (b) in any other case, the provisions of section one hundred and seventy-nine of this Act shall apply with the substitution, for any reference to the date on which the action is taken, of a reference to the date on which the order becomes operative under section six of the said Act of 1945.

## PART XII

## FINANCIAL PROVISIONS

Exchequer  
grants to  
local  
authorities.

**184.**—(1) Regulations made under this section with the consent of the Treasury may provide for the payment by the Minister to local authorities of grants of such amounts, and payable over such periods and subject to such conditions, as may be determined by or under the regulations in respect of expenditure incurred by those authorities, whether before or after the commencement of this Act,—

- (a) in connection with the acquisition for war-damage redevelopment of land approved by the Minister for the purposes of the regulations, or in connection with the clearing or preliminary development of land acquired for such redevelopment by those authorities with such approval ;
- (b) in the payment of compensation in respect of land of the National Coal Board to which the relevant provisions relating to statutory undertakers apply by virtue of regulations made under section two hundred and four of this Act, being compensation payable under Part VII of this Act or under Part X thereof, otherwise than as mentioned in subsection (2) of section one hundred and seventy or in paragraph (c) of subsection (1) of section one hundred and seventy-one of this Act ;
- (c) in taking any action under section twenty-eight, section thirty-seven or subsection (2) of section sixty-one of this Act in respect of such land of the National Coal Board as is mentioned in the last preceding paragraph.

(2) Regulations made under this section may provide for the payment of grants thereunder, in such cases and subject to such conditions as may be prescribed by or under the regulations, in respect of land appropriated by local authorities (whether before or after the commencement of this Act) for any purpose approved by the Minister in accordance with the regulations, as if the land had been acquired for that purpose at a cost of such amount, and defrayed in such manner as may be determined by or under the regulations.

(3) Without prejudice to the generality of the preceding provisions of this section, any regulations made under this section may provide—

- (a) for the inclusion, in the expenditure incurred by local authorities in the acquisition of land approved by the Minister for the purposes of the regulations, of any sums, or any part of sums, paid by those authorities in connection with any restriction imposed on the development or use of the land by or under any enactment (whether by way of compensation or by way of contribution towards damage or expense incurred in consequence of the restriction);
  - (b) for the calculation of grants payable under the regulations by reference to the amount of the annual costs incurred or treated as being incurred by local authorities in respect of the borrowing of money to defray expenditure in respect of which the grants are made, or by reference to the excess of such annual costs over receipts of those authorities which are attributable to such expenditure, or over the annual value of such receipts, as may be prescribed by the regulations.
- (4) In this section—

“war-damage redevelopment” means the redevelopment as a whole of an area of extensive war damage, and includes the relocation of population or industry, or the replacement of open space, in the course of such redevelopment;

“preliminary development”, in relation to land approved for the purposes of regulations made under this section, means the carrying out of any work determined in accordance with the regulations to be work preparatory to the development of the land for the purposes for which it was acquired or appropriated, or work comprised in the initial stages of such development;

“the relevant provisions relating to statutory undertakers” means all or any of the following provisions of this Act, that is to say, sections one hundred and fifty-nine to one hundred and sixty-two, subsection (1) of section one hundred and seventy, and section one hundred and seventy-one (excluding paragraph (c) of subsection (1) thereof).

**185.**—(1) Subject to the following provisions of this section, **Maximum amounts of grants.**  
the amount of any grant paid to a local authority in accordance with regulations made under the last preceding section—

- (a) where that amount is calculated by reference to annual costs incurred or treated as incurred by the authority in

## PART XII

respect of the borrowing of money to defray expenditure in respect of which the grant is made, or by reference to the excess of such annual costs over the receipts, or the annual value of receipts, mentioned in paragraph (b) of subsection (3) of that section, shall not exceed an amount equal to fifty per cent. of those costs, or of that excess, as the case may be ;

(b) in any other case, shall not exceed an amount equal to fifty per cent. of the amount of the expenditure in respect of which the grant is made.

(2) In respect of land of any of the following descriptions, that is to say—

(a) land comprised in a compulsory purchase order made by a local authority under the Act of 1944 or the Act of 1947, and confirmed before the twenty-sixth day of February, nineteen hundred and fifty-four, being land acquired for war-damage redevelopment ;

(b) land acquired by agreement for war-damage redevelopment with the consent of the Minister given before that date ;

(c) land appropriated by a local authority for war-damage redevelopment before that date ; and

(d) land acquired or appropriated for war-damage redevelopment (whether before or after that date), being land contiguous or adjacent to land falling within any of the preceding paragraphs,

paragraph (a) of the preceding subsection shall apply (subject to the next following subsection) as if for the words “ fifty per cent.” there were substituted the words “ ninety per cent.”.

(3) The last preceding subsection shall not authorise the payment, in the case of any land, of a grant at a higher rate in respect of a year or part of a year which, together with the preceding years or parts of years in respect of which grants at a higher rate have been paid in the case of that land, would extend beyond a total period of eight years.

(4) In this section “ war-damage redevelopment ” has the same meaning as in the last preceding section, and references to a grant at a higher rate are references to a grant of an amount which—

(a) was or would have been authorised by section ninety-three of the Act of 1947 as that section had effect or would have had effect apart from section fifty of the Act of 1954 and the Local Government Act, 1958, and this Act, but

(b) otherwise than by virtue of the provisions of the Act of 1954 corresponding to subsections (2) and (3) of this section, was not or would not have been authorised by



the provisions substituted by the Act of 1954 for the said section ninety-three. PART XII

**186.**—(1) Any approval of the Minister required for the purposes of the payment of grant under section one hundred and eighty-four of this Act in connection with the acquisition of land may be given subject to compliance with requirements imposed by the Minister for securing that any negotiations for the acquisition of the land by the local authority will be carried out by the Valuation Office, and that any valuation of the land for the purposes of the acquisition, or for any purposes of the regulations, will be made by that office. Supplementary provisions as to Exchequer grants.

(2) Subject to the preceding subsection, any regulations made for the purposes of section one hundred and eighty-four of this Act may make provision whereby the payment of grants in pursuance of the regulations is dependent upon the fulfilment of such conditions as may be determined by or in accordance with the regulations, and may also make provision for requiring local authorities to whom grants have been so paid to comply with such requirements as may be so determined.

**187.** The power of the Public Works Loan Commissioners to make loans under section nine of the Public Works Loans Act, 1875, shall include power to make loans to a local authority for the purpose of the discharge by them of their functions under any of the provisions of this Act specified in paragraph 1 of the Eighth Schedule thereto. Loans to local authorities.

**188.** Where compensation is payable by a local authority under this Act in consequence of any decision or order given or made under Part III of this Act, or under the provisions of Part VIII of this Act relating to purchase notices, then if that decision or order was given or made wholly or partly in the interest of a service which is provided by a government department, and the cost of which is defrayed out of moneys provided by Parliament, the Minister responsible for the administration of that service may pay to that authority a contribution of such amount as he may with the consent of the Treasury determine. Contributions by Ministers towards compensation paid by local authorities.

**189.**—(1) Without prejudice to the provisions of subsections (1) and (3) of section two hundred and thirty-eight of the Highways Act, 1959 (which relate to contributions by certain local authorities towards expenses incurred in connection with highways), any local authority may contribute towards any expenses incurred by a local highway authority or by the Minister of Transport in the acquisition of land under Part V of this Act, or in the construction or improvement of roads on land so acquired, or in connection with any development required in the interests of the proper planning of the area of the local authority. Contributions by local authorities and statutory undertakers.

## PART XII

(2) Any local authority and any statutory undertakers may contribute towards—

- (a) any expenses incurred by a local planning authority in or in connection with the carrying out of a survey or the preparation of a development plan under Part II of this Act;
- (b) any expenses incurred by a local planning authority, or by the council of a county district, in or in connection with the performance of any of their functions under Part III, Part IV or Part V of this Act or under the provisions of Part VIII of this Act relating to purchase notices.

(3) Where any expenses are incurred by a local authority in the payment of compensation payable in consequence of anything done under Part III of this Act, or under the provisions of Part VIII of this Act relating to purchase notices, the Minister may, if it appears to him to be expedient to do so, require any other local authority to contribute towards those expenses such sum as appears to him to be reasonable, having regard to any benefit accruing to that authority by reason of the proceeding giving rise to the compensation.

(4) The provisions of the last preceding subsection shall apply in relation to payments made by a local authority to any statutory undertakers in accordance with financial arrangements to which effect is given under paragraph (c) of subsection (5) of section one hundred and sixty-six of this Act, as they apply in relation to compensation payable by such an authority in consequence of anything done under Part III of this Act, and the reference in the last preceding subsection to the proceeding giving rise to the compensation shall be construed accordingly.

(5) For the purposes of this section, contributions made by a local planning authority towards the expenditure of a joint advisory committee shall be deemed to be expenses incurred by that authority for the purposes for which that expenditure is incurred by the committee.

Recovery from  
acquiring  
authorities  
of sums paid  
by way of  
compensation.

**190.**—(1) Where an interest in land is compulsorily acquired, or is sold to an authority possessing compulsory purchase powers, and any of the land comprised in the acquisition or sale is land in respect of which a notice to which this section applies is registered (whether before or after the completion of the acquisition or sale) in respect of a planning decision or order made before the service of the notice to treat, or the making of the contract, in pursuance of which the acquisition or sale is effected, the Minister shall, subject to the following provisions of this section, be entitled to recover from the acquiring authority a sum equal to so much of the amount of the compensation

specified in the notice as (in accordance with subsection (6) of section one hundred and twelve of this Act) is to be treated as attributable to that land.

(2) This section applies to notices registered under subsection (5) of section one hundred and twelve of this Act and to notices registered under the provisions of that subsection as applied by subsection (5) of section one hundred and twenty of this Act.

(3) If, immediately after the completion of the acquisition or sale, there is outstanding some interest in the land comprised therein to which a person other than the acquiring authority is entitled, the sum referred to in subsection (1) of this section shall not accrue due until that interest either ceases to exist or becomes vested in the acquiring authority.

(4) No sum shall be recoverable under this section in the case of a compulsory acquisition or sale where the Minister is satisfied that the interest in question is being acquired for the purposes of the use of the land as a public open space.

(5) Where by virtue of the preceding provisions of this section the Minister recovers a sum in respect of any land, by reason that it is land in respect of which a notice is registered under the provisions of subsection (5) of section one hundred and twelve of this Act as applied by section one hundred and twenty of this Act, subsections (2) and (3) of section one hundred and twenty-two of this Act shall have effect in relation to that sum as if it were a sum recovered as mentioned in subsection (2) of the last-mentioned section.

(6) In this and the next following section "interest" (where the reference is to an interest in land) means the fee simple or a tenancy of the land, and does not include any other interest therein.

**191.**—(1) Where an interest in land is compulsorily acquired by, or sold to, an authority possessing compulsory purchase powers, and a payment exceeding twenty pounds has become or becomes payable under section fifty-nine of the Act of 1947 in respect of that interest, the Minister shall, subject to the following provisions of this section, be entitled to recover the amount of the payment from the acquiring authority.

Recovery from  
acquiring  
authorities  
of sums  
paid in  
respect of  
war-damaged  
land.

(2) If, before the eighteenth day of November, nineteen hundred and fifty-two, operations were begun in, on, over or under the land, or a use of the land was instituted, being operations or a use—

(a) in respect of which a development charge has at any time been determined to be payable, or it has at any time been determined that no development charge was payable, or

(b) comprised in a scheme of development exempt from development charge,

the preceding subsection shall not apply to so much of any

**PART XII** payment referred to in that subsection as was attributable to any land in relation to which the determination was made or, as the case may be, which is included in that scheme of development.

(3) No amount shall be recoverable under this section in respect of any land in relation to which an amount has become recoverable by the Minister under the provisions of section one hundred and thirteen of this Act as applied by section two hundred and eight of this Act.

(4) If the acquisition or sale in question does not extend to the whole of the land to which the payment under the said section fifty-nine related, the amount recoverable under this section shall be so much of that payment as, in accordance with the next following subsection, is to be treated as apportioned to the land in which the interest acquired or sold subsists.

(5) For the purposes of this section a payment under section fifty-nine of the Act of 1947 shall be treated as apportioned, as between different parts of the land to which it related, in the way in which it might reasonably be expected to have been so apportioned if, under the scheme made under that section, the authority determining the amount of the payment had been required (in accordance with the same principles as applied to the determination of that amount) to apportion it between different parts of that land.

(6) In this section references to a scheme of development exempt from development charge are references to a scheme of development such that, if the operations and uses of land comprised in the scheme had all been begun or instituted before the eighteenth day of November, nineteen hundred and fifty-two, all those operations and uses would have been exempt from the provisions of Part VII of the Act of 1947 by virtue of regulations made thereunder; and references to the amount of a payment shall be construed as including any interest payable on the principal amount of the payment.

Sums recoverable from acquiring authorities reckonable for purposes of grant.

**192.** Where a sum is recoverable from an authority under section one hundred and ninety or section one hundred and ninety-one of this Act by reference to an acquisition or purchase of an interest in land, and in respect thereof, or of a subsequent appropriation of the land, a grant became or becomes payable to that or some other authority under an enactment, the power conferred by that enactment to pay the grant shall include, and shall be deemed always to have included, power to pay a grant in respect of that sum as if it had been expenditure incurred by the acquiring authority in connection with the acquisition or purchase.

**193.**—(1) The following expenses of the Minister shall be paid out of moneys provided by Parliament, that is to say,—

PART XII  
Expenses of  
government  
departments.

- (a) any expenses incurred by the Minister in the making of grants in accordance with regulations made under section one hundred and eighty-four of this Act ;
- (b) any sums necessary to enable the Minister to make any payments becoming payable by him under Part VI or Part VII of this Act or under section two hundred and nine thereof ;
- (c) any expenses incurred by the Minister under subsection (3) of section forty-four of this Act, or in the payment of expenses of any committee established under section thirty-four of this Act ;
- (d) subject to the provisions of subsection (4) of the next following section, any instalment payable by the Minister under subsections (2) and (3) of that section ;
- (e) any administrative expenses incurred by the Minister for the purposes of this Act.

(2) Any expenses incurred by the Minister of Transport under Part IX of this Act shall be paid out of moneys provided by Parliament.

(3) There shall be paid out of moneys provided by Parliament any expenses incurred by any government department (including the Minister and the Minister of Transport)—

- (a) in the acquisition of land under Part V of this Act ;
- (b) in the payment of compensation under subsection (4) of section seventy of this Act, under subsection (2) of section one hundred and seventy thereof, or under section two hundred and twelve thereof ;
- (c) under paragraph (b) of subsection (5) of section eighty-two of this Act ; or
- (d) under section one hundred and eighty-eight of this Act :

Provided that this subsection shall not apply to any expenses incurred by the Postmaster-General.

**194.**—(1) The provisions of this section shall have effect with respect to sums issued to the Minister or the Central Land Board out of the Consolidated Fund under subsection (1) of section sixty-four of the Act of 1954 (which related to the issue out of the Consolidated Fund of sums required for making payments under Part I or Part V of that Act).

Repayment of  
sums issued  
out of  
Consolidated  
Fund in  
respect of  
certain  
payments.

(2) The aggregate of the sums so issued in any financial year, whether to the Minister or to the Central Land Board, shall be repaid by the Minister into the Exchequer, as mentioned in the next following subsection, with interest thereon at such rate as the Treasury may determine, such interest accruing, in respect of the whole aggregate, from such date in the financial year in which the sums were issued as the Treasury may determine.

## PART XII

(3) The said aggregate shall be repaid by twenty equal annual instalments, of principal and interest combined, falling due on the anniversary of the date determined under the last preceding subsection, the first such instalment falling due in the financial year next following the financial year in which the sums in question were issued.

(4) Any sums received by the Minister by virtue of—

(a) the provisions of section one hundred and thirteen of this Act, as applied by the transitional provisions hereinafter contained to compensation paid under Part V of the Act of 1954, or

(b) the provisions of section one hundred and ninety of this Act as so applied,

shall be paid into the Exchequer, and shall be treated as paid in satisfaction, or part satisfaction, of such one or more instalments payable under the preceding provisions of this section as the Treasury may determine.

(5) All sums paid into the Exchequer under the preceding provisions of this section shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows:—

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

(b) so much thereof as represents interest shall be applied towards meeting such part of the annual charges for the National Debt as represents interest.

(6) In respect of each financial year the Minister shall prepare, in such form and manner and at such time as the Treasury may direct, an account of any sums received by him as mentioned in subsection (4) of this section.

(7) On or before the thirtieth day of November in each year, the Minister shall transmit to the Comptroller and Auditor General the account prepared by him under the last preceding subsection in respect of the last preceding financial year ; and the Comptroller and Auditor General shall examine and certify each such account and lay before each House of Parliament copies thereof, together with his report thereon.

General provision as to receipts of Minister.

**195.** Without prejudice to the last preceding section, and subject to the provisions of section one hundred and twenty-two of this Act, any sums received by the Minister—

(a) under any provision of this Act, or

(b) in respect of the payment of a development charge, shall be paid into the Exchequer.

**196.** The council of any county may direct that any expenses incurred by them under the provisions of this Act specified in paragraph 1 of the Eighth Schedule thereto shall be treated as expenses for special county purposes chargeable upon such part of the county as may be specified in the directions.

PART XII  
Expenses of  
county  
councils.

### PART XIII

#### APPLICATION OF ACT TO SPECIAL CASES

##### *Minerals*

**197.**—(1) In relation to development consisting of the winning and working of minerals, the provisions of this Act specified in paragraph 1 of the Eighth Schedule thereto shall have effect subject to such adaptations and modifications as may be prescribed by regulations made under this Act with the consent of the Treasury.

Power to  
modify Act in  
relation to  
minerals.

(2) In relation to interests in land consisting of or comprising minerals (being either the fee simple or tenancies of such land) and in relation to claims established (as mentioned in subsection (2) of section eighty-nine of this Act) wholly or partly in respect of such land, the provisions of this Act specified in paragraph 2 of the Eighth Schedule thereto shall have effect subject to such adaptations and modifications as may be prescribed by regulations made under this Act with the consent of the Treasury.

(3) Regulations made for the purposes of this section shall be of no effect unless they are approved by resolution of each House of Parliament.

(4) Any regulations made by virtue of subsection (1) of this section shall not apply—

- (a) to the winning and working, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use, including the fertilisation of the land so used and the maintenance, improvement or alteration of buildings or works thereon which are occupied or used for those purposes, or
- (b) to development consisting of the winning and working of any minerals vested in the National Coal Board, being development to which any of the provisions of this Act relating to operational land of statutory undertakers apply by virtue of regulations made under section two hundred and four of this Act ;

and nothing in subsection (1) of this section or in this subsection shall be construed as affecting the prerogative right of Her Majesty (whether in right of the Crown or of the Duchy of Lancaster) or of the Duke of Cornwall to any gold or silver mine.

PART XIII  
Modification  
of Mines  
(Working  
Facilities and  
Support) Act,  
1923.

**198.**—(1) Where a development plan provides that any land is to be used for the purpose of securing the winning and working of any minerals comprised therein, then, without prejudice to the powers conferred by Part V of this Act in relation to land designated by a development plan as subject to compulsory acquisition, the provisions of the Mines (Working Facilities and Support) Act, 1923, shall have effect in relation to the land subject to such modifications as may be prescribed by regulations made under this Act by the Minister and the Minister of Power.

(2) Regulations made for the purposes of this section may in particular provide for securing—

- (a) that a right to work any minerals in the land may be granted by the High Court under the said Act of 1923 to any person who is desirous of working them, either by himself or through his lessees, and who is unable to obtain the necessary rights by agreement on reasonable terms ;
- (b) that for the purposes of the determination by the court of an application for any such right, it shall be assumed that the winning and working of the minerals is expedient in the national interest ; and
- (c) that the compensation or consideration in respect of any such right which is granted by the court shall be assessed having regard to the amount of the compensation which would be payable in respect of a compulsory acquisition of the minerals under Part V of this Act.

(3) Subsections (3) and (4) of the last preceding section shall apply to the provisions of this section and to any regulations made thereunder as they apply to the provisions of subsection (1) of that section and to regulations made by virtue of that subsection.

#### *Crown land*

Exercise of  
powers in  
relation to  
Crown land.

**199.**—(1) Notwithstanding any interest of the Crown in Crown land, but subject to the following provisions of this section,—

- (a) a development plan approved or made under Part II of this Act may include proposals relating to the use of Crown land, and may designate the land as subject to compulsory acquisition, and any power to acquire land compulsorily under Part V of this Act may be exercised in relation to any interest therein which is for the time being held otherwise than by or on behalf of the Crown ;
- (b) any restrictions or powers imposed or conferred by Part III or Part IV of this Act, by the provisions of Part VIII



of this Act relating to purchase notices, or by any of the provisions of sections one hundred and fifty-nine to one hundred and sixty-two of this Act, shall apply and be exercisable in relation to Crown land, to the extent of any interest therein for the time being held otherwise than by or on behalf of the Crown.

(2) Except with the consent of the appropriate authority—

- (a) no order or notice shall be made or served under any of the provisions of sections twenty-eight to thirty-one, section thirty-six or section forty-five of this Act, or under any of those provisions as applied by any order or regulations made under Part III of this Act, in relation to land which for the time being is Crown land ;
- (b) no building which for the time being is Crown land shall be included in any list compiled or approved under section thirty-two of this Act ;
- (c) no interest in land which for the time being is Crown land shall be acquired compulsorily under Part V of this Act.

(3) No enforcement notice shall be served under section forty-five of this Act in respect of development carried out by or on behalf of the Crown after the appointed day on land which was Crown land at the time when the development was carried out.

(4) No purchase notice shall be served in relation to any interest in Crown land unless an offer has been previously made by the owner of that interest to dispose thereof to the appropriate authority on terms that the price payable for it shall be equal to (and shall, in default of agreement, be determined in like manner as) the compensation which would be payable in respect of that interest if it were acquired in pursuance of a purchase notice, and that offer has been refused by the appropriate authority.

(5) The rights conferred by the provisions of sections one hundred and thirty-eight to one hundred and fifty-one of this Act shall be exercisable by a person who (within the meaning of those provisions) is an owner-occupier of a hereditament or agricultural unit which is Crown land, or is a resident owner-occupier of a hereditament which is Crown land, in the same way as they are exercisable in respect of a hereditament or agricultural unit which is not Crown land, and those provisions shall apply accordingly.

(6) In this Part of this Act “ Crown land ” means land in which there is a Crown interest or a Duchy interest ; “ Crown interest ” means an interest belonging to Her Majesty in right of the Crown, or belonging to a government department, or held in trust for

**PART XIII** Her Majesty for the purposes of a government department; "Duchy interest" means an interest belonging to Her Majesty in right of the Duchy of Lancaster, or belonging to the Duchy of Cornwall; and for the purposes of this and the next following section "the appropriate authority", in relation to any land,—

- (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners, and, in relation to any other land belonging to Her Majesty in right of the Crown, means the government department having the management of that land;
- (b) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, means the Chancellor of the Duchy;
- (c) in relation to land belonging to the Duchy of Cornwall, means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;
- (d) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means 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.

Agreements  
relating to  
Crown land.

**200.**—(1) The appropriate authority and the local planning authority for the area in which any Crown land is situated may make agreements for securing the use of the land, so far as may be prescribed by any such agreement, in conformity with the provisions of the development plan applicable thereto; and any such agreement may contain such consequential provisions, including provisions of a financial character, as may appear to be necessary or expedient having regard to the purposes of the agreement.

(2) An agreement made under this section by the Crown Estate Commissioners or by a government department shall not have effect unless it is approved by the Treasury.

(3) In considering whether to make or approve an agreement under this section relating to land belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, the department and the Treasury shall have regard to the purposes for which the land is held by or for the department.

**201.—(1) Subject to the following provisions of this section—** **PART XIII**

- (a) where there is a Crown interest in any land, the provisions of Part VI of this Act and of sections one hundred and twenty to one hundred and twenty-two thereof, and the provisions of the Fifth, Sixth and Seventh Schedules to this Act and the transitional provisions hereinafter contained in so far as they relate to Part VI or to sections one hundred and twenty to one hundred and twenty-two of this Act, shall have effect in relation to any private interest or Duchy interest as if the Crown interest were a private interest ; and
- (b) where there is a Duchy interest in any land, those provisions shall have effect in relation to that interest, and to any private interest, as if the Duchy interest were a private interest.

Supplementary provisions as to Crown and Duchy interests.

(2) References in this Act to claims established under Part VI of the Act of 1947 include references to claims so established in accordance with arrangements made under subsection (2) of section eighty-eight of that Act (which provided for the application of Part VI of that Act to Duchy interests and for the payment of sums in lieu of development charges in respect of such interests) ; references to development charges include references to sums determined in accordance with such arrangements to be appropriate in substitution for development charges ; and references to the amount of an established claim or of a development charge shall be construed accordingly.

(3) Where, in accordance with an agreement under the last preceding section, the approval of a local planning authority is required in respect of any development of land in which there is a Duchy interest, the provisions of this Act referred to in paragraph (a) of subsection (1) of this section shall have effect in relation to the withholding of that approval, or the giving thereof subject to conditions, as if it were a refusal of planning permission, or a grant of planning permission subject to conditions, as the case may be.

(4) In this section “ private interest ” means an interest which is neither a Crown interest nor a Duchy interest.

*London and Isles of Scilly*

**202.** The provisions of the Ninth Schedule to this Act shall have effect for the purposes of the application of this Act to the administrative county of London. **Application of Act to London.**

**PART XIII**      **203.**—(1) The Minister shall, after consultation with the Council of the Isles of Scilly, by order provide for the application of those provisions of this Act specified in paragraph 1 of the Eighth Schedule thereto as if those Isles were a separate county; and any such order may provide for the application of those provisions of this Act to those Isles subject to such modifications as may be specified in the order.

Application of  
Act to Isles of  
Scilly.

(2) In relation to land in the Isles of Scilly, the provisions of this Act specified in paragraph 2 of the Eighth Schedule thereto shall have effect as if those Isles were a county district, and the Council of the Isles were the council of that district.

*Other special cases*

National Coal  
Board.

**204.**—(1) Regulations made under this Act by the Minister and the Minister of Power with the consent of the Treasury may direct that any of the provisions of this Act specified in paragraph 1 of the Eighth Schedule thereto, being provisions relating to statutory undertakers and to land of such undertakers, shall apply, subject to such adaptations, modifications and exceptions as may be specified in the regulations, in relation to the National Coal Board, and in relation to land (including mines) of that Board of any such class as may be specified in the regulations, as if the Board were statutory undertakers and as if land of any class so specified were operational land.

(2) Without prejudice to the generality of the preceding subsection, any regulations made thereunder may in particular provide that any compensation payable to the National Coal Board by virtue of any of the provisions applied by the regulations, being compensation which, in the case of statutory undertakers, would be assessable in accordance with the provisions of section one hundred and seventy-one of this Act, shall, instead of being assessed in accordance with that section, be assessed in accordance with the provisions of the regulations.

Ecclesiastical  
property.

**205.**—(1) Without prejudice to the provisions of the Acquisition of Land (Authorisation Procedure) Act, 1946, with respect to notices served under that Act, where under any of the provisions of this Act specified in paragraph 1 of the Eighth Schedule thereto a notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Church Commissioners.

(2) Where the fee simple of any ecclesiastical property is in abeyance—

(a) if the property is situated elsewhere than in Wales or Monmouthshire, then for the purposes of the provisions of this Act specified in paragraph 3 of the Eighth Schedule thereto the fee simple shall be treated as being vested in the Church Commissioners;

(b) in any case, the fee simple shall, for the purposes of a compulsory acquisition of the property under Part V of this Act, be treated as being vested in the Church Commissioners, and any notice to treat shall be served, or be deemed to have been served, accordingly.

(3) Any compensation payable under Part VII of this Act in respect of land which is ecclesiastical property shall be paid to the Church Commissioners, to be applied for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising, or disposing of the proceeds of, such a sale.

(4) Any sum which under any of the provisions of this Act specified in paragraph 2 of the Eighth Schedule thereto is payable in relation to land which is, or on the appointed day was, ecclesiastical property, and apart from this subsection would be payable to an incumbent, shall be paid to the Church Commissioners, to be applied for the purposes mentioned in the last preceding subsection; and where any sum is recoverable under section one hundred and thirteen, section one hundred and twenty-two or section two hundred and eight of this Act in respect of any such land, the Church Commissioners may apply any money or securities held by them in the payment of that sum.

(5) In this section "ecclesiastical property" means land belonging to an ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of a bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.

**206.**—(1) The purposes authorised for the application of capital moneys—

Settled land,  
and land of  
universities  
and colleges.

(a) by section seventy-three of the Settled Land Act, 1925, and by that section as applied by section twenty-eight of the Law of Property Act, 1925, in relation to trusts for sale, and

(b) by section twenty-six of the Universities and College Estates Act, 1925,

and the purposes authorised by section seventy-one of the Settled Land Act, 1925, by that section as so applied, and by section thirty-one of the Universities and College Estates Act, 1925, as purposes for which moneys may be raised by mortgage, shall include the payment of any sum recoverable under section one hundred and thirteen, section one hundred and twenty-two or section two hundred and eight of this Act.

(2) The purposes authorised, as mentioned in the preceding subsection, for the application of capital moneys and as purposes for which moneys may be raised by mortgage, shall include the

## PART XIII

discharge of any sum payable in respect of a development charge under Part VII of the Act of 1947, being a sum determined by the Central Land Board as a capital payment or as an instalment of capital.

(3) The classes of works specified in Part II of the Third Schedule to the Settled Land Act, 1925 (which specifies improvements which may be paid for out of capital money, subject to provisions under which repayment out of income may be required to be made) shall include works specified by the Minister as being required for properly maintaining a building in relation to which a building preservation order is in force, and which is settled land within the meaning of that Act.

## PART XIV

## MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Default powers  
of Minister.

**207.**—(1) If it appears to the Minister, after consultation with the local planning authority, to be expedient that any order to which this subsection applies should be made, he may give directions to the local planning authority requiring them to submit to him such an order for his confirmation, or may himself make such an order; and any order so made by the Minister shall have the like effect as if it had been made by the local planning authority and confirmed by the Minister under Part III of this Act.

(2) The preceding subsection applies to the following orders, that is to say,—

- (a) orders under section twenty-seven of this Act, or under the provisions of that section as applied by any order or regulations made under Part III of this Act;
- (b) orders under section twenty-eight of this Act;
- (c) tree preservation orders and building preservation orders, and orders amending or revoking tree preservation orders or building preservation orders.

(3) The provisions of Part III of this Act, and of any regulations made thereunder, with respect to the procedure to be followed in connection with the submission by the local planning authority of any order to which subsection (1) of this section applies, with respect to the confirmation of such an order by the Minister, and with respect to the service of copies thereof as so confirmed, shall have effect, subject to any necessary modifications, in relation to any proposal by the Minister to make such an order by virtue of subsection (1) of this section, in relation to the making thereof by the Minister, and in relation to the service of copies thereof as so made.

(4) If it appears to the Minister, after consultation with the local planning authority, to be expedient that—

- (a) an enforcement notice under section forty-five of this Act, or under the provisions of that section as applied by a building preservation order or by regulations under section thirty-four of this Act, or
- (b) a notice under section thirty-six or section fifty-two of this Act,

should be served in respect of any land, he may give directions to the local planning authority requiring them to serve such a notice, or may himself serve such a notice; and any notice so served by the Minister shall have the like effect as a notice served by the local planning authority:

Provided that, in relation to an enforcement notice so served by the Minister, the provisions of sections forty-seven to forty-nine and section fifty-one of this Act shall apply as if, for any reference therein to the local planning authority, there were substituted a reference to the Minister.

(5) If the Minister is satisfied, after holding a local inquiry,—

- (a) that the council of a county borough or county district have failed to take steps for the acquisition of any land which, in the opinion of the Minister, ought to be acquired by that council under section sixty-eight of this Act, for the purpose of securing its use in the manner proposed by the development plan, or
- (b) that a local authority have failed to carry out, on land acquired by them under section sixty-eight of this Act, or appropriated by them under section seventy-three of this Act, any development which, in the opinion of the Minister, ought to be carried out,

the Minister may by order require the council or authority to take such steps as may be specified in the order for acquiring the land, or carrying out the development, as the case may be.

(6) Any order under the last preceding subsection shall be enforceable, on the application of the Minister, by mandamus.

208.—(1) In relation to notices registered under section fifty-seven of the Act of 1954 (which provided for the registration of notices of payments made under section fifty-nine of the Act of 1947) the provisions of sections one hundred and thirteen and one hundred and fourteen of this Act shall have effect (subject to the following provisions of this section) as they have effect in relation to notices registered under section one hundred and twelve of this Act. Recovery, on subsequent development, of payments in respect of war-damaged land.

## PART XIV

(2) The said provisions shall have effect as mentioned in the preceding subsection, but as if—

- (a) any reference therein to the compensation specified in a notice were a reference to the payment so specified, and
- (b) section one hundred and thirteen of this Act applied to every description of new development.

(3) No amount shall be recoverable by the Minister by virtue of this section in respect of any land in relation to which an amount has become recoverable under section one hundred and ninety-one of this Act.

(4) Subsection (5) of section one hundred and ninety-one of this Act shall apply for the purposes of this section as it applies for the purposes of that section.

## Development charges.

**209.** The provisions of the Tenth Schedule to this Act (which relates to development charges) shall have effect.

## Temporary provisions pending operation of development plans.

**210.** Where, in accordance with the provisions of Part III or Part IV of this Act, a local planning authority are required to have regard to the provisions of the development plan in relation to the exercise of any of their functions, then, in relation to the exercise of those functions during any period before such a plan has become operative with respect to the area of that authority, the authority—

- (a) shall have regard to any directions which may be or have been given to them by the Minister as to the provisions to be included in such a plan, and
- (b) subject to any such directions, shall have regard to the provisions which in their opinion will be required to be so included for securing the proper planning of their area.

## Rights of entry.

**211.—**(1) Any person duly authorised in writing by the Minister or by a local planning authority may at any reasonable time enter upon any land for the purpose of surveying it in connection with—

- (a) the preparation, approval, making or amendment of a development plan relating to the land under Part II of this Act, including the carrying out of any survey under Part II of this Act ;
- (b) any application under Part III of this Act, or under any order or regulations made thereunder, for any permission, consent or determination to be given or made in



connection with that land or any other land under Part III of this Act or under any such order or regulations ;

PART XIV

- (c) any proposal by the local planning authority or by the Minister to make or serve any order or notice under Part III or Part IV of this Act, or under any order or regulations made thereunder.

(2) Any person, being an officer of the Valuation Office or a person duly authorised in writing by the Minister, may at any reasonable time enter upon any land for the purpose of surveying it, or estimating its value, in connection with a claim for compensation under Part VI of this Act in respect of that land or any other land.

(3) Any person, being an officer of the Valuation Office or a person duly authorised in writing by a local planning authority, may at any reasonable time enter upon any land for the purpose of surveying it, or estimating its value, in connection with a claim for compensation in respect of that land or any other land, being compensation payable by the local planning authority under Part VII of this Act or under Part X thereof, otherwise than as mentioned in subsection (2) of section one hundred and seventy or in paragraph (c) of subsection (1) of section one hundred and seventy-one of this Act.

(4) Any person, being an officer of the Valuation Office or a person duly authorised in writing by a Minister having power to acquire land designated by a development plan under this Act as subject to compulsory acquisition, or to authorise the acquisition of land so designated, and any person duly authorised in writing by a local authority having power to acquire land under Part V of this Act, may at any reasonable time enter upon any land for the purpose of surveying it, or estimating its value, in connection with any proposal to acquire that land or any other land, or in connection with any claim for compensation in respect of any such acquisition.

(5) Any person duly authorised in writing by the Minister or by a local planning authority may at any reasonable time enter upon any land in respect of which an order or notice has been made or served as mentioned in paragraph (c) of subsection (1) of this section, for the purpose of ascertaining whether the order or notice has been complied with.

(6) Subject to the provisions of the next following section, any power conferred by this section to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein.

**PART XIV**  
Supplementary  
provisions as  
to rights of  
entry.

**212.—(1)** A person authorised under the last preceding section to enter upon any land shall, if so required, produce evidence of his authority before so entering, and shall not demand admission as of right to any land which is occupied unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) Any person who wilfully obstructs a person acting in the exercise of his powers under the last preceding section shall be liable on summary conviction to a fine not exceeding twenty pounds.

(3) If any person who, in compliance with the provisions of the last preceding section, is admitted into a factory, workshop or workplace discloses to any person any information obtained by him therein as to any manufacturing process or trade secret, he shall, unless the disclosure is made in the course of performing his duty in connection with the survey or estimate for which he was authorised to enter the premises, be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

(4) Where any land is damaged in the exercise of a right of entry conferred under the last preceding section, or in the making of any survey for the purpose of which any such right of entry has been so conferred, compensation in respect of that damage may be recovered by any person interested in the land from the Minister or authority on whose behalf the entry was effected.

(5) The provisions of section one hundred and twenty-eight of this Act shall apply in relation to compensation under the last preceding subsection as they apply in relation to compensation under Part VII of this Act.

(6) Where under the last preceding section a person proposes to carry out any works authorised by virtue of subsection (6) of that section—

(a) he shall not carry out those works unless notice of his intention to do so was included in the notice required by subsection (1) of this section, and

(b) if the land in question is held by statutory undertakers, and those undertakers object to the proposed works on the grounds that the carrying out thereof would be seriously detrimental to the carrying on of their undertaking, the works shall not be carried out except with the authority of the appropriate Minister.

Local  
inquiries.

**213.—(1)** The Minister may cause a local inquiry to be held for the purposes of the exercise of any of his functions under any of the provisions of this Act.

(2) The provisions of subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the giving of evidence at, and defraying the cost of,

local inquiries) shall have effect with respect to any inquiry held by virtue of this section as if the Minister were a department for the purposes of that section. PART XIV

214.—(1) Subject to the provisions of this section, any notice or other document required or authorised to be served or given under this Act may be served or given either— Service of notices.

- (a) by delivering it to the person on whom it is to be served or to whom it is to be given, or
- (b) by leaving it at the usual or last known place of abode of that person, or, in a case where an address for service has been given by that person, at that address, or
- (c) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode, or, in a case where an address for service has been given by that person, at that address, or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.

(2) Where the notice or document is required or authorised to be served on any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorised to be served on any person as an occupier of premises, the notice or document shall be taken to be duly served if—

- (a) being addressed to him either by name or by the description of “the owner” or “the occupier”, as the case may be, of the premises (describing them) it is delivered or sent in the manner specified in paragraph (a), paragraph (b) or paragraph (c) of the preceding subsection, or
- (b) being so addressed, and marked in such manner as may be prescribed by regulations under this Act for securing that it shall be plainly identifiable as a communication of importance, it is sent to the premises in a prepaid registered letter or by the recorded delivery service and is not returned to the authority sending it, or is delivered to some person on those premises, or is affixed conspicuously to some object on those premises.

(3) Where the notice or other document is required to be served on or given to all persons having interests in, or being occupiers of, premises comprised in any land, and it appears to the authority required or authorised to serve or give the notice or other document that any part of that land is unoccupied, the notice or document shall be taken to be duly served on all

**PART XIV** persons having interests in, and on any occupiers of, premises comprised in that part of the land (other than a person who has given to that authority an address for the service of the notice or document on him) if it is addressed to "the owners and any occupiers" of that part of the land (describing it) and is affixed conspicuously to some object on the land.

Power to require information as to interests in land.

**215.**—(1) For the purpose of enabling the Minister or a local authority to make an order or serve any notice or other document which, by any of the provisions of this Act specified in paragraph 1 of the Eighth Schedule thereto, he or they are authorised or required to make or serve, the Minister or the local authority may require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises 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.

(2) Any person who, having been required in pursuance of this section to give any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable on summary conviction to a fine not exceeding five pounds.

Combined applications.

**216.**—(1) Regulations made under this Act may provide for the combination in a single document, made in such form and transmitted to such authority as may be prescribed by the regulations, of—

- (a) an application for planning permission in respect of any development, and
- (b) an application required, under any enactment specified in the regulations, to be made to a local authority in respect of that development.

(2) Before making any regulations under this section, the Minister shall consult with such local authorities or associations of local authorities as appear to him to be concerned.

(3) Different provision may be made by any such regulations in relation to areas in which different enactments are in force.

(4) An application required to be made to a local authority under an enactment specified in any such regulations shall, if made in accordance with the provisions of the regulations, be valid notwithstanding anything in that enactment prescribing, or enabling any authority to prescribe, the form in which, or the manner in which, such an application is to be made.

(5) The last preceding subsection shall have effect without prejudice to—

- (a) the validity of any application made in accordance with the enactment in question ; or
- (b) any provision of that enactment enabling a local authority to require further particulars of the matters to which the application relates.

(6) In this section "application" includes a submission.

**217.—(1) The Minister may make regulations under this Act—** ART XIV

- (a) for prescribing the form of any notice, order or other document authorised or required by any of the provisions of this Act specified in paragraph 1 of the Eighth Schedule thereto to be served, made or issued by any local authority; Regulations and orders.
- (b) for any purpose for which regulations are authorised or required to be made under this Act, not being a purpose for which regulations are authorised or required to be made by another Minister.

(2) Any power conferred by this Act to make regulations shall be exercisable by statutory instrument; and any statutory instrument containing regulations made under this Act (except regulations which, by virtue of any provision of this Act, are of no effect unless approved by a resolution of each House of Parliament) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Any power conferred by any of the provisions of this Act specified in paragraphs 1 and 3 of the Eighth Schedule thereto to make an order shall include power to vary or revoke any such order by a subsequent order.

(4) The power to make orders conferred by subsection (2) of section two of this Act, or for the purposes of paragraph (f) of subsection (2) of section twelve of this Act, and the power to make development orders under section fourteen of this Act, shall be exercisable by statutory instrument; and any statutory instrument—

- (a) which contains an order under subsection (2) of section two of this Act which has been made after a local inquiry has been held in accordance with the proviso to that subsection, or
- (b) which contains a development order,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Without prejudice to the last preceding subsection, where a development order makes provision for excluding or modifying any enactment contained in a public general Act (other than any of the enactments specified in the Eleventh Schedule to this Act) the order shall not have effect until that provision is approved by a resolution of each House of Parliament.

(6) Any power (exercisable in accordance with subsection (2) of section two hundred and twenty-five of this Act) to make regulations or orders under this Act before the date of the commencement of this Act shall include power, by any regulations or order so made, to revoke any regulations or order made under any of the enactments which, as from that date, are repealed by this Act or having effect by virtue of any of those enactments as if made thereunder.

**PART XIV**  
**Exercise of functions of Board of Trade.**

**218.** Anything required or authorised by or under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any secretary, under-secretary or assistant secretary of the Board or any person authorised in that behalf by the President of the Board.

**Licensing planning areas.**

**219.—(1)** Where the united district for which, by an order under section two of this Act, a joint planning board is constituted comprises a licensing planning area, or the whole or part of such a united district is included in a licensing planning area, the Secretary of State may by order revoke or vary any order made under Part II of the Licensing Act, 1953, so far as may be necessary or expedient in consequence of the order under section two of this Act.

(2) Subject to the preceding subsection, nothing in any order made under section two of this Act shall affect the validity of any order made under Part II of the Licensing Act, 1953, before the date of the order under section two of this Act.

**Act not excluded by special enactments.**

**220.** For the avoidance of doubt it is hereby declared that the provisions of this Act, and any restrictions or powers thereby imposed or conferred in relation to land, apply and may be exercised in relation to any land notwithstanding that provision is made by any enactment in force at the passing of the Act of 1947, or by any local Act passed at any time during the Session of Parliament held during the regnal years 10 & 11 Geo. 6, for authorising or regulating any development of the land.

**Interpretation.**

**221.—(1)** In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“acquiring authority”, in relation to the acquisition of an interest in land (whether compulsorily or by agreement) or to a proposal so to acquire such an interest, means the government department, local authority or other body by whom the interest is, or is proposed to be, acquired;

“the Act of 1944” means the Town and Country Planning Act, 1944;

“the Act of 1947” means the Town and Country Planning Act, 1947;

“the Act of 1954” means the Town and Country Planning Act, 1954;

“the Act of 1959” means the Town and Country Planning Act, 1959;

“advertisement” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the preceding provisions of this definition)

includes any hoarding or similar structure used, or adapted for use, for the display of advertisements, and references to the display of advertisements shall be construed accordingly ;

- “ agriculture ” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “ agricultural ” shall be construed accordingly ;
- “ the appointed day ” means the first day of July, nineteen hundred and forty-eight ;
- “ the appropriate Minister ” —
- (a) in relation to statutory undertakers carrying on an undertaking for the supply of electricity, gas or hydraulic power, means the Minister of Power ;
- (b) in relation to statutory undertakers carrying on an undertaking for the supply of water, means the Minister ; and
- (c) in relation to any other statutory undertakers, means the Minister of Transport ;
- “ area of extensive war damage ” and “ area of bad lay-out or obsolete development ” mean respectively an area consisting of land shown to the satisfaction of the Minister to have sustained war damage or, as the case may be, to be badly laid out or of obsolete development, or consisting of such land together with other land contiguous or adjacent thereto, being in each case land comprised in an area which is defined by a development plan as an area of comprehensive development ;
- “ authority possessing compulsory purchase powers ”, in relation to the compulsory acquisition of an interest in land, means the person or body of persons effecting the acquisition, and, in relation to any other transaction relating to an interest in land, means any person or body of persons who could be or have been authorised to acquire that interest compulsorily for the purposes for which the transaction is or was effected, or a body (being a parish council or parish meeting or the council of a borough included in a rural district) on whose behalf a county council could be or have been so authorised ;
- “ authority to whom Part II of the Act of 1959 applies ” means a body of any of the descriptions specified in Part I of the Fourth Schedule to the Act of 1959 ;

## PART XIV

- “building” includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building ;
- “buildings or works” includes waste materials, refuse and other matters deposited on land, and references to the erection or construction of buildings or works shall be construed accordingly ;
- “building operations” includes rebuilding operations, structural alterations of or additions to buildings, and other operations normally undertaken by a person carrying on business as a builder ;
- “building preservation order” has the meaning assigned to it by section thirty of this Act ;
- “caravan site” has the meaning assigned to it by subsection (4) of section one of the Caravan Sites and Control of Development Act, 1960 ;
- “clearing”, in relation to land, means the removal of buildings or materials from the land, the levelling of the surface of the land, and the carrying out of such other operations in relation thereto as may be prescribed ;
- “common” includes any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green ;
- “compulsory acquisition” does not include the vesting in a person by an Act of Parliament of property previously vested in some other person ;
- “corporate land” has the same meaning as in the Local Government Act, 1933 ;
- “development” has the meaning assigned to it by section twelve of this Act, and “develop” shall be construed accordingly ;
- “development order” has the meaning assigned to it by section fourteen of this Act ;
- “development plan” has the meaning assigned to it by section four of this Act, and includes a plan made in accordance with subsection (5) of that section ;
- “disposal” means disposal by way of sale, exchange or lease, or by way of the creation of any easement, right or privilege, or in any other manner, except by way of appropriation, gift or mortgage, and “dispose of” shall be construed accordingly ;
- “enactment” includes an enactment in any local or private Act of Parliament, and an order, rule, regulation, bye-law or scheme made under an Act of Parliament ;



- “enforcement notice” means a notice under section forty-five of this Act ;
- “engineering operations” includes the formation or laying out of means of access to highways ;
- “erection” in relation to buildings includes extension, alteration and re-erection ;
- “fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act ;
- “functions” includes powers and duties ;
- “government department” includes any Minister of the Crown ;
- “highway” has the same meaning as in the Highways Act, 1959 ;
- “improvement”, in relation to a highway, has the same meaning as in the Highways Act, 1959 ;
- “industrial building” (except in Part VI of this Act) has the meaning assigned to it by section twenty-one of the Local Employment Act, 1960 ;
- “industrial development certificate” has the meaning assigned to it by section thirty-eight of this Act ;
- “joint planning board” has the meaning assigned to it by section two of this Act ;
- “land” means any corporeal hereditament, including a building, and, in relation to the acquisition of land under Part V of this Act, includes any interest in or right over land ;
- “lease” includes an underlease and an agreement for a lease or underlease, but does not include an option to take a lease or a mortgage, and “leasehold interest” means the interest of the tenant under a lease as so defined ;
- “local authority” (except in section one hundred and fifty-four of this Act) means the council of a county, county borough, metropolitan borough or county district, the Common Council of the City of London, and any other authority being a local authority within the meaning of the Local Loans Act, 1875, and includes any drainage board and any joint board or joint committee if all the constituent authorities are local authorities within the meaning of that Act ;

**PART XIV**

- “local highway authority” means a highway authority other than the Minister of Transport ;
- “local planning authority” has the meaning assigned to it by section two of this Act ;
- “means of access” includes any means of access, whether private or public, for vehicles or for foot passengers, and includes a street ;
- “minerals” includes all minerals and substances in or under land of a kind ordinarily worked for removal by underground or surface working, except that it does not include peat cut for purposes other than sale ;
- “Minister” (except where the reference is to “the Minister”) means any Minister of the Crown or other government department ;
- “the Minister” (subject to the transitional provisions hereinafter contained in relation to any time before the third day of November, nineteen hundred and fifty-one) has the meaning assigned to it by section one of this Act ;
- “mortgage” includes any charge or lien on any property for securing money or money’s worth ;
- “National Trust” means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act, 1907 ;
- “new development” has the meaning assigned to it by subsection (5) of section twelve of this Act ;
- “open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground ;
- “operational land”, in relation to statutory undertakers, means land which is used for the purpose of the carrying on of their undertaking and land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings ;
- “owner”, in relation to any land, means (except in sections sixteen, seventeen and forty-seven of this Act) a person, other than a mortgagee not in possession, who, whether in his own right or as trustee or agent for any other person, is entitled to receive the rack rent of the land, or, where the land is not let at a rack rent, would be so entitled if it were so let ;

- “ **planning decision** ” means a decision made on an application under Part III of this Act ;
- “ **planning permission** ” means permission under Part III of this Act, and in construing references to planning permission to develop land or to carry out any development of land, or to applications for such permission, regard shall be had to subsection (2) of section twenty of this Act ;
- “ **planning permission granted for a limited period** ” has the meaning assigned to it by subsection (2) of section eighteen of this Act ;
- “ **prescribed** ” (except in relation to matters expressly required or authorised by this Act to be prescribed in some other way) means prescribed by regulations under this Act ;
- “ **previous apportionment** ”, in relation to an apportionment for any of the purposes of the relevant provisions, means an apportionment made before the apportionment in question, being—

(a) an apportionment for any of the purposes of the relevant provisions as made, confirmed or varied by the Lands Tribunal on a reference to that Tribunal, or

(b) an apportionment for any of those purposes which might have been referred to the Lands Tribunal by virtue of any of the relevant provisions, where the time for such a reference has expired without its being required to be so referred, or where, after it had been so referred, the reference was withdrawn before the Tribunal gave their decision thereon, or

(c) an apportionment made by or with the approval of the Central Land Board in connection with the approval by the Board, under subsection (2) of section two of the Town and Country Planning Act, 1953, of an assignment of part of the benefit of an established claim (as defined by subsection (4) of section eighty-nine of this Act),

and in this definition “ **the relevant provisions** ” means any of the provisions of Part VI of this Act, any of those provisions as applied by any other provision of this Act, and any of the provisions of the Act of 1954 ;

**PART XIV**

- “purchase notice” has the meaning assigned to it by section one hundred and twenty-nine of this Act ;
- “relocation of population or industry”, in relation to an area of extensive war damage or an area of bad lay-out or obsolete development, means the rendering available elsewhere than in that area (whether in an existing community or a community to be newly established) of accommodation for residential purposes or for the carrying on of business or other activities, together with all appropriate public services, facilities for public worship, recreation and amenity, and other requirements, being accommodation to be rendered available for persons or undertakings who are living or carrying on business or other activities in that area or who were doing so but by reason of war circumstances are no longer for the time being doing so, and whose continued or resumed location in that area would be inconsistent with the proper planning thereof ;
- “replacement of open space”, in relation to an area of extensive war damage or an area of bad lay-out or obsolete development, means the rendering of land available for use as an open space, or otherwise in an undeveloped state, in substitution for land in that area which is so used ;
- “statutory undertakers” means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of electricity, gas, hydraulic power or water, and “statutory undertaking” shall be construed accordingly ;
- “tenancy” has the same meaning as in the Landlord and Tenant Act, 1954 ;
- “tree preservation order” has the meaning assigned to it by section twenty-nine of this Act ;
- “use”, in relation to land, does not include the use of land for the carrying out of any building or other operations thereon ;
- “Valuation Office” means the Valuation Office of the Inland Revenue Department ;
- “war damage” has the same meaning as in the War Damage Act, 1943.

(2) If, in relation to anything required or authorised to be done under this Act, any question arises as to which Minister is or was the appropriate Minister in relation to any statutory undertakers, that question shall be determined by the Treasury; and if any question so arises whether land of statutory undertakers is operational land, that question shall be determined by the Minister who is the appropriate Minister in relation to those undertakers.

(3) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of any enactment, is to be deemed to be served.

(4) With respect to references in this Act to planning decisions,—

- (a) in relation to a decision altered on appeal by the reversal or variation of the whole or part thereof, such references shall be construed as references to the decision as so altered;
- (b) in relation to a decision upheld on appeal, such references shall be construed as references to the decision of the local planning authority and not to the decision of the Minister on the appeal;
- (c) in relation to a decision given on an appeal in the circumstances mentioned in section twenty-four of this Act, such references shall be construed as references to the decision so given;
- (d) the time of a planning decision, in a case where there is or was an appeal, shall be taken to be or have been the time of the decision as made by the local planning authority (whether or not that decision is or was altered on that appeal) or, in the case of a decision given on an appeal in the circumstances mentioned in section twenty-four of this Act, the time when in accordance with that section notification of a decision of the local planning authority is deemed to have been received.

(5) For the purposes of this Act development of land shall be taken to be initiated—

- (a) if the development consists of the carrying out of operations, at the time when those operations are begun;
- (b) if the development consists of a change in use, at the time when the new use is instituted;
- (c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in the preceding paragraphs.

## PART XIV

(6) References in this Act to a contract are references to a contract in writing, or a contract attested by a memorandum or note thereof in writing signed by the parties thereto or by some other person or persons authorised by them in that behalf, and, in relation to an interest in land conveyed or assigned without a preliminary contract, are references to the conveyance or assignment; and references to the making of a contract are references to the execution thereof or (if it was not in writing) to the signature of the memorandum or note by which it was attested.

(7) In this Act—

- (a) references to a person from whom title is derived by another person include references to any predecessor in title of that other person;
- (b) references to a person deriving title from another person include references to any successor in title of that other person;
- (c) references to deriving title are references to deriving title either directly or indirectly.

(8) For the avoidance of doubt it is hereby declared that where, under any provision of this Act, the value of an interest in land is required to be assessed on the assumption that planning permission would be granted for development of any class specified in the Third Schedule to this Act, that assumption is to be made on the footing that any such development must comply with the provisions of any enactment, other than this Act, which would be applicable thereto.

(9) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment, including this Act.

## Consequential amendments.

**222.** The enactments specified in the Twelfth Schedule to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential upon the provisions of this Act.

## Savings, transitional provisions and repeals.

**223.—(1)** The savings and transitional provisions contained in the Thirteenth and Fourteenth Schedules to this Act shall have effect.

(2) Subject to the provisions of those Schedules, the enactments specified in the Fifteenth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

**224.** The inclusion in this Act of any express saving, transitional provision or amendment shall not be taken as prejudicing the operation of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

PART XIV  
Saving for  
Interpretation  
Act, 1889,  
s. 38.

**225.**—(1) Subject to the following provisions of this section, this Act shall come into operation on the first day of April, nineteen hundred and sixty-three (in this section referred to as “the commencement date”).

Commence-  
ment.

(2) This section, any provisions of this Act which confer any power to make regulations or orders, or which (whether expressly or as construed in accordance with subsection (3) of section thirty-two of the Interpretation Act, 1889) confer any power to revoke or vary any regulations or orders, and any provisions of this Act relating to the exercise of any such power, shall come into operation on the passing of this Act; but no regulations or order shall be made under this Act so as to come into operation before the commencement date.

(3) In the last preceding subsection the reference to provisions of this Act relating to the exercise of any such power as is therein mentioned includes a reference to any provisions of this Act whereby statutory instruments containing regulations or an order are subject to annulment in pursuance of a resolution of either House of Parliament, or whereby any regulations or order or any provisions thereof require the approval of each of those Houses.

(4) Any reference in this Act to the commencement of this Act is a reference to the coming into operation of so much of this Act as comes into operation on the commencement date, and any reference to the date of the commencement of this Act is a reference to that date; and if any Act passed after the passing of this Act refers to the commencement of this Act, subsections (2) and (3) of this section shall be disregarded for the purpose of construing that reference in accordance with section thirty-six of the Interpretation Act, 1889 (which relates to the meaning of “commencement” with reference to an Act).

(5) The preceding provisions of this section shall have effect without prejudice to the generality of section thirty-seven of the Interpretation Act, 1889 (which relates to the exercise of statutory powers between the passing and the commencement of an Act).

**226.**—(1) This Act may be cited as the Town and Country Planning Act, 1962.

Short title  
and extent.

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

## SCHEDULES

Section 2.

## FIRST SCHEDULE

## JOINT PLANNING BOARDS

1. A joint planning board constituted by an order under section two of this Act shall consist of such number of members as may be determined by the order, to be appointed by the constituent councils.

2. A joint planning board so constituted shall be a body corporate, with perpetual succession and a common seal.

3. An order constituting a joint planning board and any order amending or revoking any order constituting a joint planning board—

- (a) may, without prejudice to the provisions of section two hundred and ninety-three of the Local Government Act, 1933 (which authorises the application of the provisions of that Act to joint boards), provide for regulating the appointment, tenure of office and vacation of office of members of the board, for regulating the meetings and proceedings of the board, and for the payment of the expenses of the board by the constituent councils ;
- (b) may provide for the transfer and compensation of officers, the transfer of property and liabilities, and the adjustment of accounts and apportionment of liabilities ;
- (c) may contain such other provisions as appear to the Minister to be expedient for enabling the board to exercise their functions ; and
- (d) may apply to the board, with any necessary modifications and adaptations, any of the provisions of the Second Schedule to this Act.

Section 2.

## SECOND SCHEDULE

## PLANNING COMMITTEES AND JOINT ADVISORY COMMITTEES

## PART I

*Planning committees*

1. A local planning authority may establish such planning committees as they think it expedient to establish for the efficient discharge of their functions as a local planning authority, and may authorise any such committee to exercise on their behalf any of those functions, except the power to borrow money or to levy or issue a precept for a rate.



2. A planning committee of a local planning authority may, subject to any restrictions imposed by the local planning authority,—

2ND SCH.

(a) appoint such sub-committees constituted in such manner as the committee may determine ; and

(b) authorise any such sub-committee to exercise any of the functions of the committee on their behalf.

3. A majority of every planning committee of a local planning authority shall be members of the authority, and a majority of every sub-committee of any such committee shall be members either of the local planning authority or of the councils of county districts comprised in the area of that authority.

4. Any power conferred by this Part of this Schedule to establish or appoint committees or sub-committees, or to authorise such committees or sub-committees to exercise any functions, shall include power to dissolve or alter the constitution of such committees or sub-committees, and to revoke or vary any such authorisation.

## PART II

### *Joint advisory committees*

5. Any two or more local planning authorities may, with the approval of the Minister, concur in establishing a joint advisory committee for the purpose of advising those authorities as to the preparation of development plans and generally as to the planning of development in their areas ; and any such committee shall be constituted in such manner as may be determined by the authorities by whom it is established :

Provided that a majority of the members of any such committee shall be members of one or other of those authorities.

6. If it appears to the Minister to be expedient that a joint advisory committee of any two or more local planning authorities should be established in accordance with the last preceding paragraph, he may, after consultation with those authorities, by order establish such a committee, and any such order may—

(a) provide for the reference to the committee of such matters as may be specified in the order ;

(b) make such incidental and consequential provisions (including provision for the payment of expenses of the committee and the transfer and compensation of officers) as appear to the Minister to be expedient.

7. Any power conferred by this Part of this Schedule to establish committees or to authorise such committees to exercise any functions shall include power to dissolve or alter the constitution of such committees, and to revoke or vary any such authorisation.

8. The provisions of this Part of this Schedule shall be in addition to and not in substitution for the provisions of the Local Government Act, 1933, with respect to the appointment by local authorities of joint committees.

Sections 12  
and 118.

### THIRD SCHEDULE

#### DEVELOPMENT NOT CONSTITUTING NEW DEVELOPMENT

##### PART I

##### *Development not ranking for compensation under s. 123*

1. The carrying out of any of the following works, that is to say—
  - (a) the rebuilding, as often as occasion may require, of any building which was in existence on the appointed day, or of any building which was in existence before that day but was destroyed or demolished after the seventh day of January, nineteen hundred and thirty-seven, including the making good of war damage sustained by any such building ;
  - (b) the rebuilding, as often as occasion may require, of any building erected after the appointed day which was in existence at a material date ;
  - (c) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building and (in either case) are works for making good war damage, so long as (in the case of works falling within any of the preceding sub-paragraphs) the cubic content of the original building is not exceeded—
    - (i) in the case of a dwellinghouse, by more than one-tenth or seventeen hundred and fifty cubic feet, whichever is the greater, and
    - (ii) in any other case, by more than one-tenth.
2. The use as two or more separate dwellinghouses of any building which at a material date was used as a single dwellinghouse.

##### PART II

##### *Development ranking for compensation under s. 123*

3. The enlargement, improvement or other alteration, as often as occasion may require, of any such building as is mentioned in sub-paragraph (a) or sub-paragraph (b) of paragraph 1 of this Schedule, or any building substituted for such a building by the carrying out of any such operations as are mentioned in that paragraph, so long as the cubic content of the original building is not increased or exceeded—
  - (a) in the case of a dwellinghouse, by more than one-tenth or seventeen hundred and fifty cubic feet, whichever is the greater, and
  - (b) in any other case, by more than one-tenth.
4. The carrying out, on land which was used for the purposes of agriculture or forestry at a material date, of any building or other operations required for the purposes of that use, other than operations for the erection, enlargement, improvement or alteration of dwellinghouses or of buildings used for the purposes of market gardens, nursery grounds or timber yards or for other purposes not connected with general farming operations or with the cultivation or felling of trees.

5. The winning and working, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use, including the fertilisation of the land so used and the maintenance, improvement or alteration of buildings or works thereon which are occupied or used for those purposes.

6. In the case of a building or other land which, at a material date, was used for a purpose falling within any general class specified in the Town and Country Planning (Use Classes for Third Schedule Purposes) Order, 1948, or which, having been unoccupied on and at all times since the appointed day, was last used (otherwise than before the seventh day of January, nineteen hundred and thirty-seven) for any such purpose, the use of that building or land for any other purpose falling within the same general class.

7. In the case of any building or other land which, at a material date, was in the occupation of a person by whom it was used as to part only for a particular purpose, the use for that purpose of any additional part of the building or land not exceeding one-tenth of the cubic content of the part of the building used for that purpose on the appointed day, or on the day thereafter when the building began to be so used, or, as the case may be, one-tenth of the area of the land so used on that day.

8. The deposit of waste materials or refuse in connection with the working of minerals, on any land comprised in a site which at a material date was being used for that purpose, so far as may be reasonably required in connection with the working of those minerals.

### PART III

#### *Supplementary provisions*

9. Any reference in this Schedule to the cubic content of a building shall be construed as a reference to that content as ascertained by external measurement.

10. Where, after the appointed day, any buildings or works have been erected or constructed, or any use of land has been instituted, and any condition imposed under Part III of this Act, limiting the period for which those buildings or works may be retained, or that use may be continued, has effect in relation thereto, this Schedule shall not operate except as respects the period specified in that condition.

11. For the purposes of paragraph 3 of this Schedule—

- (a) the erection, on land within the curtilage of any such building as is mentioned in that paragraph, of an additional building to be used in connection with the original building shall be treated as the enlargement of the original building; and
- (b) where any two or more buildings comprised in the same curtilage are used as one unit for the purposes of any institution or undertaking, the reference in that paragraph to the cubic content of the original building shall be construed as a reference to the aggregate cubic content of those buildings.

## 3RD SCH.

12. In this Schedule "at a material date" means at either of the following dates, that is to say—

(a) the appointed day, and

(b) the date by reference to which this Schedule falls to be applied in the particular case in question :

Provided that sub-paragraph (b) of this paragraph shall not apply in relation to any buildings, works or use of land in respect of which, whether before or after the date mentioned in that sub-paragraph, an enforcement notice served before that date has become or becomes effective.

## Section 75.

## FOURTH SCHEDULE

## FURTHER PROVISIONS WITH RESPECT TO ORDERS PROVIDING FOR EXPEDITED COMPLETION

*Introductory*

1.—(1) The provisions of this Schedule shall have effect with respect to any compulsory purchase order which includes a direction, under subsection (1) of section seventy-four of this Act, that the provisions of Part V of this Act relating to expedited completion shall apply to the order so far as it relates to land specified in the direction; and in this Schedule "the relevant land" means the land so specified.

(2) In this Schedule "the Act of 1845" means the Lands Clauses Consolidation Act, 1845, and "the Act of 1946" means the Acquisition of Land (Authorisation Procedure) Act, 1946.

*Particulars to be included in notice of confirmation of order*

2. The notice of the confirmation of the order required by paragraph 6 of the First Schedule to the Act of 1946 to be published—

(a) shall refer to the provisions as to entry and vesting contained in subsection (6) of section seventy-five of this Act, and

(b) shall include a notification to the effect that every person entitled to claim compensation in respect of any of the relevant land or any interest in such land is invited to give information to the acquiring authority, in the prescribed form, with respect to his name and address and the land and interest in question.

*Certificate of acquiring authority for purpose of determining date of vesting*

3. For the purposes of section seventy-five of this Act, a certificate given by the acquiring authority stating that the service of notices on occupiers required by subsection (5) of that section was completed on a date specified in the certificate shall be conclusive evidence of the fact so stated.

*Exclusion of power of entry conferred by Act of 1946*

4. Paragraph 3 of the Second Schedule to the Act of 1946 (which provides for entry on land comprised in a compulsory purchase order before the purchase money has been paid, and without previous consent or compliance with sections eighty-four to ninety of the Act of 1845) shall not have effect in relation to the order.

*Restriction on withdrawal of constructive notice to treat*

4TH SCH.

5. The power conferred by section thirty-one of the Land Compensation Act, 1961, to withdraw a notice to treat shall, in the case of a notice to treat which is deemed to have been served by virtue of subsection (2) of section seventy-five of this Act, not be exercisable at any time after the interest in respect of which the notice is deemed to have been served has vested in the acquiring authority by virtue of subsection (6) of the said section seventy-five.

*Special provisions with respect to parts of buildings, etc.*

6.—(1) Where a part only of a house, building or manufactory, or of a park or garden belonging to a house, is comprised in the relevant land, then, if notice in that behalf is given to the acquiring authority in accordance with the provisions of the next following sub-paragraph, no notice to treat shall be deemed by virtue of subsection (2) of section seventy-five of this Act to have been served in respect of any interest in the said part; and, as from the giving of the first-mentioned notice, the order shall have effect in relation to that part as if it had not been comprised in the relevant land.

(2) A notice under the preceding sub-paragraph in respect of any premises consisting of part of a house, building, manufactory, park or garden may be given to the acquiring authority by any person having in those premises an interest in respect of which, but for that sub-paragraph, a notice to treat would be deemed to have been served, but shall not have effect if given before the order has come into operation or after the acquiring authority have executed in respect of those premises a declaration under subsection (3) of the said section seventy-five.

(3) Where by virtue of subsection (2) of the said section seventy-five a notice to treat is deemed to have been served in respect of any interest, section ninety-two of the Act of 1845 (which provides that a person shall not be compelled to sell part only of a building if he is prepared to sell the whole) shall, in relation to the acquisition of that interest under the order, be excepted from the incorporation (by virtue of paragraph 1 of the Second Schedule to the Act of 1946) of the Act of 1845 with section sixty-eight of this Act.

7. Paragraph 4 of the Second Schedule to the Act of 1946 (which makes special provision, in substitution for section ninety-two of the Act of 1845, with respect to the compulsory acquisition of parts of buildings) shall not have effect in relation to the order.

*Compensation not to be affected by provision  
for expedited completion*

8. Where any of the relevant land has become vested in the acquiring authority by virtue of subsection (6) of section seventy-five of this Act, the authority shall be liable to pay the like compensation for the land, and the like interest on the compensation agreed or awarded, as they would have been required to pay if the provisions of the Act of 1845 specified in the said subsection (6), and the provisions of that Act compliance with which would have been requisite in order to render exercisable by them the powers referred to in that subsection, had been complied with.

## 4TH SCH.

*Exclusion of provisions of Act of 1845 relating to absent parties and interests omitted to be purchased*

9.—(1) Where a notice to treat is deemed by virtue of subsection (2) of section seventy-five of this Act to have been served in respect of any interest, the provisions of the Act of 1845 specified in the following sub-paragraph shall, in relation to the purchase of that interest under the order, be excepted from the incorporation (by virtue of paragraph 1 of the Second Schedule to the Act of 1946) of the Act of 1845 with section sixty-eight of this Act.

(2) The said provisions are sections fifty-eight to sixty-two and sixty-four to sixty-seven (which relate to the mode of ascertaining compensation to absent parties) and sections one hundred and twenty-four to one hundred and twenty-six (which relate to interests which have by mistake been omitted to be purchased).

*Rentcharges and leases affecting relevant land and other land*

10.—(1) Where land consisting or forming part of the relevant land is, together with other land not comprised in the relevant land, charged with a rentcharge, such portion of the rentcharge as may be apportioned under section one hundred and sixteen of the Act of 1845 to the first-mentioned land shall, subject to sub-paragraph (3) of this paragraph, be treated as having been extinguished by virtue of subsection (6) of section seventy-five of this Act on the vesting of that land in the acquiring authority under that subsection.

(2) Where by virtue of the preceding sub-paragraph a portion of a rentcharge is treated as having been extinguished, sections one hundred and fifteen to one hundred and eighteen of the Act of 1845 shall have effect as if the extinguishment had taken place under section one hundred and seventeen of that Act.

(3) If, in the circumstances described in sub-paragraph (1) of this paragraph, the person entitled to the rentcharge and the owner of the land subject thereto enter into an agreement to that effect, the said sections one hundred and fifteen to one hundred and eighteen shall have effect as if, at the time of the vesting of the relevant land in the acquiring authority under subsection (6) of section seventy-five of this Act, the person entitled to the rentcharge had released that land from the rentcharge on the condition mentioned in section one hundred and sixteen of the Act of 1845; and, in that case, no part of the rentcharge shall be treated as having been extinguished by virtue of the said subsection (6) so far as regards the remaining part of the land charged therewith.

(4) In this paragraph references to a rentcharge include references to any such rent service, chief or other rent, or other payment or incumbrance, as is mentioned in the words introductory to the said sections one hundred and fifteen to one hundred and eighteen.

11. Where land consisting or forming part of the relevant land is, together with other land not comprised in the relevant land, comprised in a lease for a term of years unexpired, section one hundred and nineteen of the Act of 1845 shall have effect in relation thereto

with the substitution, for references therein to the time of the apportionment of rent therein mentioned, of references to the time of the vesting in the acquiring authority of the leasehold interest in the first-mentioned land under subsection (6) of section seventy-five of this Act.

#### *Miscellaneous*

12. Where any of the relevant land has become vested in the acquiring authority under subsection (6) of section seventy-five of this Act, any person who, in consequence thereof, is relieved from any liability (whether in respect of a rentcharge, rent under a lease, mortgage interest or any other matter) and makes any payment as in satisfaction or part satisfaction of that liability shall, if he shows that when he made the payment he did not know of the facts which constitute the cause of his being so relieved, or of some one or more of those facts, be entitled to recover the sum paid as money had and received to his use by the person to whom it was paid.

13. Where, at the time of the vesting of an interest in the acquiring authority by virtue of subsection (6) of section seventy-five of this Act, the compensation payable in respect thereof is not finally ascertained, section twelve of the Finance Act, 1895 (which provides for the collection of stamp duty, where property is vested by way of sale by virtue of an Act, within three months from the date of vesting) shall have effect, with respect to the vesting of that interest, with the substitution, for the reference therein to the date of vesting, of a reference to the date on which the compensation has become finally ascertained.

14. Where, after land has become vested in the acquiring authority under subsection (6) of section seventy-five of this Act, a person retains possession of any document relating to the title to the land, he shall be deemed to have given to the acquiring authority an acknowledgment in writing of the right of the authority to production of that document and to delivery of copies thereof and (except where he retains possession of the document as mortgagee or as trustee or otherwise in a fiduciary capacity) an undertaking for safe custody thereof, and section sixty-four of the Law of Property Act, 1925, shall have effect accordingly, and on the basis that the acknowledgment and undertaking did not contain any such expression of contrary intention as is mentioned in that section.

15.—(1) The time within which a question of disputed compensation, arising out of an acquisition of an interest in land in respect of which a notice to treat is deemed to have been served by virtue of subsection (2) of section seventy-five of this Act, may be referred to the Lands Tribunal shall be six years from the date at which the person claiming compensation, or a person under whom he derives title, first knew, or could reasonably be expected to have known, of the vesting of the interest by virtue of subsection (6) of the said section seventy-five.

(2) This paragraph shall be construed as one with Part I of the Limitation Act, 1939.

## Section 92.

## FIFTH SCHEDULE

## ADJUSTMENT OF CLAIM HOLDINGS

## PART I

*Adjustment of claim holdings pledged to Central Land Board as security for development charges*

1.—(1) In this Part of this Schedule references to the pledging of a claim holding to the Central Land Board are references to any transaction whereby—

- (a) the holder of the claim holding mortgaged it to the Central Land Board as security, or part of the security, for one or more development charges determined, or thereafter to be determined, by the Board, or
- (b) the holder and the Central Land Board agreed that a development charge determined by the Board should be set off against any payment which might thereafter become payable to the holder by reference to that holding, or
- (c) the Central Land Board refrained from determining a development charge, which would otherwise have fallen to be determined by them, in consideration of a mortgage of the holding, with or without other claim holdings.

(2) All pledges of claim holdings to the Central Land Board made by the same person, whether or not made at the same time, other than any pledge to which sub-paragraph (1) of paragraph 2 of this Schedule applies, shall for the purposes of this Part of this Schedule be treated collectively as a single pledge made at the time when the last of those pledges was made.

(3) Where a development charge covered by a pledge to the Central Land Board was determined in respect of land consisting of, or forming part of, the area of a claim holding—

- (a) which was not comprised in the pledge, but
- (b) whose holder immediately before the time of completion was the person who would, apart from the pledge, have been liable to pay the unpaid balance of the development charge,

then, for the purposes of this Part of this Schedule, that claim holding shall be deemed to have been comprised in the pledge.

(4) In this Part of this Schedule (but without prejudice to the operation of paragraph 10 of the Tenth Schedule to this Act) references to the determination of a development charge in respect of any land are references to a determination of the Central Land Board that the charge was payable in respect of the carrying out of operations in, on, over or under that land, or in respect of the use of that land.

(5) For the purposes of this Part of this Schedule (but without prejudice to the operation of paragraph 10 of the Tenth Schedule to this Act) the amount of a development charge—

- (a) in a case where the Central Land Board determined that amount as a single capital payment, shall be taken to have been the amount of that payment, and



(b) in a case where the Board determined that amount otherwise than as a single capital payment, shall be taken to have been the amount of the single capital payment which would have been payable if the Board had determined the amount as such a payment ;

and references in this Part of this Schedule to the unpaid balance of a development charge are references to the amount of the charge, if no sum was actually paid to the Board on account of the charge, or if any sum was so paid, are references to the amount of the charge reduced by the amount or aggregate amount of the sum or sums so paid, other than any sum paid by way of interest.

(6) In relation to the pledging of a claim holding to the Central Land Board, references in this Part of this Schedule to a development charge covered by the pledge are references to a development charge the payment of which was secured, or partly secured, by the pledge, or, as the case may be, which was agreed to be set off against any payment which might become payable by reference to that claim holding.

(7) References in this Part of this Schedule to a mortgage of a claim holding do not include a mortgage which was subsequently discharged.

2.—(1) Where a claim holding was pledged to the Central Land Board in accordance with the special arrangements relating to owners of single house plots, that claim holding shall, subject to the next following sub-paragraph, be deemed to have been extinguished as from the time when it was pledged to the Board.

(2) Where a claim holding (in this sub-paragraph referred to as "the original holding") was pledged as mentioned in the preceding sub-paragraph, but was so pledged by reference to a plot of land which did not extend to the whole of the area of the original holding, the preceding sub-paragraph shall not apply, but there shall be deemed to have been substituted for the original holding, as from the time of the pledge, a claim holding with an area consisting of so much of the area of the original holding as was not comprised in that plot of land, and with a value equal to that fraction of the value of the original holding which then attached to so much of the area of the original holding as was not comprised in that plot.

3. Without prejudice to the last preceding paragraph, where a pledge to the Central Land Board comprised one or more claim holdings, and the unpaid balance of the development charge covered by the pledge, or (if more than one) the aggregate of the unpaid balances of the development charges so covered, was equal to or greater than the value of the claim holding, or the aggregate value of the claim holdings, as the case may be, the holding or holdings shall be deemed to have been extinguished as from the time of the pledge.

4. Where a pledge to the Central Land Board comprised only a single claim holding with an area of which every part either consisted of, or formed part of, the land in respect of which some development charge covered by the pledge was determined, and the last preceding paragraph does not apply, the value of that claim

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holding shall be deemed to have been reduced, as from the time of the pledge, by the unpaid balance of the development charge covered by the pledge, or (if more than one) by the aggregate of the unpaid balances of all the development charges covered by the pledge.

5.—(1) The provisions of this paragraph shall have effect in the case of a pledge of one or more claim holdings to the Central Land Board to which neither paragraph 3 nor paragraph 4 of this Schedule applies.

(2) Any claim holding comprised in the pledge with an area of which every part either consisted of, or formed part of, the land in respect of which some development charge covered by the pledge was determined shall be allocated to the development charge in question, or (if more than one) to those development charges collectively.

(3) Any claim holding comprised in the pledge with an area part of which did, and part of which did not, consist of, or form part of, such land as is mentioned in the last preceding sub-paragraph shall be treated as if, at the time of the pledge, the claim holding (in this sub-paragraph referred to as "the parent holding") had been divided into two separate claim holdings, that is to say—

- (a) a claim holding with an area consisting of so much of the area of the parent holding as consisted of, or formed part of, such land as is mentioned in the last preceding sub-paragraph, and with a value equal to that fraction of the value of the parent holding which then attached to that part of the area of the parent holding, and
- (b) a claim holding with an area consisting of the residue of the area of the parent holding, and with a value equal to that fraction of the value of the parent holding which then attached to the residue of the area of the parent holding.

and the claim holding referred to in head (a) of this sub-paragraph shall be allocated to the development charge in question, or (if more than one) to those development charges collectively.

(4) Paragraph 3 or paragraph 4 of this Schedule shall then apply in relation to each claim holding (if any) allocated in accordance with sub-paragraph (2) or sub-paragraph (3) of this paragraph to any development charge, or to any development charges collectively, as if the pledge had comprised only that claim holding and had covered only that development charge or those development charges.

(5) If, after the application of the preceding provisions of this paragraph, there remains outstanding any claim holding not allocated in accordance with those provisions, or any claim holding which (having been so allocated) is deemed to have been reduced in value but not extinguished, an amount equal to the aggregate of—

- (a) the unpaid balance of any development charge covered by the pledge to which no claim holding was so allocated, and
- (b) the amount (if any) by which the value of any claim holding so allocated which is deemed to have been extinguished

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falls short of the unpaid balance of the development charge, or the aggregate of the unpaid balances of the development charges, to which it was so allocated,

shall be treated as having been deducted from the value of the claim holding so remaining outstanding, or (if more than one) as having been deducted rateably from the respective values of those claim holdings, and the value of any such holding shall be deemed to have been reduced accordingly as from the time of the pledge.

## PART II

*Adjustment by reference to payments in respect of war-damaged land*

6.—(1) The provisions of this Part of this Schedule shall have effect where a payment under the scheme has become, or becomes, payable in respect of an interest in land, and a claim holding related (or would, apart from this Part of this Schedule, have related) to the like interest in the whole or part of that land, with or without any other land.

(2) In this Part of this Schedule “the scheme” means the scheme made under section fifty-nine of the Act of 1947, “the date of the scheme” means the twelfth day of December, nineteen hundred and forty-nine, and “payment under the scheme” means a payment which has become, or becomes, payable by virtue of the scheme.

(3) In relation to any payment under the scheme “the payment area”, in this Part of this Schedule, means the land in respect of which the payment became or becomes payable, and references to the amount of the payment shall be construed as references to the principal amount thereof, excluding any interest payable thereon in accordance with subsection (3) of section sixty-five of the Act of 1947.

7. If the payment area is identical with the area of the claim holding, then—

- (a) in the case of a payment of an amount equal to the value of the claim holding, the claim holding shall be deemed to have been extinguished as from the date of the scheme;
- (b) in the case of a payment of an amount less than the value of the claim holding, the value of the claim holding shall be deemed to have been reduced, as from the date of the scheme, by the amount of the payment.

8.—(1) If the payment area forms part of the area of the claim holding, the holding (in this paragraph referred to as “the parent holding”) shall be treated, as from the date of the scheme, as having been divided into two claim holdings, that is to say—

- (a) a claim holding with an area consisting of that part of the area of the parent holding which constituted the payment area, and with a value equal to that fraction of the value of the parent holding which attached to that part of the area of the parent holding, and

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(b) a claim holding with an area consisting of the residue of the area of the parent holding, and with a value equal to that fraction of the value of the parent holding which attached to the residue of the area of the parent holding.

(2) Where the preceding sub-paragraph applies, the last preceding paragraph shall have effect in relation to the claim holding referred to in head (a) of the preceding sub-paragraph as if it were the parent holding.

9. If the payment area includes the area of the claim holding together with other land, paragraph 7 of this Schedule shall apply as if—

(a) the payment area had been identical with the area of the claim holding, but

(b) the amount of the payment had been so much of the actual amount thereof as might reasonably be expected to have been attributed to the area of the claim holding if, under the scheme, the authority determining the amount of the payment had been required (in accordance with the same principles as applied to the determination of that amount) to apportion it between the area of the claim holding and the rest of the payment area.

10. If the payment area includes part of the area of the claim holding together with other land not comprised in the area of the claim holding—

(a) paragraph 8 of this Schedule shall apply as if the part of the payment area comprised in the area of the claim holding had been the whole of the payment area, and

(b) the last preceding paragraph shall apply as if the part of the area of the claim holding comprised in the payment area had been the whole of the area of the claim holding

**PART III***Adjustment in cases of partial disposition of claim holdings*

11. The provisions of this Part of this Schedule shall have effect where, by virtue of a disposition of part of the benefit of an established claim, not being a mortgage made otherwise than by way of assignment (in this Part of this Schedule referred to as "the relevant disposition"), different persons became entitled to different parts of the benefit of that established claim.

12. As from the date of the relevant disposition, each of those different parts shall be treated as having constituted a separate claim holding.

13. The area and value of any such separate claim holding at any time after the relevant disposition shall be taken to have been such as may, in the requisite manner, be or have been determined to be just and appropriate in all the circumstances.

14. In the last preceding paragraph the reference to determination in the requisite manner of the area and value of a claim holding is a reference to the determination thereof on the occasion of an

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apportionment affecting that holding which fell or falls to be made for any of the purposes of the Act of 1954, of Part VI of this Act or of this Schedule, being a determination made—

- (a) by the authority making that apportionment, or
- (b) where, under the Act of 1954 or Part VI of this Act, that authority's findings were or are referred to the Lands Tribunal, by that Tribunal,

having regard in particular to the principles mentioned in the next following paragraph.

15.—(1) The said principles are those set out in the following provisions of this paragraph.

(2) The aggregate of the values of all claim holdings representing parts of the benefit of the same established claim must not exceed the amount of the established claim.

(3) Subject to the last preceding sub-paragraph, where a claim holding representing part only of the benefit of an established claim was pledged to the Central Land Board, otherwise than as mentioned in paragraph 2 of this Schedule, and by virtue of Part I of this Schedule the value of that claim holding is deemed to have been reduced by reference to an amount due by way of development charge, the value of that holding at the time of the pledge is not to be taken to have been less than the amount credited for the purposes of the pledge by reference to the holding.

(4) In the case of the claim holding representing the part of the benefit of an established claim which was the subject of the relevant disposition, if it was not a claim holding to which sub-paragraph (5) of this paragraph applies,—

- (a) the area of that claim holding is to be taken to be the claim area of that established claim, less the area of any claim holding to which the said sub-paragraph (5) applies which represents part of the benefit of the same established claim, and
- (b) the value of the claim holding immediately after the relevant disposition is, subject to sub-paragraphs (2) and (3) of this paragraph, to be taken to have been that part of the amount of the established claim to which the holder purported to become entitled under the terms of the relevant disposition.

(5) Where any person who was entitled to a claim holding representing part only of the benefit of an established claim—

- (a) at any time while so entitled was also entitled to the interest in land to which the established claim related in so far as that interest subsisted in part only of the claim area, and
- (b) became entitled to both that holding and that interest in such circumstances that the authority making the apportionment in question or the Lands Tribunal, as the case may be, were or are satisfied that the holding and the interest were intended to relate to one another,

the area of that claim holding is to be taken to be that part of the claim area, and the value of the holding immediately after the

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relevant disposition (however that or any other disposition affecting the holding was expressed, but subject to sub-paragraphs (2) to (4) of this paragraph) is to be taken to have been an amount equal to so much of the amount of the established claim as might reasonably be expected to have been attributed to that part of the claim area if the authority determining the amount of that established claim had been required to apportion it, in accordance with the same principles as applied to its determination, between that part and the residue of the claim area.

16. Paragraph 1 of this Schedule shall apply for the purposes of this Part of this Schedule as it applies for the purposes of Part I thereof.

**PART IV***Adjustment in respect of payments under Part I of  
Act of 1954*

17. The provisions of this Part of this Schedule shall have effect where, by virtue of Part I of the Act of 1954, a payment became or becomes payable in respect of a claim holding.

18. Subject to the following provisions of this Part of this Schedule, if either—

- (a) the principal amount of the payment was or is not less than the value of the claim holding, or
- (b) the payment (whatever its amount) became or becomes payable under Case D (that is to say, by virtue of section eight of the Act of 1954, which related to cases where a claim holding had been disposed of for valuable consideration),

the claim holding shall be deemed to have been extinguished; and if the principal amount of the payment (not being a payment under Case D) was or is less than the value of the claim holding, the value of that holding shall be deemed to have been reduced by the principal amount of the payment.

19. The last preceding paragraph shall apply where two or more payments under Part I of the Act of 1954 were or are payable in respect of the same claim holding, with the substitution, for references to the principal amount of the payment, of references to the aggregate of the principal amounts of the payments.

20.—(1) Where one or more relevant acts or events have occurred in relation to a claim holding (in this paragraph referred to as “the parent holding”) and any such act or event did not extend to the whole of the area of the parent holding, then, for the purposes of the preceding provisions of this Part of this Schedule, and for the purposes of Part V of this Schedule and of Part VI of this Act,—

- (a) the parent holding shall be treated as having been divided, immediately before the time of completion, into as many separate claim holdings, with such areas, as may be necessary to ensure that, in the case of each holding, either any relevant act or event extending to the area of that holding extended to the whole thereof or no relevant act or event extended to the area of that holding;

- (b) the value of each of the separate holdings respectively shall be taken to have been that fraction of the value of the parent holding which then attached to the part of the area of the parent holding constituting the area of the separate holding ; and
- (c) the portion of the amount of any payment under Part I of the Act of 1954 which, by the authority determining that amount, was or is apportioned to the area of any of the separate claim holdings shall be taken to have been a payment payable under the said Part I in respect of that claim holding.

(2) In this paragraph "relevant act or event", in relation to a claim holding, means an act or event whereby, in accordance with the provisions of Part I of the Act of 1954, one or more payments became or become payable in respect of that claim holding.

21. For the purposes of this Part of this Schedule—

- (a) a payment shall be treated as having become payable notwithstanding that the right to receive the payment was extinguished by subsection (2) of section fourteen of the Act of 1954 (which enabled the Central Land Board to set off payments against liabilities in respect of development charges) ;
- (b) any reduction of the principal amount of a payment by virtue of that subsection shall be disregarded ; and
- (c) where in accordance with subsection (3) of section fourteen or subsection (6) of section fifty-eight of the Act of 1954 (which provided for cases of failure to apply for a payment within the appropriate period) an amount was determined as being the principal amount of a payment to which a person would have been entitled as mentioned in those subsections respectively, that payment shall be treated as if it had become due and as if the principal amount thereof had been the amount so determined.

22.—(1) Where in accordance with the preceding provisions of this Part of this Schedule a claim holding is deemed to have been extinguished or the value of a claim holding is deemed to have been reduced, the extinguishment or reduction, as the case may be, shall be deemed to have had effect immediately before the time of completion.

(2) References in this Part of this Schedule to the value of a claim holding are references to the value thereof immediately before the time of completion.

#### PART V

##### *Adjustment in respect of compensation under Part V of Act of 1954*

23. Where compensation under Part V of the Act of 1954 became or becomes payable by reference to a claim holding, then (subject to the following provisions of this Part of this Schedule) for the purposes of Part VI of this Act—

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- (a) if the principal amount of the compensation was or is equal to the value of the claim holding at the time of completion (ascertained apart from this Part of this Schedule) the claim holding shall be deemed to have been extinguished immediately before that time;
- (b) if the principal amount of the compensation was or is less than the value of the claim holding at that time (ascertained apart from this Part of this Schedule) the value of the claim holding shall be deemed to have been reduced immediately before that time by the principal amount of the compensation.

24. Where compensation became or becomes payable as mentioned in the last preceding paragraph, and at any time an amount became or becomes recoverable in respect thereof under section twenty-nine of the Act of 1954, as applied by section forty-six of that Act, or under section one hundred and thirteen of this Act as applied by paragraph 27 of the Fourteenth Schedule thereto to compensation under Part V of the Act of 1954, then, for the purposes of Part VI of this Act, the last preceding paragraph shall have effect as from that time as if the principal amount of that compensation had been reduced by a sum equal to seven-eighths of the amount which so became or becomes recoverable.

25. Where, in the case of a claim holding (in this paragraph referred to as "the parent holding"), compensation under Part V of the Act of 1954 became or becomes payable in respect of depreciation of the value of an interest in land by one or more planning decisions or orders, and any such decision or order did not extend to the whole of the area of the parent holding, then, both for the purposes of the preceding provisions of this Part of this Schedule and for the purposes of Part VI of this Act,—

- (a) the parent holding shall be treated as having been divided immediately before the time of completion into as many separate claim holdings, with such areas, as may be necessary to ensure that, in the case of each holding, either any such decision or order extending to the area of that holding extended to the whole thereof or no such decision or order extended to the area of that holding;
- (b) the value of each of the separate holdings respectively shall be taken to have been that fraction of the value of the parent holding which then attached to the part of the area of the parent holding constituting the area of the separate holding; and
- (c) the portion of the amount of any such compensation which, by the authority determining that amount, was or is apportioned to the area of any of the separate claim holdings shall be taken to have been compensation payable under Part V of the Act of 1954 in respect of that claim holding.

## PART VI

*Supplementary provisions*

26. Where in accordance with any of the provisions of this Schedule a part of the benefit of an established claim constituted



a separate claim holding, the interest in land to which that claim holding related—

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- (a) if the established claim related to the fee simple of the claim area, shall be taken to have been the fee simple of the area of the claim holding ;
- (b) if the established claim related to a leasehold interest, shall be taken to have been that leasehold interest in so far as it subsisted in the area of the claim holding.

27. Where in accordance with any of the provisions of this Schedule a claim holding (in this paragraph referred to as "the parent holding") is to be treated as divided into two or more claim holdings, a person who was the holder of one of those holdings shall be treated as having been the holder thereof at any time when he was the holder of the parent holding.

28. Expressions used in this Schedule and in Part VI of this Act have the same meanings in this Schedule as in that Part of this Act.

29. In this Schedule "the holder", in relation to a claim holding, means the person for the time being entitled to the holding, or, in the case of a holding subject to a mortgage made otherwise than by way of assignment, means the person who would for the time being have been entitled to the holding if it had not been mortgaged, and "the time of completion" means the time when, in accordance with section ninety-two of this Act, the adjustment of claim holdings is deemed to have been completed.

## SIXTH SCHEDULE

Section 95.

### CALCULATION OF VALUE OF PREVIOUS DEVELOPMENT OF LAND

1. Where for the purposes of section ninety-five of this Act the value of any development initiated before a time referred to in that section has to be ascertained with reference to that time, the value of the development shall be calculated in accordance with the provisions of this Schedule.

2. Subject to the following provisions of this Schedule, the value shall be calculated by reference to prices current at the time in question—

- (a) as if the development had not been initiated, but the land had remained in the state in which it was immediately before the development was initiated, and
- (b) on the assumption that (apart from the provisions of Part III of this Act or the provisions of the Act of 1947, as the case may be) the development could at that time lawfully be carried out,

and shall be taken to be the difference between the value which in those circumstances the land would have had at that time if planning permission for that development had been granted unconditionally immediately before that time and the value which in those circumstances the land would have had at that time if planning permission for that development had been applied for and refused immediately before that time, and it could be assumed

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that planning permission for that development, and any other new development of that land, would be refused on any subsequent application.

3. If the development involved the clearing of any land, the reference in sub-paragraph (a) of the last preceding paragraph to the state of the land immediately before the development shall be construed as a reference to the state of the land immediately after the clearing thereof but before the carrying out of any other operations.

4.—(1) If the development was initiated in pursuance of planning permission granted subject to conditions, paragraph 2 of this Schedule shall apply as if the reference to the granting of permission unconditionally were a reference to the granting of permission subject to the like conditions.

(2) If the permission referred to in the preceding sub-paragraph was granted subject to conditions which consisted of, or included, a requirement expressed by reference to a specified period, the reference in that sub-paragraph to the like conditions shall be construed, in relation to the condition imposing that requirement, as a reference to a condition imposing the like requirement in respect of a period of like duration beginning at the time in question.

5. In the application of the preceding provisions of this Schedule to development initiated, but not completed, before the time in question, references to permission for that development shall be construed as references to permission for so much of that development as had been carried out before that time.

## Section 96.

## SEVENTH SCHEDULE

## APPORTIONMENT OF UNEXPENDED BALANCE OF ESTABLISHED DEVELOPMENT VALUE

*Determination of relevant area*

1.—(1) Where, in the case of a compulsory acquisition to which section ninety-six of this Act applies, any area of the relevant land which, immediately before the relevant date, has an unexpended balance of established development value does not satisfy the conditions set out in the next following sub-paragraph, that area shall be treated as divided into as many separate areas as may be requisite to ensure that each of those separate areas satisfies those conditions.

(2) The conditions referred to in the preceding sub-paragraph are—

(a) that all the interests (other than excepted interests) subsisting in the area in question subsist in the whole of that area, and

(b) that any rentcharge charged on that area is charged on the whole of it.

(3) Any area of the relevant land which has an unexpended balance of established development value and which complies with the conditions set out in the last preceding sub-paragraph is in this Schedule referred to, in relation to the interests subsisting therein, as "the relevant area", and the subsequent provisions of this

Schedule shall have effect separately in relation to each relevant area. 7TH SCH.

*Preliminary calculations*

2. There shall be calculated the amount referable to the relevant area of the rent which might reasonably be expected to be reserved if the relevant land were to be let on terms prohibiting the carrying out of any new development but permitting the carrying out of any other development ; and the amount so calculated is in this Schedule referred to as " the existing use rent ".

3.—(1) If, in the case of an interest in fee simple which is subject to a rentcharge, or in the case of a tenancy, so much of the rent reserved under the rentcharge or tenancy as is referable to the relevant area exceeds the existing use rent, there shall be calculated the capital value of the right to receive, for the period of the remainder of the term of the rentcharge or tenancy, an annual payment equal to the excess ; and any amount so calculated in the case of any interest is in this Schedule referred to as " the rental liability " of that interest.

(2) Where the interest in fee simple is subject to more than one rentcharge, then, for the purposes of the preceding sub-paragraph, in relation to any period included in the term of two or more of those rentcharges, those two or more rentcharges shall be treated as a single rentcharge charged on the relevant area for the duration of that period, with a rent reserved thereunder of an amount equal to the aggregate of so much of their respective rents as is referable to the relevant area.

4. In the case of any interest in reversion—

- (a) there shall be calculated the capital value, as at the time immediately before the relevant date, of the right to receive a sum equal to the unexpended balance of established development value of the relevant area at that time, but payable at the end of the tenancy upon the termination of which the interest in question is immediately expectant ; and the amount so calculated in the case of any interest is in this Schedule referred to as " the reversionary development value " of that interest ;
- (b) if so much of the rent reserved under the said tenancy as is referable to the relevant area exceeds the existing use rent, there shall also be calculated the capital value as at the said time of the right to receive, for the period of the remainder of the term of that tenancy, an annual payment equal to the excess ; and any amount so determined in the case of any interest is in this Schedule referred to as " the rental increment " of that interest.

*Apportionment of unexpended balance between interests*

5. Where two or more interests (other than excepted interests) subsist in the relevant area, the portion of the unexpended balance of established development value of the relevant area attributable

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- (a) in the case of the interest in fee simple, an amount equal to the reversionary development value of that interest, less the amount (if any) by which any rental liability of that interest exceeds any rental increment thereof ;
- (b) in the case of a tenancy in reversion, an amount equal to the reversionary development value of that tenancy, less the aggregate of—
  - (i) the reversionary development value of the interest in reversion immediately expectant upon the termination of that tenancy, and
  - (ii) the amount (if any) by which any rental liability of that tenancy exceeds any rental increment thereof ;
- (c) in the case of a tenancy other than a tenancy in reversion, the remainder (if any) of the said balance after the deduction of the aggregate of—
  - (i) the reversionary development value of the interest in reversion immediately expectant upon the termination of that tenancy, and
  - (ii) any rental liability of that tenancy.

*Application of Schedule to past acquisitions*

6. In relation to any compulsory acquisition to which section ninety-six of this Act applies, where the relevant date was a date before the commencement of this Act, the preceding provisions of this Schedule shall have effect with the necessary modifications.

*Interpretation*

7. In this Schedule—

- (a) “the relevant land”, in relation to a compulsory acquisition to which section ninety-six of this Act applies, means the land in which the interest acquired subsisted or subsists ;
- (b) “tenancy” does not include an excepted interest ;
- (c) any reference to an interest or tenancy in reversion does not include an interest or tenancy in reversion immediately expectant upon the termination of an excepted interest ;
- (d) “the relevant date” and “excepted interest” have the same meanings as in section ninety-six of this Act ; and
- (e) other expressions have the same meanings as in Part VI of this Act.

**EIGHTH SCHEDULE**

PROVISIONS OF ACT REFERRED TO IN SECTIONS 187, 196, 197, 203 TO 205, 215 AND 217

1.—(1) Sections 1 to 12 ; section 13, except subsection (7) ; section 14, except subsection (6) ; subsection (1) of section 17 ; sections 18 to 21 ; section 22, with the omission, in subsection (4), of the references to sections 15 and 16 ; section 23, with the omission, in subsection (6), of the reference to section 16 ; section 24 ; sections 27

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to 39 ; sections 41 to 87 ; section 118 ; section 119, with the omission, in subsection (2), of the reference to sections 120 to 122 ; section 123, except subsection (5) ; sections 124 to 136 ; subsection (1) of section 137 ; sections 153 to 175 ; in section 176, subsection (1), with the omission of paragraphs (d) and (e) ; section 177, except subsection (6) ; section 178 ; section 180 ; section 183, with the omission, in subsection (3), of the references to section 179 ; section 184 ; subsection (1) of section 185 ; sections 186 to 189 ; sections 196 to 198 ; in section 199, subsection (1) (the reference, in paragraph (b), to Part III being construed as not referring to sections 15 and 16) and subsections (2) to (4) and subsection (6) ; section 200 ; section 205, except paragraph (a) of subsection (2) and subsection (4) ; subsections (2) and (3) of section 206 ; section 207 ; section 210 ; section 211, except subsection (2) ; section 212 ; section 215 ; section 219 ; the 1st, 2nd, 3rd and 4th Schedules ; the 9th Schedule, except paragraphs 13 and 14 ; the 10th Schedule, except paragraphs 9 and 10 ; and the 11th and 13th Schedules.

(2) Any other provisions of this Act in so far as they apply, or have effect for the purposes of, any of the provisions specified in the preceding sub-paragraph.

2.—(1) Sections 25 and 26 ; section 40 ; sections 88 to 117 ; sections 120 to 122 ; subsection (5) of section 123 ; subsection (2) of section 137 ; subsections (2) to (4) of section 185 ; sections 190 to 192 ; section 194 ; section 201 ; subsection (4) of section 205 ; subsection (1) of section 206 ; section 208 ; subsection (2) of section 211 ; the 5th and 6th Schedules ; paragraph 13 of the 9th Schedule ; and paragraphs 9 and 10 of the 10th Schedule.

(2) Any other provisions of this Act in so far as they apply, or have effect for the purposes of, any of the provisions specified in the preceding sub-paragraph.

3.—(1) Subsection (6) of section 14 ; sections 15 and 16 ; subsections (2) and (3) of section 17 ; section 96, with the omission of paragraph (b) of subsection (2) and paragraph (b) of subsection (6) ; section 97 (construed as if, in section 96, those paragraphs were omitted) ; sections 138 to 151 ; in section 176, subsection (1), with the omission of paragraphs (a) to (c), and subsections (2) to (4) ; subsection (6) of section 177 ; section 179 ; sections 181 and 182 ; subsection (3) of section 183 ; in section 199, subsection (1) (construed as if the reference to Part III were a reference only to sections 15 and 16) and subsection (5) ; in section 205, subsection (2), with the omission of paragraph (b) ; the 7th Schedule ; and paragraph 14 of the 9th Schedule.

(2) Any other provisions of this Act in so far as they apply, or have effect for the purposes of, any of the provisions specified in the preceding sub-paragraph.

## NINTH SCHEDULE

Section 202.

### PROVISIONS RELATING TO LONDON

1. The London County Council is the local planning authority for London.

2. The following provisions of this Act, that is to say, sections sixty-eight, seventy-four, the provisions of Part VIII relating to

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purchase notices, and section two hundred and seven, shall have effect as if references therein to the council of the county borough or county district in which the land is situated—

(a) in relation to land in the City, were references to the Common Council, and

(b) in relation to land elsewhere in London, were references to the London County Council.

3. The following provisions of this Act, that is to say, sections thirty-one to thirty-three, sixty-nine, seventy-one, one hundred and fifty-four and one hundred and eighty-nine, shall have effect in relation to land in London as if any reference therein to the council of a county borough or county district included a reference to the Common Council and to the council of any metropolitan borough.

4. The power of a local planning authority to make agreements under section thirty-seven of this Act may be exercised also—

(a) in relation to land in the City, by the Common Council, and

(b) in relation to land in a metropolitan borough, by the council of that borough with the consent of the London County Council,

and references in that section to a local planning authority shall be construed accordingly.

5. The council of a metropolitan borough shall not, except with the consent of the London County Council, be authorised to acquire land compulsorily under subsection (2) of section sixty-eight of this Act.

6.—(1) Without prejudice to the powers conferred by section sixty-seven of this Act, or by section sixty-eight thereof as modified by the last preceding paragraph, if the Minister is satisfied that it is expedient in the public interest that any land within a metropolitan borough (whether designated by a development plan as subject to compulsory acquisition or not) should be acquired by the council of that borough for the purpose of providing a public open space, he may authorise that council to acquire that land compulsorily.

(2) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under the preceding sub-paragraph, and accordingly shall have effect as if that sub-paragraph had been in force immediately before the commencement of that Act.

(3) Before submitting to the Minister a compulsory purchase order under this paragraph, the council of a metropolitan borough shall consult with the London County Council.

(4) Any reference in this Act to Part V thereof shall be construed as including a reference to the preceding provisions of this paragraph.

7. References in this Act to any of the provisions of sections one hundred and sixty-three to one hundred and sixty-six of the Local Government Act, 1933, shall, in relation to land in London, be construed as references respectively to the corresponding provisions of sections one hundred and six to one hundred and nine of the London Government Act, 1939.

8.—(1) In relation to land in the City, the London County Council may delegate to the Common Council any of their functions under regulations made by virtue of section thirty-four of this Act with respect to the control of advertisements.

(2) The preceding sub-paragraph shall have effect without prejudice to the provisions of section twelve of the City of London (Various Powers) Act, 1958 (which relates to the delegation of planning powers to the Common Council) or of any scheme made thereunder, whether made before or after the commencement of this Act.

9. Without prejudice to the last preceding paragraph or to any such provisions as are mentioned in sub-paragraph (2) thereof, the London County Council shall consult with the Common Council—

- (a) before submitting to the Minister any proposals for altering or adding to the development plan relating to land in the City ;
- (b) before determining any application for planning permission relating to any such land ;
- (c) before making a tree preservation order or building preservation order affecting any such land.

10. In relation to land in any metropolitan borough, the London County Council may delegate to the council of that borough any of their functions under regulations made under section thirty-four of this Act with respect to the control of advertisements.

11. The London County Council shall consult with the council of a metropolitan borough—

- (a) before submitting to the Minister proposals for altering or adding to the development plan relating to any land in that borough ;
- (b) before determining any application for planning permission for the development of any such land, being an application of any such class as may be prescribed by the development order ;
- (c) before making a tree preservation order or a building preservation order affecting any such land.

12.—(1) The class of applications for planning permission prescribed by a development order for the purposes of sub-paragraph (b) of the last preceding paragraph shall be such class as appears to the Minister to involve matters of principle.

(2) Where an application of any class so prescribed is referred to the Minister for determination in pursuance of directions given by him under section twenty-two of this Act, the London County Council shall give notice to that effect to the council of the metropolitan borough in which the land to which the application relates is situated ; and the Minister shall, in dealing with the application, take into account any representations made to the London County Council by the council of that borough.

## 9TH SCH.

13.—(1) In relation to land in the City, the provisions of this Act specified in paragraph 2 of the Eighth Schedule thereto shall have effect as if references to a county borough or county district were references to the City and references to the council of a county borough or county district were references to the Common Council.

(2) In relation to land elsewhere in London, those provisions shall have effect as if references to a county borough or county district were references to London and references to the council of a county borough or county district were references to the London County Council.

14.—(1) In the application to London of sections one hundred and thirty-eight to one hundred and fifty-one of this Act—

- (a) any reference to a highway authority or a local highway authority shall be construed as including a reference to the London County Council ; and
- (b) in paragraph (e) of subsection (1) of section one hundred and thirty-eight of this Act, the reference to the provisions of Part X of the Highways Act, 1959, shall be construed as a reference to those provisions as modified by the Twentieth Schedule to that Act.

15.—(1) The provisions of this paragraph shall have effect in relation to any land in London which is defined by a development plan—

- (a) as the site of a proposed road, or
- (b) as land required for the widening of an existing road which is of less than byelaw width,

and is designated by the plan as land to which this paragraph applies.

(2) The appropriate council may at any time by order declare the land (together with any land forming part of any such existing road as is mentioned in the preceding sub-paragraph) to be a private street, and thereupon the land shall be deemed to have been dedicated to the public and to be a private street :

Provided that, except with the consent of all persons interested in the land, no such order shall be made by the appropriate council in relation to land which has not been acquired by them at the date of the order, other than land forming part of any such existing road.

(3) In relation to land which is deemed to be a private street by virtue of a declaration under the last preceding sub-paragraph,—

- (a) if it is land in the City, the provisions of sections one hundred and twenty-six to one hundred and twenty-eight of the City of London Sewers Act, 1848, and any provisions of the City of London Sewers Acts, 1848 to 1897, which relate to those sections, or
- (b) if it is land elsewhere in London, the provisions of section one hundred and five of the Metropolis Management Act, 1855, section seventy-seven of the Metropolis Management Amendment Act, 1862, and the Metropolis Management Act, 1862, Amendment Act, 1890, and any provisions of



the Metropolis Management Acts, 1855 to 1893, which relate to those provisions, 9TH SCH.

shall apply, subject to such exceptions, adaptations and modifications as may be prescribed by regulations made under this Act, as if the land were a street to which those provisions respectively apply.

(4) Regulations made for the purposes of the last preceding sub-paragraph shall make provision for securing—

- (a) that the amount of the expenses incurred in the execution of street works charged under the provisions referred to in that sub-paragraph on the owners of adjoining land shall not exceed the amount which would, at the date of the commencement of the works, have been the cost of the execution of street works in the course of the construction, widening or improvement, if it had been carried out so as to comply with the provisions of any byelaws, regulations or other enactments in force in the district, and, with respect to matters for which no such provision is made, so as to comply with such requirements as would, at the date of the commencement of the works, have been imposed by the highway authority as a condition of declaring the street to be a highway repairable by the inhabitants at large ;
- (b) that, as soon as the street has been made up or widened by or to the satisfaction of the appropriate council, it shall become a highway repairable by the inhabitants at large ;
- (c) that no expenses incurred in the execution of any street works shall be recoverable against agricultural land or buildings until the land or buildings cease to be agricultural land or buildings ;
- (d) that no expenses incurred in the execution of street works for the purpose of making a new street shall be recoverable in respect of any land (whether the site of a building or not) unless and until access is provided for, and used by, persons or vehicles from that land to the new street.

(5) Regulations made for the purposes of sub-paragraph (3) of this paragraph—

- (a) may make provision whereby, in respect of street works carried out by the appropriate council, expenses incurred by a local authority in the construction of sewers in or under the land (being expenses incurred after the date on which the land is defined and designated as mentioned in sub-paragraph (1) of this paragraph, but before it is declared to be a private street under sub-paragraph (2) thereof) may be included in the expenses recoverable as mentioned in the last preceding sub-paragraph ; and
- (b) may provide for authorising the appropriate council to enter upon any land adjoining the street for the purpose of executing street works on land comprised in the street.

(6) The references in sub-paragraph (3) of this paragraph to the enactments therein mentioned shall be construed as including references to those enactments as amended by any other local Act, and to any local Act making provision corresponding with the provisions

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of those enactments, or corresponding with the provisions of sections one hundred and seventy-four to one hundred and eighty-eight of the Highways Act, 1959; and the power of the Minister to make regulations for the purposes of this paragraph shall include power to make special regulations with respect to any district in which such a local Act is in force.

(7) In this paragraph—

“the appropriate council” in relation to land in the City means the Common Council, and in relation to land in a metropolitan borough means the council of that borough;

“byelaw width”, in relation to a road, means the width required by any byelaws, regulations or other enactments regulating the construction of streets in the area in which the road is situated;

“construction” and “improvement”, in relation to a street, include the planting, laying out, maintenance and protection of trees, shrubs and grass margins in and beside the street;

“street works” means the sewerage, levelling, paving, metalling, flagging, channelling and making good a street or part of a street and providing proper means of lighting for it.

16. Section ten of the Development and Road Improvement Funds Act, 1909 (which enables the Minister of Transport to authorise the construction of new roads in respect of which advances are made under that Act and provides for the expenses of the construction, and for the maintenance, of such roads) shall apply in relation to the construction of a new road by a local highway authority on land defined by a development plan as the site of a proposed road, or on any other land acquired by or transferred to them under Part V of this Act, as if the road were a road in respect of the construction of which an advance were made to that authority under that section.

17. Notwithstanding anything in section eleven of the London County Council (Loans) Act, 1955, in the case of money borrowed by the London County Council for the purpose of the discharge of their functions under the provisions of this Act specified in paragraph 1 of the Eighth Schedule thereto, the manner in which the Council may borrow shall include borrowing from the Public Works Loan Commissioners in accordance with the Public Works Loans Acts, 1875 to 1882.

18. In this Schedule (except in this paragraph) “London” means the administrative county of London, “the City” means the City of London and “the Common Council” means the Common Council of the City of London.

**Section 209.****TENTH SCHEDULE****DEVELOPMENT CHARGES**

1. This Schedule applies to any determination under Part VII of the Act of 1947 that a development charge was payable in respect of the carrying out of operations in, on, over or under land, or in respect of the use of land, where the development charge in question or part thereof for the time being remains undischarged and a person is or may become liable in respect thereof.

2.—(1) The Minister may at any time, on application made to him in that behalf in accordance with regulations under this Act by the person entitled to an interest in land to which such a determination relates, vary the determination in such manner as appears to him to be appropriate having regard to any change of circumstances since the determination was made, including the development, after the determination, of adjacent land in accordance with planning permission granted otherwise than in accordance with the provisions of the development plan:

Provided that the Minister shall not vary any such determination so as to increase the amount of the development charge payable thereunder.

(2) Where the Minister varies a determination under the preceding sub-paragraph, he may amend, discharge or release any covenants or charges made or given in respect of the determination, or repay any sums previously paid thereunder, so far as may be required in order to give effect to the variation.

3. Where, in the case of a determination to which this Schedule applies,—

- (a) planning permission for the carrying out of operations, or the institution or continuance of a use, to which the determination relates is revoked by an order made under section twenty-seven of this Act, or
- (b) an order is made under section twenty-eight of this Act requiring the removal of any buildings or works erected or constructed in carrying out those operations, or requiring the discontinuance of that use, as the case may be, or
- (c) the whole of the land to which the determination relates is compulsorily acquired under this or any other Act,

the determination, and any covenants or charges made or given in respect thereof, shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder.

4. Where, in the case of a determination to which this Schedule applies,—

- (a) planning permission for the carrying out of the operations, or for the institution or continuance of the use, to which the determination relates is modified by an order made under section twenty-seven of this Act, or
- (b) an order is made under section twenty-eight of this Act requiring the alteration of any buildings or works erected or constructed in the carrying out of those operations, or imposing conditions on the continuance of that use, as the case may be, or
- (c) part (but not the whole) of the land to which the determination relates is compulsorily acquired under this or any other Act,

the Minister shall, on application made to him in accordance with regulations under this Act, vary the determination, and amend, discharge or release any covenants or charges made or given in respect thereof, so far as may be just in consequence of the order or acquisition, as the case may be.

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5. Where compensation is payable under Part VII of this Act in consequence of any such order as is mentioned in sub-paragraph (a) or sub-paragraph (b) of paragraph 3 or paragraph 4 of this Schedule, then in calculating for the purposes of the compensation any depreciation of the value of an interest in the land to which the order relates, or any other loss or damage sustained by a person interested in that land, regard shall be had to the preceding provisions of this Schedule and to anything done by the Minister thereunder, or done by the Minister or the Central Land Board under section seventy-three of the Act of 1947.

6. Where, in the case of a determination to which this Schedule applies, compensation is payable under Part VII of this Act in consequence of any such order as is mentioned in the last preceding paragraph, or where the whole or part of the land to which the determination relates is compulsorily acquired under this or any other Act, then if any sums have been paid by way of development charge in accordance with that determination, the Minister shall pay to the authority or person by whom compensation is payable in consequence of the order, or in respect of the compulsory acquisition, as the case may be, a contribution towards that compensation, representing such proportion of the sums so paid by way of development charge as may be agreed between the Minister and that authority or person, or, failing agreement, as may be determined by the Minister, to be appropriate in all the circumstances of the case.

7. Section one hundred and nineteen of this Act shall apply for the purposes of the preceding provisions of this Schedule and shall accordingly have effect as if those provisions were included among the provisions of sections one hundred and twenty to one hundred and twenty-two applied (with modifications) by subsection (2) of section one hundred and nineteen.

8. Where a determination to which this Schedule applies was made by an order under section seventy-four of the Act of 1947 (which related to development carried out in contravention of Part VII of that Act) and, by virtue of subsection (2) of that section, an interest in land was charged with the payment of any sums, that charge shall be deemed to be a land charge of Class A within the meaning of the Land Charges Act, 1925; and the Minister shall, for the purposes of enforcing it, have the same powers and remedies under the Law of Property Act, 1925, and otherwise as he would have had if he were a mortgagee by deed having powers of sale and lease and of appointing a receiver.

9. Where a determination to which this Schedule applies was in respect of the winning and working of minerals over a period ending on or after the first day of January, nineteen hundred and fifty-five, the Minister shall, on application made to him in that behalf in accordance with regulations under this Act, vary the determination, and amend, discharge or release any covenants or charges made or given in respect thereof, in such manner as appears to him appropriate for limiting the development charge to the winning and working of the minerals within so much of that period as preceded that day, and shall repay any sums paid thereunder so far as may be requisite for giving effect to the variation.

10.—(1) For the purposes of the provisions of Part VI of this Act, and of the Fifth Schedule thereto, and of the last preceding paragraph, a development charge shall be deemed not to have been determined if—

- (a) the determination thereof ceased to have effect by virtue of subsection (2) of section seventy-three of the Act of 1947 or ceases to have effect by virtue of paragraph 3 of this Schedule, or
- (b) by virtue of subsection (1) of section one of the Town and Country Planning Act, 1953, the charge was not payable, or
- (c) under subsection (5) of the said section one, any sum paid in respect of the charge became repayable.

(2) For the purposes mentioned in the preceding sub-paragraph a development charge shall be deemed to have become payable notwithstanding any agreement of the Central Land Board or of the Minister to a postponement of the payment of the charge, if the whole or part of the charge would have been payable but for that agreement.

(3) In the provisions of this Act mentioned in sub-paragraph (1) of this paragraph references to a determination that a development charge was payable, or as to the amount of a development charge, shall, in a case where the determination was subsequently varied, be construed as references to the determination as so varied.

11.—(1) References in this Schedule to the carrying out of operations include references to the retention on land of buildings or works which have been erected or carried out in accordance with planning permission granted for a limited period.

(2) Any reference in this Schedule to the compulsory acquisition of land includes a reference to the acquisition of land by agreement by an authority or person who has power or can be authorised to acquire it compulsorily.

## ELEVENTH SCHEDULE

Section 217.

### ENACTMENTS EXCEPTED FROM S. 217 (5)

1. Section five of the Roads Improvement Act, 1925.
2. Section one hundred and seven of the Public Health Act, 1936.
3. Section one hundred and forty of the Public Health (London) Act, 1936.
4. The following provisions of the Highways Act, 1959, that is to say, subsections (1), (2), (5) and (8) to (10) of section seventy-two, section seventy-three, except subsection (5) thereof, sections one hundred and fifty-nine, one hundred and sixty-three and one hundred and sixty-six, subsections (2) and (4) of section one hundred and seventy, section two hundred and seventeen, subsection (7) of section two hundred and twenty-two, subsections (5) and (7) of section two hundred and sixty-six, and the Ninth Schedule.

11TH SCH. 5. The following further provisions of the Highways Act, 1959, that is to say—

- (a) section one hundred and fifty-eight and subsection (1) of section one hundred and seventy in so far as they are applicable for the purposes of section one hundred and fifty-nine of that Act ;
- (b) subsection (11) of section two hundred and twenty-two in so far as it is applicable for the purposes of section two hundred and seventeen of that Act ;
- (c) in section two hundred and sixty-six, subsections (1) to (3) in so far as they are applicable for the purposes of section seventy-two of that Act, subsections (1), (3) and (6) in so far as they are applicable for the purposes of section seventy-three thereof, and subsections (1) and (3) in so far as they are applicable for the purposes of section one hundred and sixty-three and of subsection (2) of section one hundred and seventy thereof ;
- (d) section two hundred and seventy in so far as it is applicable for the purposes of section seventy-three of that Act.

6.—(1) Section two hundred and forty-three of the Highways Act, 1959, in so far as the purposes in question are the purposes of the exercise by a county council, in relation to county roads maintained by that council, of their powers under the provisions of that Act mentioned in the next following sub-paragraph.

(2) The said provisions are subsections (1), (2), (5) and (8) to (10) of section seventy-two and section two hundred and seventeen.

7. Any enactment making such provision as might by virtue of any Act of Parliament have been made in relation to the area to which the order applies by means of a byelaw, order or regulation not requiring confirmation by Parliament.

8. Any enactment which has been previously excluded or modified by a development order, and any enactment having substantially the same effect as any such enactment.

Section 222.

## TWELFTH SCHEDULE

### ENACTMENTS AMENDED

*The Building Restrictions (War-Time Contraventions) Act, 1946*

(9 & 10 Geo. 6, c. 35)

In section seven, in the definition in subsection (1) of " authority responsible for enforcing planning control ", after the words " Town and Country Planning Act, 1947 " there shall be inserted the words " or of paragraph 12 of the Thirteenth Schedule to the Town and Country Planning Act, 1962 ", and the words " under Part III of that Act " shall be omitted ; and at the end of subsection (5) there shall be added the words " or by paragraph 12 of the Thirteenth Schedule to the Town and Country Planning Act, 1962 ".

*The Civil Aviation Act, 1949*  
(12, 13 and 14 Geo. 6, c. 67)

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In section thirty, in subsection (1), for the words from "arbitration of the tribunal" to "Town and Country Planning Act, 1944" there shall be substituted the words "Lands Tribunal", and for the words "paragraph 2 of that Schedule" there shall be substituted the words "subsections (2) to (5) of section one hundred and seventy-one of the Town and Country Planning Act, 1962"; in subsection (2), for the words from "The said paragraph 2" to "in the case of compensation" there shall be substituted the words "Subsections (2) to (5) of the said section one hundred and seventy-one shall have effect for the purposes of this section as if, in paragraph (c) of subsection (2) of that section, the words 'is under subsection (2) of the last preceding section, and' were omitted, and as if, at the end of that paragraph, there were inserted the following paragraph :—

(d)", and for the words "sub-paragraph (4) thereof" there shall be substituted the words "subsection (5) of that section".

In the Fourth Schedule, in paragraph 4, for the words from "the First Schedule" to "making of an order under" (in the second place where the last-mentioned words occur in that paragraph) there shall be substituted the words "section one hundred and sixty-nine of the Town and Country Planning Act, 1962, shall have effect as if any reference in that section to section one hundred and sixty-six of that Act, or to the section under which the order is proposed to be made, included a reference to"; and in paragraph 8, for the words from "the First Schedule" to "making of an order under" (in the second place where the last-mentioned words occur in that paragraph) there shall be substituted the words "section one hundred and sixty-nine of the Town and Country Planning Act, 1962, shall have effect as if any reference in that section to section one hundred and sixty-eight of that Act, or to the section under which the order is proposed to be made, included a reference to".

*The Town Development Act, 1952*  
(15 & 16 Geo. 6 and 1 Eliz. 2. c. 54)

In section six, in subsection (1), for the words "1947, has become operative under" there shall be substituted the words "1962, has become operative under the Town and Country Planning Act, 1947, or"; in subsection (5), for the words "Part IV of the said Act of 1947" there shall be substituted the words "Part V of the said Act of 1962"; and for subsection (6) there shall be substituted the following subsection :—

"(6) For the purposes of any enactment (including any enactment contained in this Act) which contains a reference to section sixty-eight of the Town and Country Planning Act, 1962, or a reference which (by virtue of that Act or of section thirty-eight of the Interpretation Act, 1889) is to be construed as, or as including, a reference to that section, this section shall

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be treated as forming part of section sixty-eight of the said Act of 1962, and shall in particular be so treated for the purposes of subsection (1) of section seventy-one, subsection (1) of section seventy-four, subsection (2) of section eighty-six and subsection (1) of section eighty-seven of that Act."

*The Highways Act, 1959*

(7 &amp; 8 Eliz. 2. c. 25)

In section nineteen, in subsection (1), for the words "subsection (4) of section nine of the Special Roads Act, 1949" there shall be substituted the words "section eight of the Town and Country Planning Act, 1962."

*The Town and Country Planning Act, 1959*

(7 &amp; 8 Eliz. 2. c. 53)

In section twenty-six, in subsection (5), for paragraph (c) there shall be substituted the following paragraph :—

"(c) to section seventy-eight of the Town and Country Planning Act, 1962 (which relates to the disposal of land held for planning purposes)".

Section 223.

## THIRTEENTH SCHEDULE

## SAVINGS AND TRANSITIONAL PROVISIONS RELATING TO ENACTMENTS PREVIOUSLY REPEALED

*Schemes and agreements*

1.—(1) The repeal shall not affect the operation of—

(a) any such scheme as was mentioned in paragraph 7 of the Tenth Schedule to the Act of 1947 (which related to certain schemes made under the Town and Country Planning Act, 1932, and the Town Planning Act, 1925) in so far as, by virtue of that paragraph, the scheme continued to have effect immediately before the commencement of this Act, or

(b) any order made under that paragraph (which empowered the Minister to make provision by order for winding up any such scheme) in so far as the order continued to have effect immediately before the commencement of this Act.

(2) Any power to make orders under paragraph 7 of that Schedule shall continue to be exercisable notwithstanding the repeal.

2.—(1) The repeal shall not affect the operation of any such agreement as was mentioned in paragraph 10 of the Tenth Schedule to the Act of 1947 (which related to certain agreements made before the appointed day for restricting the planning, development or use of land), or of any order discharging or modifying a restriction imposed by such an agreement, in so far as any such agreement or order was in force immediately before the commencement of this Act; and any such agreement may be enforced as if this Act had not been passed.



(2) Nothing in any such agreement shall be construed as restricting the exercise, in relation to land to which the agreement applies, of any powers exercisable by any Minister or authority under this Act, so long as those powers are exercised in accordance with the provisions of the development plan, or in accordance with any directions which may have been given by the Minister as mentioned in section two hundred and ten, or as requiring the exercise of any such powers otherwise than in accordance with such provisions or directions.

(3) If the Minister is satisfied, on application made to him by any person being a party to any such agreement, or a person entitled to land affected thereby, or by the local planning authority, that any restriction on the development or use of the land imposed by the agreement is inconsistent with the proper planning or development of the area comprising the land, he may by order discharge or modify that restriction so far as appears to him to be expedient.

(4) Without prejudice to the last preceding sub-paragraph, if any person being a party to any such agreement (whether as originally made or as modified under the last preceding sub-paragraph), or a person entitled to land affected thereby, claims that the agreement ought to be modified or rescinded, having regard to the provisions of this Act or to anything done under this Act or under the Act of 1947, he may refer to arbitration the question whether the agreement should be so modified or rescinded, and the arbitrator may make such award as appears to him to be just having regard to all the circumstances.

*Land declared subject to compulsory purchase*

3.—(1) The provisions of this paragraph shall have effect in relation to land which, by an order under section one of the Act of 1944, was declared to be subject to compulsory purchase.

(2) Subject to the following provisions of this paragraph—

- (a) subsections (3) and (4) of section six and subsection (1) of section nine shall apply in relation to the land as if it were designated by a development plan as subject to compulsory acquisition ;
- (b) Part V of this Act shall apply in relation to the land as if it were comprised in an area defined by a development plan as an area of comprehensive development and were designated as subject to compulsory acquisition under this Act by the appropriate local authority ;
- (c) sections one hundred and thirty-eight to one hundred and fifty shall apply in relation to the land as if it were designated by a development plan as subject to compulsory acquisition ;
- (d) subsection (1) of section one hundred and seventy-six shall apply in relation to the order as if it were a development plan.

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(3) For the purposes of the application to any land, by virtue of the last preceding sub-paragraph, of subsection (1) of section nine, the reference in that subsection to the date therein mentioned shall be construed as a reference to the date of the coming into operation of the order under section one of the Act of 1944 whereby the land was declared to be subject to compulsory purchase.

(4) In relation to any land to which subsection (1) of section nine applies by virtue of this paragraph, subsections (2) and (3) of that section shall have effect with the substitution, in subsection (2) thereof, for the words "the development plan shall have effect, after the end of that period, as if the land were not designated as subject to compulsory acquisition", of the words "paragraph 3 of the Thirteenth Schedule to this Act shall cease to apply to the land at the end of that period".

(5) Part V of this Act shall not apply by virtue of this paragraph to any operational land of statutory undertakers, unless an order made under paragraph (b) of subsection (5) of section thirteen of the Act of 1944, declaring that it is expedient that the land should be subject to compulsory purchase, has taken effect.

(6) Any reference in this paragraph to subsection (1) of section nine shall be construed as including a reference to that subsection as modified by subsection (5) of that section.

*Compulsory purchase orders under Act of 1944*

4. Any compulsory purchase order made or confirmed under Part I of the Act of 1944 (whether before or after the appointed day) shall, if in force immediately before the commencement of this Act, continue in force and shall have effect as if it had been made under the Acquisition of Land (Authorisation Procedure) Act, 1946, as applied by Part V of this Act.

*Land acquired under Act of 1944*

5. For the purposes of Part V of this Act—

- (a) any land acquired by a Minister in pursuance of a compulsory purchase order under Part I of the Act of 1944 shall be deemed to have been acquired under section sixty-seven ;
- (b) any land acquired by a local authority in pursuance of any such order shall be deemed to have been acquired under section sixty-eight ;
- (c) any land acquired by a local authority by agreement under the Act of 1944 shall be deemed to have been acquired under section seventy-one.

*Development authorised under enactments previously repealed*

6.—(1) Where any works on land existing at the appointed day, or any use to which land was put on that day, had been authorised by a permission granted subject to conditions under a planning scheme or an interim development order, the provisions of Parts III and IV

of this Act, the provisions of Part VIII of this Act relating to purchase notices, and the provisions of sections one hundred and fifty-nine to one hundred and sixty-two, shall apply in relation to those works or that use as if the conditions had been imposed on the grant of planning permission.

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(2) Without prejudice to the generality of the preceding subparagraph, where any such permission was granted subject to conditions (in whatever form) restricting the period for which the works or use might be continued on the land, then, if that period had not expired at the appointed day and the works were or are not removed, or the use discontinued, at the end of that period, the provisions of Part IV of this Act relating to enforcement notices shall apply in relation thereto as if the works had been carried out, or the use begun, as the case may be, at the end of that period and without the grant of planning permission in that behalf.

(3) The power of a local planning authority under Part III of this Act to grant permission for the retention on land of buildings or works constructed or carried out before the date of the application, or the continuance of any use of land instituted before that date, shall include power to grant such permission in respect of any works or use authorised by a permission granted subject to any such conditions as are mentioned in the last preceding subparagraph.

(4) Where at any time before the appointed day it was determined under the Building Restrictions (War-Time Contraventions) Act, 1946, that any works on land or any use of land should be deemed to comply with planning control (within the meaning of that Act) subject to any conditions specified in the determination, the provisions of this paragraph shall apply in relation to those works or that use as if those conditions had been imposed on the grant of permission under a planning scheme or an interim development order.

(5) Provision may be made by regulations under this Act for applying the preceding provisions of this paragraph, subject to such adaptations and modifications as may be specified in the regulations, to works on land carried out, or uses of land begun, at any time before the appointed day, in accordance with permission granted subject to conditions under any enactment repealed by the Act of 1947, other than the enactments relating to town and country planning; and for the purposes of this provision any works or use in respect of which a notice was served under subsection (1) of section one of the Restriction of Ribbon Development (Temporary Development) Act, 1943, or was deemed by virtue of subsection (4) of that section to have been so served, shall be treated as carried out or begun in accordance with permission granted subject to a condition restricting the period for which the works or use might be continued on the land.

7.—(1) Where permission for any development of land was granted at any time after the twenty-first day of July, nineteen hundred and forty-three and before the appointed day, on an application in that behalf made under an interim development order, then, if and so far as that development was not carried out before the appointed day and the permission was in force immediately before that day, planning

**13TH SCH.** permission shall be deemed to have been granted in respect thereof subject to the like conditions (if any) as were imposed by the permission under the interim development order as it had effect immediately before the appointed day:

Provided that this sub-paragraph shall not apply in relation to any development for which permission was required before the appointed day under the Restriction of Ribbon Development Act, 1935, unless that permission was also granted.

(2) The provisions of section twenty-seven shall apply in relation to planning permission which is deemed to have been granted by virtue of this paragraph as if it had been granted on an application under Part III of this Act; and, in relation to any order made under that section for the revocation or modification of any such permission, any reference in subsection (3) of section one hundred and eighteen to the grant of permission shall be construed as a reference to the grant of the permission under the interim development order.

(3) Where permission for any development of land was granted as mentioned in sub-paragraph (1) of this paragraph, and permission for that development was also granted under the Restriction of Ribbon Development Act, 1935, then, if the permission so granted under the said Act of 1935 was granted subject to conditions, those conditions shall be treated for the purposes of this paragraph as conditions imposed by the permission granted under the interim development order.

8.—(1) Where any works for the erection or alteration of a building had been begun but not completed before the appointed day, then if—

- (a) immediately before that day those works could have been completed in conformity with the provisions of a planning scheme or of permission granted thereunder, or in accordance with permission granted by or under an interim development order, and
- (b) where any permission was required under the Restriction of Ribbon Development Act, 1935, for the carrying out of those works, that permission was granted,

planning permission shall be deemed to have been granted in respect of the completion of those works.

(2) The planning permission deemed to have been granted by virtue of this paragraph shall be deemed to have been so granted subject to any conditions applicable thereto under the scheme or the permission granted by or under the interim development order, as the case may be, and to any conditions imposed by the permission (if any) granted under the Restriction of Ribbon Development Act, 1935, and shall include permission to use the building, when erected or altered,—

- (a) where the purpose for which it could be so used was prescribed by or under the planning scheme, or by the permission granted by or under the interim development order, as the case may be, for that purpose;
- (b) in any other case, for the purpose for which the building, or the building as altered, was designed.

(3) In relation to any such works as are mentioned in sub-paragraph (1) of this paragraph, being works in respect of which permission was granted after the twenty-first day of July, nineteen hundred and forty-three, on an application in that behalf made under an interim development order, the provisions of this paragraph shall have effect in substitution for the provisions of the last preceding paragraph.

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9. Where in pursuance of sub-paragraph (3) of paragraph 6 of this Schedule permission is granted for the retention on land of works authorised as mentioned in that sub-paragraph, sub-paragraph (1) of paragraph 11 of the Tenth Schedule to this Act shall apply in relation to the retention of those works as if they had been erected or carried out in accordance with planning permission granted for a limited period.

10.—(1) Any reference in Part VI of this Act, or in the Fifth Schedule thereto, to a planning decision shall, where the context so admits, include a reference to any decision deemed to have been made by virtue of the provisions of paragraph 7 or paragraph 8 of this Schedule.

(2) The preceding sub-paragraph shall have effect without prejudice to the provisions of Part I of the Fourteenth Schedule to this Act as read with paragraph 18 of this Schedule.

*Development contravening planning control under enactments  
previously repealed*

11.—(1) This paragraph applies to any enforcement notice served before the commencement of this Act by virtue of section seventy-five of the Act of 1947 (which related to development contravening planning control under the enactments repealed by that Act), being a notice which had not ceased for all purposes to have effect before the commencement of this Act.

(2) The repeal shall not invalidate any enforcement notice to which this paragraph applies.

(3) In relation to any such notice which was served before the twenty-ninth day of August, nineteen hundred and sixty, on the owner and occupier of the land to which it related—

(a) sections forty-five to forty-nine shall not apply;

(b) section fifty shall not apply if the planning permission in question was granted before the said twenty-ninth day of August; and

(c) sections twenty-three and twenty-four of the Act of 1947, as applied by section seventy-five of that Act, shall have effect as they would have had effect in relation to the notice if this Act had not been passed.

(4) In relation to any enforcement notice to which this paragraph applies, not being a notice falling within the last preceding sub-paragraph, subsections (3) and (5) of section forty-five and (subject to paragraphs 13 to 16 of this Schedule) sections forty-six to fifty-one shall have effect as they have effect in relation to an enforcement notice served under section forty-five.

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12.—(1) In so far as an enforcement notice could, if this Act had not been passed, have been served by virtue of section seventy-five of the Act of 1947, at a time on or after the date of the commencement of this Act, in respect of any works or use of land of a description to which that section applied, there shall subsist by virtue of this paragraph a corresponding power in the like circumstances to serve an enforcement notice (to the like effect as that which could have been so served) in respect of those works or that use of land.

(2) Subsections (3) and (5) of section forty-five and (subject to paragraphs 13 to 16 of this Schedule) sections forty-six to fifty-one shall have effect in relation to an enforcement notice served by virtue of this paragraph as they have effect in relation to an enforcement notice served under section forty-five.

13.—(1) Where an enforcement notice falling within sub-paragraph (4) of paragraph 11 of this Schedule, or an enforcement notice served by virtue of the last preceding paragraph, was or is served in respect of any works being government war works within the meaning of the Requisitioned Land and War Works Act, 1945, then, subject to the following provisions of this paragraph—

(a) if the steps required by the notice have been taken by the owner or occupier of the land, any expenses reasonably incurred in that behalf shall be recoverable from the authority by whom the notice was served ;

(b) where the steps required by the notice have been taken by that authority, the authority shall not be entitled, under section forty-eight, to recover the expenses incurred by them in that behalf.

(2) Where, under paragraph (b) of subsection (1) of section two of the Compensation (Defence) Act, 1939, compensation has been paid equal to the full cost (as estimated for the purposes of that compensation) of taking the steps required by the enforcement notice, the preceding sub-paragraph shall not apply.

(3) Where compensation has been paid in respect of the land, being either compensation under the said paragraph (b) but not equal to the full cost (as so estimated) of taking those steps, or being compensation under subsection (4) of section three of that Act, the amount which by virtue of sub-paragraph (1) of this paragraph is recoverable from the authority by whom the enforcement notice was served, or, as the case may be, is not recoverable by that authority, shall be reduced so far as may be just having regard to the compensation so paid.

14. In the application of section forty-six to an enforcement notice by virtue of paragraph 11 or paragraph 12 of this Schedule, subsection (1) of that section shall have effect as if for paragraphs (b) and (c) of that subsection there were substituted the following paragraph:—

“(b) that the works or use to which the enforcement notice related were not works or a use to which section seventy-five of the Act of 1947 applied”.

15.—(1) The power of the local planning authority under Part III of this Act to grant permission for the retention on land of buildings or works constructed or carried out before the date of application, or for the continuance of a use of land instituted before that date, shall include power to grant such permission in respect of any buildings or other works, or use of land, in respect of which that authority are empowered to serve an enforcement notice by virtue of paragraph 12 of this Schedule.

(2) Where permission is so granted, paragraphs 11 to 13 of this Schedule shall cease to apply to the works or use to which the permission relates, but without prejudice to the application thereto of any provisions of Part IV of this Act with respect to the contravention of conditions subject to which planning permission has been granted.

16. Where in pursuance of sub-paragraph (3) of paragraph 6 of this Schedule permission is granted for the retention on land of works, or the continuance of a use, authorised as mentioned in that sub-paragraph, such of the provisions of paragraphs 11 to 15 of this Schedule as (apart from this paragraph) would be applicable thereto shall cease to apply to those works or that use, but without prejudice to the application thereto of any provisions of Part IV of this Act with respect to the contravention of conditions subject to which planning permission has been granted.

17. The repeal shall not affect the operation of any regulations made under subsection (8) of section seventy-five of the Act of 1947 (which enabled provision to be made by regulations for applying the provisions of that section to contraventions, committed before the appointed day, of restrictions under enactments other than those relating to town and country planning) or of the provisions of that section as applied by any such regulations.

#### *General and supplementary provisions*

18.—(1) Where by virtue of any of the provisions of the Tenth Schedule to the Act of 1947, or of any regulations made thereunder, an application, decision, appeal or order made, direction given, or list compiled or approved, under an enactment repealed by that Act fell to be treated as if it had been an application, decision or appeal made, direction given, or list compiled or approved, or (in the case of an order) had been made, or had been included in an order made, under that Act, it shall be treated for the purposes of the Fourteenth Schedule to this Act as if it had been an application, decision or appeal made, direction given, or list compiled or approved, or had been made, or included in an order made, under that Act in accordance with the provisions or regulations in question.

(2) References in this paragraph to any of the provisions of the Tenth Schedule to the Act of 1947 shall be construed as including references to any such provisions as modified by subsection (2) of section one hundred and fourteen of that Act (which related to London).

19. Any reference in this Schedule to a numbered section shall, unless the reference is to a section of a specified Act, be construed as a reference to the section bearing that number in this Act.

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20. In this Schedule "planning scheme" means a scheme under the Town and Country Planning Act, 1932, or under an enactment repealed by that Act, "interim development order" means an order made under subsection (1) of section ten of the said Act of 1932 and "the repeal" means the repeal effected by section two hundred and twenty-three.

Section 223.

## FOURTEENTH SCHEDULE

### FURTHER SAVINGS AND TRANSITIONAL PROVISIONS

#### PART I

#### GENERAL PROVISIONS

1.—(1) In so far as any order, regulation, rule, development plan or amendment of a development plan, application, objection, representation, determination, decision, reference, appeal, declaration, agreement, arrangement, claim or apportionment made, payment made or recovered, report or proposal submitted, list or amendment of a list compiled or made, permission granted, consent, approval or authorisation given, certificate, information or direction issued or given, notice or copy served, published or registered, inquiry held, delegation effected, register kept, requirement imposed, or other thing done, under an enactment repealed by this Act could have been made, recovered, submitted, compiled, granted, issued, given, served, published, registered, held, effected, kept, imposed or done under a corresponding provision of this Act, it shall not be invalidated by the repeal, but shall have effect as if made, recovered, submitted, compiled, granted, issued, given, served, published, registered, held, effected, kept, imposed or done under that corresponding provision.

(2) In relation to any permission which (whether by virtue of an enactment repealed by this Act or otherwise) was deemed to be granted under an enactment repealed by this Act, the preceding sub-paragraph shall have effect as if any reference in that sub-paragraph to permission granted included a reference to permission deemed to be granted.

(3) Sub-paragraph (1) of this paragraph shall not apply to any regulations or order revoked as from the commencement of this Act in the exercise of the powers conferred by section two hundred and seventeen.

2. Where any Act (whether passed before, or in the same Session as, this Act) or any document refers, either expressly or by implication, to an enactment repealed by this Act, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act.

3. Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.



4. Without prejudice to paragraph 1 of this Schedule, any reference in this Act (whether express or implied) to a thing done or required or authorised to be done, or omitted to be done, or to an event which has occurred, under or for the purposes of or by reference to or in contravention of any provisions of this Act shall, except where the context otherwise requires, be construed as including a reference to the corresponding thing done or required or authorised to be done, or omitted, or to the corresponding event which occurred, as the case may be, under or for the purposes of or by reference to or in contravention of the corresponding provisions of the enactments repealed by this Act.

5.—(1) Nothing in this Act shall affect the enactments repealed thereby in their operation in relation to offences committed before the commencement of this Act.

(2) Where an offence, for the continuance of which a penalty was provided, has been committed under an enactment repealed by this Act, proceedings may be taken under this Act in respect of the continuance of the offence after the commencement of this Act, in the same manner as if the offence had been committed under the corresponding provision of this Act.

6.—(1) The repeal shall not affect any right to, or claim for, or any liability in respect of, any payment under an enactment to which this paragraph applies; and any such right, claim or liability shall have effect and may be enforced, and moneys in respect of any such payment shall be applicable or may be raised, in accordance with the provisions of the enactment in question (including the provisions of any other enactment which, immediately before the commencement of this Act, had effect for the purposes of that enactment) as if this Act had not been passed, and any direction or proceedings relating thereto may be given, brought or continued accordingly.

(2) This paragraph applies to the following enactments, that is to say,—

- (a) Parts I and V of the Act of 1954;
- (b) subsections (1) to (5) of section fifty-two of that Act;
- (c) the scheme made under section fifty-nine of the Act of 1947;
- (d) Part VII of the Act of 1947;
- (e) any other enactment which (if contained in an Act) is not repealed by, and re-enacted (with or without modifications) in, this Act, or (if not contained in an Act) has effect otherwise than by virtue of an enactment so repealed and re-enacted.

(3) Without prejudice to the preceding provisions of this paragraph, any proceedings relating to any such claim as is mentioned in subsection (1) of section eighty-nine may be brought or continued, and shall be determined in accordance with the relevant provisions (that is to say, the provisions of the Act of 1947 and of the First Schedule to the Act of 1954 and any other enactment having effect for the purposes thereof) as if this Act had not been passed.

(4) Sub-paragraph (1) of this paragraph shall have effect in relation to any such right, claim or liability as is therein mentioned notwithstanding that, immediately before the commencement of this

14TH SCH. Act, the right, claim or liability had not yet accrued or been made or become enforceable, as the case may be :

Provided that, in relation to any such claim which had not been made before the commencement of this Act, so much of that sub-paragraph as provides that the claim shall have effect in accordance with the provisions therein mentioned shall be construed as providing that the claim may be made in accordance with those provisions, and, when made, shall have effect accordingly.

7.—(1) Any reference in this Act to an order or scheme made or confirmed under an enactment which is not repealed by, and re-enacted (with or without modifications) in, this Act, shall be construed as a reference to any order or scheme so made or confirmed whether before or after the commencement of this Act.

(2) Without prejudice to the preceding sub-paragraph, any reference in this Act to an order or scheme made or confirmed under an enactment contained in the Highways Act, 1959, or under any other such enactment as is mentioned in the preceding sub-paragraph, shall be construed as including a reference to any order or scheme made or confirmed under any corresponding provisions of an enactment repealed by the Highways Act, 1959, or repealed by the other enactment in question, as the case may be.

8. In the preceding provisions of this Part of this Schedule, references (however expressed) to things done under enactments repealed by this Act shall be construed as including references to things which, by virtue of paragraph 18 of the Thirteenth Schedule to this Act, are to be treated as if done under the Act of 1947.

## PART II

### PROVISIONS RELATING TO PART I OF ACT

#### *Transfer of property and officers to local planning authorities*

9. Nothing in this Act shall affect the operation of any regulations made by virtue of section one hundred and one of the Act of 1947 (which enabled provision to be made by regulations for the transfer of property and officers to local planning authorities and other matters consequential upon or supplementary to section four of that Act) in so far as any such regulations do not have effect in accordance with paragraph 1 of this Schedule.

## PART III

### PROVISIONS RELATING TO PART III OF ACT

#### *Planning permission*

10. Subsection (1) of section thirteen applies (subject to the provisions of that section) to the carrying out of development whether before or after the commencement of this Act, except that it does not apply to development carried out on or before the appointed day.

11. In sections fifteen and sixteen references to an application for planning permission do not include any application made before the sixteenth day of August, nineteen hundred and fifty-nine.

12. Where by virtue of the proviso to subsection (3) of section one of the Town and Country Planning (Amendment) Act, 1951 (which

related to works for making good war damage which were begun during the period from the appointed day to the thirteenth day of December, nineteen hundred and fifty) any works were treated, immediately before the commencement of this Act, as if planning permission had been granted unconditionally in respect thereof, those works shall be treated for the purposes of this Act as if planning permission had been so granted in respect thereof.

*Review of planning decisions and orders under Part V of Act of 1954*

13. For the purposes of paragraph 1 of this Schedule, any direction given under subsection (3) or subsection (4) of section forty-five of the Act of 1954, whether before or (by virtue of paragraph 6 of this Schedule) after the commencement of this Act, as well as any direction given under section twenty-three of that Act, shall be treated as a direction which could have been given under section twenty-five and as having been given under provisions of that Act corresponding to those of section twenty-five.

*Maintenance of waste land, etc.*

14. Subsection (2) of section thirty-six does not apply to any notice served before the twenty-ninth day of August, nineteen hundred and sixty.

*Industrial development*

15.—(1) Where an application for planning permission was made before the first day of April, nineteen hundred and sixty, and, by reason that it was made before that day, any provisions of the Local Employment Act, 1960, being provisions corresponding to any of the provisions of sections thirty-eight to forty, did not apply in relation thereto, the corresponding provisions of sections thirty-eight to forty shall not have effect in relation to that application, but without prejudice to the operation, in relation thereto, of any other provisions of those sections.

(2) For the purposes of the preceding sub-paragraph the definition of "industrial building" in subsection (1) of section two hundred and twenty-one shall be treated as if it were included among the provisions of sections thirty-eight to forty; and where, in accordance with the preceding sub-paragraph, that definition does not apply, "industrial building" shall have the meaning which was assigned to it by section fifteen of the Distribution of Industry Act, 1945.

*Application to determine whether planning permission required*

16. Notwithstanding anything in subsection (6) of section twenty-two or subsection (7) of section twenty-three as applied by subsection (2) of section forty-three, a decision of the Minister, under any corresponding provisions of the Act of 1947, that any operations or use would constitute or involve development of land, or that an application for planning permission was required in respect thereof, shall not be treated as final for the purposes of any appeal to the court under section twenty-three of the Act of 1947 in relation to those operations or that use.

PART IV

PROVISIONS RELATING TO PART IV OF ACT

*Enforcement notices*

17.—(1) The provisions of this paragraph shall have effect in relation to any enforcement notice served before the twenty-ninth

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day of August, nineteen hundred and sixty, on the owner and occupier of the land to which it related.

(2) Sections forty-five to forty-nine shall not apply.

(3) Notwithstanding the repeal, sections twenty-three and twenty-four of the Act of 1947 shall have effect in relation to any such notice as they would have had effect if this Act had not been passed.

(4) Section fifty shall not have effect in relation to any such notice if the planning permission in question was granted before the twenty-ninth day of August, nineteen hundred and sixty.

(5) In the application of section fifty-one to such a notice, for the references in subsections (3) and (4) to section forty-eight there shall be substituted references to subsection (1) of section twenty-four of the Act of 1947, and in subsection (5) of section fifty-one the words from "and no person" onwards shall be omitted.

(6) In this paragraph "enforcement notice" does not include a notice served by virtue of section seventy-five of the Act of 1947.

*Notices in respect of listed buildings*

18.—(1) The provisions of this paragraph shall have effect in relation to any notice served under subsection (8) of section thirty of the Act of 1947 before the twenty-ninth day of August, nineteen hundred and sixty.

(2) Subsections (1) and (2) of section fifty-two, and sections fifty-three to fifty-five, shall not apply.

(3) Notwithstanding the repeal, the provisions of subsections (3) to (5) of section twenty-three of the Act of 1947 and of section twenty-four of that Act, as applied by subsection (8) of section thirty thereof, and any regulations made for the purposes of the last-mentioned subsection, shall have effect in relation to any such notice.

*Notices in respect of waste land, etc.*

19.—(1) The provisions of this paragraph shall have effect in relation to any notice served under subsection (1) of section thirty-three of the Act of 1947 before the twenty-ninth day of August, nineteen hundred and sixty.

(2) Sections fifty-six to sixty shall not apply.

(3) Notwithstanding the repeal, the provisions of subsections (3) to (5) of section twenty-three of the Act of 1947 and of section twenty-four of that Act, as applied by subsection (2) of section thirty-three thereof, and any regulations made for the purposes of the last-mentioned subsection, shall have effect in relation to any such notice.

*Building preservation orders and control of advertisements*

20. The repeal shall not affect the operation of any order under section twenty-nine of the Act of 1947 which was in force immediately before the twenty-ninth day of August, nineteen hundred and sixty, or any regulations under section thirty-one of that Act which were in force immediately before that day, in so far as any such order or regulations applied (with or without adaptations or modifications) any of the provisions of that Act which were repealed by section forty-eight of the Caravan Sites and Control of Development Act, 1960, and accordingly are not re-enacted in this Act.

## PART V

14TH SCH.

## PROVISIONS RELATING TO PART V OF ACT

*Consent of Minister to acquisition, appropriation or disposal  
of land*

21. Nothing in Part I of this Schedule shall be construed as validating any transaction whereby a local authority purported, in the exercise of a power conferred by an enactment repealed by this Act, but without the consent of a Minister then required by that enactment,—

- (a) to acquire land by agreement in pursuance of a contract made before the sixteenth day of August, nineteen hundred and fifty-nine, or
- (b) to appropriate or dispose of land before that day,

notwithstanding that the transaction could have been validly effected without that consent under the corresponding provisions of Part V of this Act.

*Land acquired, or authorised to be acquired,  
under Part IV of Act of 1947*

22.—(1) The repeal shall not affect the validity of any order authorising the compulsory acquisition of any land—

- (a) under subsection (2) of section thirty-seven of the Act of 1947 (which enabled the Minister of Works or the Postmaster General, during the period before a development plan had become operative with respect to any area, to be authorised in certain circumstances to acquire land compulsorily);
- (b) under subsection (2) of section thirty-eight of that Act (which enabled certain local authorities, during any such period, to be authorised in certain circumstances to acquire land compulsorily); or
- (c) under subsection (3) of the said section thirty-eight in a case where the power conferred by that subsection was exercisable in lieu of the exercise of the power conferred by subsection (2) thereof,

or of any notice served or other thing done in pursuance of any such order.

(2) The provisions of Part V of this Act shall have effect in relation to any land acquired, or authorised to be acquired, in pursuance of any such order as is mentioned in the preceding sub-paragraph as if—

- (a) in the case of land acquired, or authorised to be acquired, by a Minister, the land had been acquired, or authorised to be acquired, by that Minister under section sixty-seven;
- (b) in the case of land acquired, or authorised to be acquired, by a local authority, the land had been acquired, or authorised to be acquired, by that local authority under section sixty-eight.

23. Section eighty-one shall have effect in relation to land acquired by the Central Land Board under section forty-three of the Act of 1947 as it has effect in relation to land acquired by a local authority for planning purposes (as defined by subsection (1) of section eighty-seven).

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24. For the purposes of the construction, in accordance with Part I of this Schedule, of subsections (4) and (5) of section eighty-four, any land acquired by the Central Land Board under Part IV of the Act of 1947 shall be treated as if it had been acquired thereunder by the Minister; and, in relation to land so acquired, the powers conferred by those subsections shall be exercisable by the Minister accordingly.

25. In accordance with Part I of this Schedule, the reference in subsection (1) of section eighty-seven to the acquisition of land under section sixty-eight or section seventy-one includes a reference to the acquisition of land under section thirty-eight or section forty of the Act of 1947; and the reference in that subsection to the appropriation of land for purposes for which land can be acquired under section sixty-eight or section seventy-one is a reference to the appropriation of land for those purposes whether before or after the commencement of this Act.

26. The repeal shall not affect the operation of subsection (6) of section forty-three of the Act of 1947 (which enabled provision to be made by regulations for the keeping of a register of land acquired and disposed of by the Central Land Board) or of any regulations made thereunder, as modified by the Order in Council made under section sixty-three of the Act of 1954 (which provided for the dissolution of the Central Land Board), in so far as that subsection or any such regulations, as so modified, would have had effect if this Act had not been passed.

## PART VI

## PROVISIONS RELATING TO PART VI OF ACT

*Compensation under Part V of Act of 1954*

27.—(1) Subject to the following provisions of this paragraph, for the purposes of the construction of sections one hundred and twelve to one hundred and fifteen in accordance with Part I of this Schedule, any compensation (whether by way of principal or interest) under Part V of the Act of 1954, and any claim for, or notice registered in respect of, any such compensation, as well as any compensation under Part II of that Act, or any claim for, or notice registered in respect of, compensation under the said Part II, shall be treated as compensation, or, as the case may be, a claim for, or notice registered in respect of, compensation, under provisions of that Act corresponding to those of Part VI of this Act.

(2) For the purposes of the construction of section one hundred and twelve in accordance with the preceding sub-paragraph in relation to Part V of the Act of 1954, any reference to a planning decision shall be construed as including a reference to an order under section twenty-one of the Act of 1947.

(3) Where compensation under Part V of the Act of 1954 became or becomes payable in respect of an order modifying planning permission, then (notwithstanding anything in the preceding provisions of this paragraph) the provisions of sections one hundred and thirteen and one hundred and fifteen shall not apply to development in accordance with that permission as modified by the order.

*Provision excluding recovery of compensation*

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28. For the purposes of the construction, in accordance with Part I of this Schedule, of subsection (4) of section one hundred and fourteen,—

- (a) the provisions of subsection (6) of section fifty-two of the Act of 1954 as originally enacted, and
- (b) those provisions as applied by any regulations made under subsection (8) of the said section fifty-two,

as well as the provisions of the said subsection (6) as amended by section fifty-one of the Act of 1959, shall be treated as provisions corresponding to those of section one hundred and ninety.

## PART VII

## PROVISIONS RELATING TO PART VII OF ACT

*Exchequer contribution towards compensation*

29. For the purposes of the construction of subsection (1) of section one hundred and twenty-one in accordance with Part I of this Schedule, any compensation which could have been claimed and would have been payable under Part V of the Act of 1954, as well as any compensation which could have been claimed and would have been payable under Part II of that Act, shall be treated as compensation which could have been claimed and would have been payable under provisions of that Act corresponding to the provisions of Part VI of this Act.

*Recovery of compensation*

30. For the purposes of the construction of subsection (3) of section one hundred and twenty-two in accordance with Part I of this Schedule, any grant paid—

- (a) under the provisions of the section substituted by section fifty of the Act of 1954 for section ninety-three of the Act of 1947, but without the amendments made by the Local Government Act, 1958, or
- (b) under the provisions of Part IX of the Act of 1947 as originally enacted,

as well as any grant paid under the provisions of the said section ninety-three as in force immediately before the commencement of this Act, shall be treated as a grant paid under provisions corresponding to those of Part XII of this Act.

## PART VIII

## PROVISIONS RELATING TO PART X OF ACT

*Application of s. 164 to land acquired by Central Land Board*

31. In subsection (1) of section one hundred and sixty-four, the reference to land acquired by a Minister, a local authority or statutory undertakers under Part V of this Act shall be construed as including a reference to land acquired by the Central Land Board under Part IV of the Act of 1947, as well as to land acquired under the said Part IV by a Minister, a local authority or statutory undertakers.

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## PART IX

## PROVISIONS RELATING TO PART XI OF ACT

*Orders made and action taken before 16th August, 1959*

32.—(1) Notwithstanding anything in Part I of this Schedule, the provisions of section one hundred and seventy-six shall not have effect in relation to—

(a) any order made before the sixteenth day of August, nineteen hundred and fifty-nine, under any of the provisions of the Act of 1947 corresponding to the provisions of this Act under which the orders mentioned in subsection (2) of that section can be made, or

(b) any action on the part of the Minister taken before the said sixteenth day of August under any of the provisions of that Act or of the Act of 1954 corresponding to the provisions of this Act under which action of the descriptions mentioned in subsection (3) of that section can be taken,

and section one hundred and seventy-nine does not apply to any such order or action as is mentioned in this sub-paragraph.

(2) In relation to any action which, in accordance with any provisions of the Act of 1947 corresponding to provisions of Part X of this Act, were required to be taken by the Minister and the appropriate Minister, the reference in the preceding sub-paragraph to the Minister shall be construed as a reference to the Minister and the appropriate Minister.

33. Section one hundred and eighty-one does not apply to any decision of the Minister made before the sixteenth day of August, nineteen hundred and fifty-nine, under any of the provisions of the Act of 1947 corresponding to the provisions of this Act mentioned in subsection (2) of that section.

*Notices served before 29th August, 1960*

34. Subsection (1) of section one hundred and seventy-seven shall not apply to any enforcement notice which was served before the twenty-ninth day of August, nineteen hundred and sixty, on the owner and occupier of the land to which it related.

35. Subsection (3) of section one hundred and seventy-seven shall not apply to any notice served under subsection (8) of section thirty of the Act of 1947 before the said twenty-ninth day of August; and subsection (4) of section one hundred and seventy-seven shall not apply to any notice served before that day under subsection (1) of section thirty-three of that Act.

*Directions under Part V of Act of 1954*

36. For the purposes of the construction, in accordance with Part I of this Schedule, of paragraph (f) of subsection (3) of section one hundred and seventy-six (but without prejudice to sub-paragraph (1) of paragraph 32 of this Schedule) any direction given on or after the sixteenth day of August, nineteen hundred and fifty-nine, by the Minister under subsection (3) or subsection (4) of section forty-five of the Act of 1954, as well as any direction given by the Minister on or after that day under section twenty-three of that Act, shall be treated as a direction given under provisions of that Act corresponding to the provisions of section twenty-five.



## PART X

14TH SCH.

## PROVISIONS APPLICABLE TO PART XII OF ACT

*Exchequer grants to local authorities*

37. Nothing in this Act shall affect the payment (whether before or after the commencement of this Act) of any grant in respect of any period before the commencement of this Act.

*Recovery of sums from acquiring authorities*

38.—(1) In relation to any acquisition or sale of an interest in land in pursuance of a notice to treat served, or contract made, before the thirtieth day of October, nineteen hundred and fifty-eight,—

(a) section one hundred and ninety shall not apply ;

(b) the repeal shall not affect any right of recovering any sum in respect thereof under the provisions of subsection (6) of section fifty-two of the Act of 1954 as originally enacted, or under those provisions as applied by regulations made under subsection (8) of the said section fifty-two.

(2) Subject to the preceding sub-paragraph, section one hundred and ninety shall have effect in relation to interests in land acquired or sold as therein mentioned whether before or after the commencement of this Act ; and for the purposes of the construction of that section in accordance with Part I of this Schedule, any notice registered under the provisions of section twenty-eight of the Act of 1954 as applied by Part V of that Act, as well as any notice registered under those provisions as applied by Part IV of that Act, shall be treated as a notice registered under provisions of that Act corresponding to the provisions of this Act referred to in section one hundred and ninety, and references in section one hundred and ninety to compensation specified in a notice shall be construed accordingly.

39. Section one hundred and ninety-one shall have effect in relation to interests in land acquired or sold as therein mentioned whether before or after the commencement of this Act, except that it shall not have effect in relation to any acquisition or sale in pursuance of a notice to treat served, or contract made, before the sixth day of August, nineteen hundred and forty-seven.

*Financing of payments under s. 59 of Act of 1947*

40. Notwithstanding the repeal of section sixty-seven of the Act of 1947, any sums which, apart from this Act, would have fallen to be issued or raised in accordance with subsection (1) or subsection (2) of that section may be so issued or raised as if this Act had not been passed ; and any securities created and issued to raise money under that section (whether before or after the commencement of this Act) shall, in accordance with subsection (2) of that section, be deemed for all purposes to have been created and issued under the National Loans Act, 1939.

*Financing of payments under Parts I and V of Act of 1954*

41. The repeal shall not affect the operation of subsections (1) and (2) of section sixty-four of the Act of 1954, in so far as those subsections would have continued to have effect if this Act had not been passed.

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*Payments into the Exchequer*

42. Subsection (4) of section one hundred and ninety-four shall apply to any sums received by the Minister by virtue of subsections (1) to (5) of section fifty-two of the Act of 1954 as it applies to sums received by the Minister by virtue of the provisions mentioned in the said subsection (4).

## PART XI

## PROVISIONS RELATING TO PART XIII OF ACT

*Minerals*

43.—(1) In the Town and Country Planning (Modification of Mines Act) Regulations, 1948 (being regulations made under the provisions of the Act of 1947 corresponding to section one hundred and ninety-eight), Regulation 6 (which makes provision as to the assessment of the compensation or consideration for a right to work minerals, but by virtue of the Town and Country Planning Act, 1953, does not apply to any determination of compensation or consideration made after the passing of that Act) is hereby revoked.

(2) The preceding sub-paragraph shall have effect without prejudice to the operation of any of the other provisions of those Regulations in accordance with Part I of this Schedule.

44.—(1) Regulation 10 of the Town and Country Planning (Minerals) Regulations, 1954, and section seventy-nine of the Act of 1947 as applied by that regulation, shall (notwithstanding the repeal) have effect after the date of the commencement of this Act in any case where they would have had effect after that date if this Act had not been passed.

(2) The said Regulation 10, in so far as it has effect in accordance with the preceding sub-paragraph, may be revoked or varied by regulations made under section one hundred and ninety-seven as if it were a regulation made under that section.

(3) In this paragraph any reference to the said Regulation 10 is a reference to that regulation as varied by any subsequent regulations.

*Ecclesiastical property, settled land, and land of universities  
and colleges*

45. For the purposes of the construction of sections two hundred and five and two hundred and six in accordance with Part I of this Schedule, the provisions of section forty-six of the Act of 1954, as well as the provisions of section forty-one of that Act, shall be treated as provisions corresponding to those of section one hundred and twenty-two.

## PART XII

## MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

*Registration of payments under s. 59 of Act of 1947*

46.—(1) The repeal shall not affect the operation of subsections (1) and (2) of section fifty-seven of the Act of 1954, in so far as those subsections would have continued to have effect if this Act had not been passed.

(2) In subsection (1) of the said section fifty-seven, the references to subsection (7) of section fifty-two of that Act and to paragraph (a)

of the proviso to that subsection shall be construed as including references respectively to subsection (1) and to subsection (2) of section one hundred and ninety-one.

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*Saving for Act of 1944 as applied by other enactments*

47. The repeal shall not affect the operation of any provisions of the Act of 1944 as applied by the New Towns Act, 1946.

48.—(1) This paragraph shall have effect for the purposes of any enactment (not contained in the New Towns Act, 1946) which applies the provisions of section twenty-five of the Act of 1944, with adaptations consisting of or including adaptations of the references in that section to a purchasing authority or to the purchasing or appropriating authority.

(2) Any such enactment shall be construed (in accordance with Part I of this Schedule or section thirty-eight of the Interpretation Act, 1889) as applying the provisions of section one hundred and sixty-four, and of subsection (2) of section one hundred and seventy, with corresponding adaptations of the references in those provisions to a Minister, a local authority or statutory undertakers, or to the acquiring or appropriating authority, as the case may require.

*Definition of "local authority"*

49. For the purposes of the construction, in accordance with Part I of this Schedule, of any enactment which incorporates the definition of "local authority" in the Act of 1947, section one hundred and fifty-four and the reference thereto in the corresponding definition in subsection (1) of section two hundred and twenty-one shall be disregarded.

*Saving for powers of Postmaster-General*

50. Except as provided by section one hundred and fifty-eight, nothing in the provisions of this Act specified in paragraph 1 of the Eighth Schedule thereto or in any order or regulations made thereunder shall affect any powers or duties of the Postmaster-General under the provisions of the Telegraph Acts, 1863 to 1954, or apply to any telegraphic lines (within the meaning of the Telegraph Act, 1878) placed or maintained by virtue of any of the provisions of those Acts.

*Saving in respect of works below high-water mark*

51. Nothing in the provisions of this Act specified in paragraph 1 of the Eighth Schedule thereto shall authorise the execution of any works (whether of construction, demolition or alteration) on, over or under tidal lands below high-water of ordinary spring tides, except—

- (a) with the consent of any persons whose consent would have been required if this Act had not been passed, and
- (b) in accordance with such plans and sections, and subject to such restrictions and conditions, as may be approved by the Minister of Transport before the works are begun.

*Land Compensation Act, 1961, s. 31*

52. Any reference in this Act to the power conferred by section thirty-one of the Land Compensation Act, 1961, to withdraw a notice to treat shall, in relation to any notice to treat falling within section forty-one of that Act, be construed as a reference to the

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"The Minister" in relation to time before 3rd November, 1951

53. Any reference in this Act to the Minister—

- (a) in relation to any time before the third day of November, nineteen hundred and fifty-one, but on or after the thirtieth day of January, nineteen hundred and fifty-one, shall be construed as a reference to the Minister of Local Government and Planning, and
- (b) in relation to any time before the said thirtieth day of January, shall be construed as a reference to the Minister of Town and Country Planning.

#### Supplementary

54.—(1) Where in this Act (including this Schedule except Part I thereof) express provision is made in respect of any matter, the provisions of Part I of this Schedule, in so far as they are applicable to that matter, shall have effect subject to that express provision.

(2) Except as provided by the preceding sub-paragraph, the mention in any of the provisions of this Act (including this Schedule except Part I thereof) of any matter to which Part I of this Schedule is applicable shall not be construed as affecting the generality of the provisions of Part I of this Schedule.

55. Any reference in this Schedule to a numbered section shall, unless the reference is to a section of a specified Act, be construed as a reference to the section bearing that number in this Act.

56. In this Schedule "the repeal" means the repeal effected by section two hundred and twenty-three.

Section 223.

### FIFTEENTH SCHEDULE ENACTMENTS REPEALED

| Session and Chapter       | Short Title                              | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7 & 8 Geo. 6.<br>c. 47.   | The Town and Country Planning Act, 1944. | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                             |
| 10 & 11 Geo. 6.<br>c. 51. | The Town and Country Planning Act, 1947. | The whole Act, except section forty-six, subsection (8) of section forty-nine, subsection (1) of section one hundred and thirteen, so much of subsection (1) of section one hundred and nineteen as defines the expressions "land" and "local authority", section one hundred and twenty, and so much of the Eighth Schedule as does not consist of amendments of the Town and Country Planning Act, 1944. |
| 12 & 13 Geo. 6.<br>c. 32. | The Special Roads Act, 1949.             | Subsections (2) and (4) of section nine.                                                                                                                                                                                                                                                                                                                                                                   |

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| Session and Chapter    | Short Title                                          | Extent of Repeal                                                                                                                     |
|------------------------|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| 14 Geo. 6. c. 39       | The Public Utilities Street Works Act, 1950.         | In the Fifth Schedule, the entry relating to the Town and Country Planning Act, 1947.                                                |
| 14 & 15 Geo. 6. c. 19. | The Town and Country Planning (Amendment) Act, 1951. | The whole Act.                                                                                                                       |
| 14 & 15 Geo. 6. c. 60. | The Mineral Workings Act, 1951.                      | Subsection (1) of section fourteen.                                                                                                  |
|                        |                                                      | Subsections (2) and (3) of section thirty-one.                                                                                       |
|                        |                                                      | Subsection (3) of section forty-three in so far as it relates to the Town and Country Planning Act, 1947.                            |
| 1 & 2 Eliz. 2. c. 16.  | The Town and Country Planning Act, 1953.             | The whole Act.                                                                                                                       |
| 2 & 3 Eliz. 2. c. 72.  | The Town and Country Planning Act, 1954.             | Sections one to twenty-nine.                                                                                                         |
|                        |                                                      | Sections thirty-eight to fifty-two.                                                                                                  |
|                        |                                                      | Section fifty-four.                                                                                                                  |
|                        |                                                      | Sections fifty-seven to sixty.                                                                                                       |
|                        |                                                      | Section sixty-one, except subsections (1) and (6).                                                                                   |
|                        |                                                      | Sections sixty-two to sixty-eight.                                                                                                   |
|                        |                                                      | In section sixty-nine, subsections (3) to (5), and subsections (7) and (8).                                                          |
|                        |                                                      | In section seventy-one, subsection (2) and subsections (4) to (6).                                                                   |
|                        |                                                      | The First, Second, Third and Fourth Schedules.                                                                                       |
|                        |                                                      | The Seventh Schedule, except the entry relating to the Mineral Workings Act, 1951.                                                   |
|                        |                                                      | The Eighth Schedule.                                                                                                                 |
| 5 & 6 Eliz. 2. c. 56.  | The Housing Act, 1957...                             | In the Tenth Schedule, the entry relating to the Town and Country Planning Act, 1944.                                                |
| 7 & 8 Eliz. 2. c. 25.  | The Highways Act, 1959                               | In the Twenty-second Schedule, the entry relating to the Town and Country Planning Act, 1947.                                        |
|                        |                                                      | In the Twenty-fourth Schedule, in paragraph 37, the words from "either of the following enactments" to the end of sub-paragraph (a). |
| 7 & 8 Eliz. 2. c. 53.  | The Town and Country Planning Act, 1959.             | Sections thirty-one and thirty-two.                                                                                                  |
|                        |                                                      | Sections thirty-five to forty-four.                                                                                                  |
|                        |                                                      | Section fifty-one.                                                                                                                   |
|                        |                                                      | Subsections (1) to (3) and subsections (5) and (6) of section fifty-two.                                                             |
|                        |                                                      | Sections fifty-three to fifty-six.                                                                                                   |

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## 15TH SCH.

| Session and Chapter                   | Short Title                                             | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                      |
|---------------------------------------|---------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7 & 8 Eliz. 2.<br>c. 53— <i>cont.</i> | The Town and Country Planning Act, 1959— <i>cont.</i>   | In section fifty-seven, subsections (5), (6), (8) and (9).<br>In section fifty-eight, paragraph (b) of subsection (1) and subsections (2), (5) and (6).<br>The Fifth and Sixth Schedules.<br>In the Seventh Schedule, the entries relating to the Town and Country Planning Act, 1947 and the Town and Country Planning Act, 1954.<br>The Eighth and Ninth Schedules. |
| 8 & 9 Eliz. 2.<br>c. 18.              | The Local Employment Act, 1960.                         | Sections sixteen to nineteen.<br>In section twenty-one, the words "and in the Town and Country Planning Act, 1947".<br>Subsection (1) of section twenty-two.<br>Subsections (1) and (3) of section twenty-six.                                                                                                                                                        |
| 8 & 9 Eliz. 2.<br>c. 62.              | The Caravan Sites and Control of Development Act, 1960. | Sections twenty-one and twenty-two.<br>Sections thirty-three to forty-seven.<br>Subsection (2) of section forty-eight.<br>The Third Schedule.<br>The Fourth Schedule, except the entry relating to the Public Health Act, 1936.                                                                                                                                       |

—o—

*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.       |
| City of London Sewers Act, 1848 ... ..                            | 11 & 12 Vict. c. clxiii. |
| Metropolis Management Act, 1855 ... ..                            | 18 & 19 Vict. c. 120.    |
| Burial Act, 1857 ... ..                                           | 20 & 21 Vict. c. 81.     |
| Metropolis Management Amendment Act, 1862                         | 25 & 26 Vict. c. 102.    |
| Local Loans Act, 1875 ... ..                                      | 38 & 39 Vict. c. 83.     |
| Public Works Loans Act, 1875 ... ..                               | 38 & 39 Vict. c. 89.     |
| Telegraph Act, 1878 ... ..                                        | 41 & 42 Vict. c. 76.     |
| Interpretation Act, 1889 ... ..                                   | 52 & 53 Vict. c. 63.     |
| Metropolis Management Act, 1862, Amendment<br>Act, 1890 ... ..    | 53 & 54 Vict. c. 54.     |
| Finance Act, 1895 ... ..                                          | 58 & 59 Vict. c. 16.     |
| National Trust Act, 1907 ... ..                                   | 7 Edw. 7. c. cxxxvi.     |
| Development and Road Improvement Funds Act,<br>1909 ... ..        | 9 Edw. 7. c. 47.         |
| Acquisition of Land (Assessment of Compensation) Act, 1919 ... .. | 9 & 10 Geo. 5. c. 57.    |
| Mines (Working Facilities and Support) Act, 1923                  | 13 & 14 Geo. 5. c. 20.   |
| Town Planning Act, 1925 ... ..                                    | 15 & 16 Geo. 5. c. 16.   |
| Settled Land Act, 1925 ... ..                                     | 15 & 16 Geo. 5. c. 18.   |
| Law of Property Act, 1925 ... ..                                  | 15 & 16 Geo. 5. c. 20.   |

| Short Title                                                                   | Session and Chapter             |
|-------------------------------------------------------------------------------|---------------------------------|
| Land Charges Act, 1925 ... ..                                                 | 15 & 16 Geo. 5. c. 22.          |
| Universities and College Estates Act, 1925 ...                                | 15 & 16 Geo. 5. c. 24.          |
| Supreme Court of Judicature (Consolidation)<br>Act, 1925 ... ..               | 15 & 16 Geo. 5. c. 49.          |
| Roads Improvement Act, 1925 ... ..                                            | 15 & 16 Geo. 5. c. 68.          |
| Rating and Valuation (Apportionment) Act, 1928                                | 18 & 19 Geo. 5. c. 44.          |
| Town and Country Planning Act, 1932 ... ..                                    | 22 & 23 Geo. 5. c. 48.          |
| Local Government Act, 1933 ... ..                                             | 23 & 24 Geo. 5. c. 51.          |
| Restriction of Ribbon Development Act, 1935 ...                               | 25 & 26 Geo. 5. c. 47.          |
| Public Health Act, 1936 ... ..                                                | 26 Geo. 5 & 1 Edw. 8.<br>c. 49. |
| Public Health (London) Act, 1936 ... ..                                       | 26 Geo. 5 & 1 Edw. 8.<br>c. 50. |
| Green Belt (London and Home Counties) Act,<br>1938 ... ..                     | 1 & 2 Geo. 6. c. xciii.         |
| Limitation Act, 1939 ... ..                                                   | 2 & 3 Geo. 6. c. 21.            |
| London Government Act, 1939 ... ..                                            | 2 & 3 Geo. 6. c. 40.            |
| Compensation (Defence) Act, 1939 ... ..                                       | 2 & 3 Geo. 6. c. 75.            |
| National Loans Act, 1939 ... ..                                               | 2 & 3 Geo. 6. c. 117.           |
| War Damage Act, 1943 ... ..                                                   | 6 & 7 Geo. 6. c. 21.            |
| Restriction of Ribbon Development (Temporary<br>Development) Act, 1943 ... .. | 6 & 7 Geo. 6. c. 34.            |
| Town and Country Planning Act, 1944 ... ..                                    | 7 & 8 Geo. 6. c. 47.            |
| Distribution of Industry Act, 1945 ... ..                                     | 8 & 9 Geo. 6. c. 36.            |
| Requisitioned Land and War Works Act, 1945 ...                                | 8 & 9 Geo. 6. c. 43.            |
| Statutory Orders (Special Procedure) Act, 1945...                             | 9 & 10 Geo. 6. c. 18.           |
| Building Restrictions (War Time Contraventions)<br>Act, 1946 ... ..           | 9 & 10 Geo. 6. c. 35.           |
| Acquisition of Land (Authorisation Procedure)<br>Act, 1946 ... ..             | 9 & 10 Geo. 6. c. 49.           |
| New Towns Act, 1946 ... ..                                                    | 9 & 10 Geo. 6. c. 68.           |
| Forestry Act, 1947 ... ..                                                     | 10 & 11 Geo. 6. c. 21.          |
| Town and Country Planning Act, 1947 ... ..                                    | 10 & 11 Geo. 6. c. 51.          |
| Agricultural Holdings Act, 1948 ... ..                                        | 11 & 12 Geo. 6. c. 63.          |
| Special Roads Act, 1949 ... ..                                                | 12, 13 & 14 Geo. 6. c. 32.      |
| National Parks and Access to the Countryside<br>Act, 1949 ... ..              | 12, 13 & 14 Geo. 6. c. 97.      |
| Public Utilities Street Works Act, 1950 ... ..                                | 14 Geo. 6. c. 39.               |
| Town and Country Planning (Amendment) Act,<br>1951 ... ..                     | 14 & 15 Geo. 6. c. 19.          |
| Forestry Act, 1951 ... ..                                                     | 14 & 15 Geo. 6. c. 61.          |
| Town and Country Planning Act, 1953 ... ..                                    | 1 & 2 Eliz. 2. c. 16.           |
| Licensing Act, 1953 ... ..                                                    | 1 & 2 Eliz. 2. c. 46.           |
| Landlord and Tenant Act, 1954 ... ..                                          | 2 & 3 Eliz. 2. c. 56.           |
| Town and Country Planning Act, 1954 ... ..                                    | 2 & 3 Eliz. 2. c. 72.           |
| London County Council (Loans) Act, 1955 ... ..                                | 4 & 5 Eliz. 2. c. xxvi.         |
| Housing Act, 1957 ... ..                                                      | 5 & 6 Eliz. 2. c. 56.           |
| City of London (Various Powers) Act, 1958 ...                                 | 6 & 7 Eliz. 2. c. xlviii.       |
| Local Government Act, 1958 ... ..                                             | 6 & 7 Eliz. 2. c. 55.           |
| Tribunals and Inquiries Act, 1958 ... ..                                      | 6 & 7 Eliz. 2. c. 66.           |
| Opencast Coal Act, 1958 ... ..                                                | 6 & 7 Eliz. 2. c. 69.           |
| Highways Act, 1959 ... ..                                                     | 7 & 8 Eliz. 2. c. 25.           |
| Town and Country Planning Act, 1959 ... ..                                    | 7 & 8 Eliz. 2. c. 53.           |
| Local Employment Act, 1960 ... ..                                             | 8 & 9 Eliz. 2. c. 18.           |
| Caravan Sites and Control of Development Act,<br>1960 ... ..                  | 8 & 9 Eliz. 2. c. 62.           |
| Land Compensation Act, 1961 ... ..                                            | 9 & 10 Eliz. 2. c. 33.          |

## CHAPTER 39

An Act to authorise the use of an alternative method of assessing drainage rates in the case of land falling within subsection (4) of section twenty-two of the Land Drainage Act, 1961. [19th July, 1962]

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

Drainage rates—  
alternative  
method of  
calculation.  
9 & 10 Eliz.  
c. 48.

1.—(1) Sections twenty-two and twenty-three of the Land Drainage Act, 1961 (provisions as to the basis of assessment of drainage rates made for periods beginning after the end of March, nineteen hundred and sixty-three) shall have effect subject to the following provisions of this section.

(2) Where a drainage board resolves that this section shall apply for the purposes of drainage rates made by the board then, for the purposes of any drainage rate so made for a period beginning while the resolution is in force, subsection (4) of the said section twenty-two (which subsection sets out the basis of assessment applicable in the case of land for which a rateable value is shown in the valuation list for the time being in force) shall have effect as if for paragraphs (a) and (b) thereof there were substituted the following paragraphs:—

“(a) the value on which the rate is assessed shall be the value arrived at by taking one-third of the rateable value so shown and applying thereto the relative fraction arrived at in accordance with the provisions of subsections (3) to (6) of section twenty-three of this Act; and

(b) the amount per pound at which the rate is assessed shall be the same as the amount per pound (of annual value) at which the rate is assessed under subsection (4) of section twenty-four of the Land Drainage Act, 1930.”,

20 & 21 Geo. 5.  
c. 44.

and accordingly subsection (1) of the said section twenty-three shall not apply.

Short title  
and extent.

2.—(1) This Act may be cited as the Drainage Rates Act, 1962.

(2) This Act does not extend to Scotland or to Northern Ireland.





## CHAPTER 40

### *Jamaica Independence Act, 1962*

#### ARRANGEMENT OF SECTIONS

##### Section

1. Provision for fully responsible status of Jamaica.
2. Consequential modifications of British Nationality Acts.
3. Consequential modification of other enactments.
4. Interpretation.
5. Short title.

##### SCHEDULES :

First Schedule—Legislative Powers of Jamaica.

Second Schedule—Amendments not affecting the Law of Jamaica.

An Act to make provision for, and in connection with, the attainment by Jamaica of fully responsible status within the Commonwealth. [19th July, 1962]

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

1.—(1) As from the sixth day of August, nineteen hundred and sixty-two (in this Act referred to as "the appointed day"), Her Majesty's Government in the United Kingdom shall have no responsibility for the government of Jamaica. Provision for fully responsible status of Jamaica.

(2) No Act of the Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to Jamaica as part of the law thereof; and as from that day the provisions of the First Schedule to this Act shall have effect with respect to the legislative powers of Jamaica.

2.—(1) As from the appointed day, the British Nationality Acts, 1948 and 1958, shall have effect as if in subsection (3) of section one of the said Act of 1948 (which provides for persons to be British subjects or Commonwealth citizens by virtue of citizenship of certain countries) for the words "and Tanganyika" there were substituted the words "Tanganyika and Jamaica". Consequential modifications of British Nationality Acts.

(2) Subject to the following provisions of this section, any person who immediately before the appointed day is a citizen of the United Kingdom and Colonies shall on that day cease to be such a citizen if—

- (a) under the law of Jamaica he becomes on that day a citizen of Jamaica, and
- (b) he, his father or his father's father was born in Jamaica.

(3) Subject to subsection (8) of this section, a person shall not cease to be a citizen of the United Kingdom and Colonies under the last preceding subsection if he, his father or his father's father—

- (a) was born in the United Kingdom or in a colony; or
- (b) is or was a person naturalised in the United Kingdom and Colonies; or
- (c) was registered as a citizen of the United Kingdom and Colonies; or
- (d) became a British subject by reason of the annexation of any territory included in a colony.

(4) A person shall not cease to be a citizen of the United Kingdom and Colonies under subsection (2) of this section if he was born in a protectorate or protected state, or if his father or his father's father was so born and is or at any time was a British subject.

(5) A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be such a citizen under subsection (2) of this section unless her husband does so.

(6) Subsection (2) of section six of the British Nationality Act, 1948 (which provides for the registration as a citizen of the United Kingdom and Colonies of a woman who has been married to such a citizen) shall not apply to a woman by virtue of her marriage to a person who ceases to be such a citizen under subsection (2) of this section, or who would have done so if living on the appointed day.

(7) Subject to the next following subsection, the reference in paragraph (b) of subsection (3) of this section to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the British Nationality Act, 1948, have become a person naturalised in the United Kingdom and Colonies by virtue of subsection (6) of section thirty-two of that Act (which relates to persons given local naturalisation before that commencement in a colony or protectorate).

(8) Any reference in subsection (3) or subsection (4) of this section to a colony, protectorate or protected state shall, subject to the next following subsection, be construed as a reference to a territory which is a colony, protectorate or protected state on the appointed day; and the said subsection (3) shall not apply to a person by virtue of any certificate of naturalisation granted or registration effected by the governor or government of a territory outside the United Kingdom which is not a colony, protectorate or protected state on that day.

(9) The protectorates of Northern Rhodesia and Nyasaland shall be excepted from the operation of any reference in subsection (4) or subsection (8) of this section to a protectorate.

(10) Part III of the British Nationality Act, 1948 (which contains supplemental provisions) shall have effect for the purposes of subsections (2) to (9) of this section as if those subsections were included in that Act.

3.—(1) Notwithstanding anything in the Interpretation Act, 1889, the expression “colony” in any Act of the Parliament of the United Kingdom passed on or after the appointed day shall not include Jamaica. Consequential modification of other enactments.

(2) As from the appointed day—

- (a) the expression “colony” in the Army Act, 1955, the Air Force Act, 1955, and the Naval Discipline Act, 1957, shall not include Jamaica, and
- (b) in the definitions of “Commonwealth force” in subsection (1) of section two hundred and twenty-five and subsection (1) of section two hundred and twenty-three respectively of the said Acts of 1955, and in the definition of “Commonwealth country” in subsection (1) of section one hundred and thirty-five of the said Act of 1957, for the words “or Tanganyika” there shall be substituted the words “Tanganyika or Jamaica”;

and no Order in Council made on or after the appointed day under section one of the Army and Air Force Act, 1961, shall operate to continue either of the said Acts of 1955 in force as part of the law of Jamaica.

(3) For the purposes of the making, on or after the appointed day, of Orders in Council under the West Indies Act, 1962, and for the purposes of the making on or after that day of grants under section eight of that Act, Jamaica shall be treated as not being a colony within the meaning of that Act.

(4) Subsection (3) of section five of the West Indies Act, 1962 (which enables provision made by Order in Council for the government of the Cayman Islands and the Turks and Caicos Islands to include provision for the performance of functions by the legislature or other authorities of Jamaica, or by any court of Jamaica) is hereby repealed as from the appointed day:

Provided that this subsection shall not affect—

- (a) the operation (whether as part of the law of Jamaica or as part of the law of the Cayman Islands or of the Turks and Caicos Islands) of any Order in Council made before the appointed day, or
- (b) the exercise, on or after the appointed day, of any power to revoke or vary an Order in Council made before that day, in so far as any such Order forms part of the law of the Cayman Islands or of the Turks and Caicos Islands.

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(5) As from the appointed day, the provisions specified in the Second Schedule to this Act shall have effect subject to the amendments respectively specified in that Schedule, and Her Majesty may by Order in Council, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make such further adaptations in any Act of the Parliament of the United Kingdom passed before this Act, or in any instrument having effect under any such Act, as appear to Her necessary in consequence of section one of this Act; and any Order in Council made under this subsection may be varied or revoked by a subsequent Order in Council so made, and, though made after the appointed day, may be made so as to have effect from that day.

(6) The last preceding subsection shall not extend to Jamaica as part of the law thereof.

Interpretation.

4.—(1) In this Act, and in any amendment made by this Act in any other enactment, “Jamaica” includes the islands known as the Morant Cays and the Pedro Cays and any other territories which at the passing of this Act are dependencies of the Colony of Jamaica, but does not include the Cayman Islands or the Turks and Caicos Islands; and in any Act of the Parliament of the United Kingdom passed after the passing of this Act, and in any instrument made after the passing of this Act by virtue of an Act of the Parliament of the United Kingdom (whenever passed), the expression “Jamaica” shall be taken to have the same meaning as in this Act unless a contrary intention is expressed in that Act or instrument, as the case may be.

(2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

Short title.

5. This Act may be cited as the Jamaica Independence Act, 1962.

## SCHEDULES

### FIRST SCHEDULE

#### LEGISLATIVE POWERS OF JAMAICA

1. The Colonial Laws Validity Act, 1865, shall not apply to any law made on or after the appointed day by the legislature of Jamaica.

2. No law and no provision of any law made on or after the appointed day by that legislature shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any Act of the Parliament of the United Kingdom, including this Act, or to any order, rule or regulation made under any such Act, and, subject to paragraph 6 of this Schedule, the powers of that legislature shall include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of Jamaica.

Section 1.

3. The legislature of Jamaica shall have full power to make laws having extra-territorial operation.

1ST SCH.

4. Without prejudice to the generality of the preceding provisions of this Schedule, sections seven hundred and thirty-five and seven hundred and thirty-six of the Merchant Shipping Act, 1894, shall be construed as though references therein to the legislature of a British possession did not include references to the legislature of Jamaica.

5. Without prejudice to the generality of the preceding provisions of this Schedule, section four of the Colonial Courts of Admiralty Act, 1890 (which requires certain laws to be reserved for the signification of Her Majesty's pleasure or to contain a suspending clause), and so much of section seven of that Act as requires the approval of Her Majesty in Council to any rules of court for regulating the practice and procedure of a Colonial Court of Admiralty, shall cease to have effect in Jamaica.

6.—(1) Nothing in this Act shall confer on the legislature of Jamaica any power to repeal, amend or modify the constitutional provisions otherwise than in such manner as may be provided for in those provisions.

(2) In this paragraph "the constitutional provisions" means the following, that is to say—

- (a) this Act;
- (b) any Order in Council made before the appointed day (whether before or after the passing of this Act) which made or makes provision in respect of Jamaica in pursuance of section five of the West Indies Act, 1962;
- (c) any law, or instrument made under a law, of the legislature of Jamaica made on or after the appointed day which amends, modifies, re-enacts with or without amendment or modification, or makes different provision in lieu of, any provisions of this Act, of any such Order in Council, or of any such law or instrument previously made.

## SECOND SCHEDULE

Section 3.

### AMENDMENTS NOT AFFECTING THE LAW OF JAMAICA

#### *Diplomatic immunities*

1. In section four hundred and sixty-one of the Income Tax Act, 1952 (which relates to exemption from income tax in the case of certain Commonwealth representatives and their staffs), in subsection (2) and subsection (3), for the words "or Tanganyika" there shall be substituted the words "Tanganyika or Jamaica".

2. In subsection (6) of section one of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952, after the word "Tanganyika" there shall be inserted the word "Jamaica".

3. In subsection (5) of section one of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act, 1961, after the word "Tanganyika" there shall be inserted the word "Jamaica".

Y\* 2

## 2ND SCH.

*Financial*

4. In subsection (4) of section two of the Import Duties Act, 1958, after the word "India" there shall be inserted the word "Jamaica".

*Visiting forces*

5. In the Visiting Forces (British Commonwealth) Act, 1933, section four (which deals with attachment and mutual powers of command) shall apply in relation to forces raised in Jamaica as it applies in relation to forces raised in Dominions within the meaning of the Statute of Westminster, 1931.

6. In the Visiting Forces Act, 1952—

(a) in paragraph (a) of subsection (1) of section one (which specifies the countries to which that Act applies) for the words "or Tanganyika" there shall be substituted the words "Tanganyika or Jamaica";

(b) in paragraph (a) of subsection (1) of section ten the expression "colony" shall not include Jamaica;

and, until express provision with respect to Jamaica is made by an Order in Council under section eight of that Act (which relates to the application to visiting forces of law relating to home forces), any such Order for the time being in force shall be deemed to apply to visiting forces of Jamaica.

*Ships and aircraft*

7. In subsection (2) of section four hundred and twenty-seven of the Merchant Shipping Act, 1894, as substituted by section two of the Merchant Shipping (Safety Convention) Act, 1949, for the words "or Tanganyika" there shall be substituted the words "Tanganyika or Jamaica".

8. In the proviso to subsection (2) of section six of the Merchant Shipping Act, 1948, for the words "or Tanganyika" there shall be substituted the words "Tanganyika or Jamaica".

9. In the definition of "excepted ship or aircraft" in paragraph 3 of the Third Schedule to the Emergency Laws (Repeal) Act, 1959, for the words "or Tanganyika" there shall be substituted the words "Tanganyika or Jamaica".

10. The Ships and Aircraft (Transfer Restriction) Act, 1939, shall not apply to any ship by reason only of its being registered in, or licensed under the law of, Jamaica; and the penal provisions of that Act shall not apply to persons in Jamaica (but without prejudice to the operation with respect to any ship to which that Act does apply of the provisions thereof relating to the forfeiture of ships).

11. In the Whaling Industry (Regulation) Act, 1934, the expression "British ship to which this Act applies" shall not include a British ship registered in Jamaica.

12. In paragraph (b) of subsection (7) of section two of the Civil Aviation (Licensing) Act, 1960, the expression "colony" shall not include Jamaica.

*Copyright*

2ND SCH.

13. If the Copyright Act, 1911, so far as in force in the law of Jamaica is repealed or amended by that law at a time when sub-paragraph (2) of paragraph 39 of the Seventh Schedule to the Copyright Act, 1956 (which applies certain provisions of that Act in relation to countries to which the said Act of 1911 extended) is in force in relation to Jamaica, the said sub-paragraph (2) shall thereupon cease to have effect in relation thereto.

*Divorce jurisdiction*

14. In subsection (2) of section two of the Indian and Colonial Divorce Jurisdiction Act, 1926 (which enables section one of that Act to be extended to certain countries, but not to any of the countries named in the said subsection (2)) for the words "and Tanganyika" there shall be substituted the words "Tanganyika and Jamaica".

*Commonwealth Institute*

15. In subsection (2) of section eight of the Imperial Institute Act, 1925, as amended by the Commonwealth Institute Act, 1958 (which relates to the power to vary the provisions of the said Act of 1925 if an agreement for the purpose is made with the governments of certain territories which for the time being are contributing towards the expenses of the Commonwealth Institute) for the words "and Tanganyika" there shall be substituted the words "Tanganyika and Jamaica".

*Table of Statutes referred to in this Act*

| Short Title                                                                             | Session and Chapter                  |
|-----------------------------------------------------------------------------------------|--------------------------------------|
| Colonial Laws Validity Act, 1865 ... ..                                                 | 28 & 29 Vict. c. 63.                 |
| Interpretation Act, 1889 ... ..                                                         | 52 & 53 Vict. c. 63.                 |
| Colonial Courts of Admiralty Act, 1890 ... ..                                           | 53 & 54 Vict. c. 27.                 |
| Merchant Shipping Act, 1894 ... ..                                                      | 57 & 58 Vict. c. 60.                 |
| Copyright Act, 1911 ... ..                                                              | 1 & 2 Geo. 5. c. 46.                 |
| Imperial Institute Act, 1925 ... ..                                                     | 15 & 16 Geo. 5. c. xvii.             |
| Indian and Colonial Divorce Jurisdiction Act, 1926 ... ..                               | 16 & 17 Geo. 5. c. 40.               |
| Statute of Westminster, 1931 ... ..                                                     | 22 & 23 Geo. 5. c. 4.                |
| Visiting Forces (British Commonwealth) Act, 1933 ... ..                                 | 23 & 24 Geo. 5. c. 6.                |
| Whaling Industry (Regulation) Act, 1934 ... ..                                          | 24 & 25 Geo. 5. c. 49.               |
| Ships and Aircraft (Transfer Restriction) Act, 1939 ... ..                              | 2 & 3 Geo. 6. c. 70.                 |
| Merchant Shipping Act, 1948 ... ..                                                      | 11 & 12 Geo. 6. c. 44.               |
| British Nationality Act, 1948 ... ..                                                    | 11 & 12 Geo. 6. c. 56.               |
| Merchant Shipping (Safety Convention) Act, 1949 ... ..                                  | 12, 13 & 14 Geo. 6. c. 43            |
| Income Tax Act, 1952 ... ..                                                             | 15 & 16 Geo. 6 & 1 Eliz. 2. c. 10.   |
| Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952 ... .. | 15 & 16 Geo. 6 & 1 Eliz. 2. c. 18.   |
| Visiting Forces Act, 1952 ... ..                                                        | 15 & 16 Geo. 6 and 1 Eliz. 2. c. 67. |

*Table of Statutes referred to in this Act—cont.*

| Short Title                                                                                              | Session and Chapter     |
|----------------------------------------------------------------------------------------------------------|-------------------------|
| Army Act, 1955 ... ..                                                                                    | 3 & 4 Eliz. 2. c. 18.   |
| Air Force Act, 1955 ... ..                                                                               | 3 & 4 Eliz. 2. c. 19.   |
| Copyright Act, 1956 ... ..                                                                               | 4 & 5 Eliz. 2. c. 74.   |
| Naval Discipline Act, 1957 ... ..                                                                        | 5 & 6 Eliz. 2. c. 53.   |
| Import Duties Act, 1958 ... ..                                                                           | 6 & 7 Eliz. 2. c. 6.    |
| British Nationality Act, 1958 ... ..                                                                     | 6 & 7 Eliz. 2. c. 10.   |
| Commonwealth Institute Act, 1958 ... ..                                                                  | 6 & 7 Eliz. 2. c. 16.   |
| Emergency Laws (Repeal) Act, 1959 ... ..                                                                 | 7 & 8 Eliz. 2. c. 19.   |
| Civil Aviation (Licensing) Act, 1960 ... ..                                                              | 8 & 9 Eliz. 2. c. 38.   |
| Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act, 1961 ... .. | 9 & 10 Eliz. 2. c. 11.  |
| Army and Air Force Act, 1961 ... ..                                                                      | 9 & 10 Eliz. 2. c. 52.  |
| West Indies Act, 1962 ... ..                                                                             | 10 & 11 Eliz. 2. c. 19. |

## CHAPTER 41

### An Act to amend the Colonial Loans Acts, 1949 and 1952. [19th July, 1962]

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

Amendments  
to Colonial  
Loans Acts,  
1949 and  
1952.

12, 13 & 14  
Geo. 6. c. 50.  
1 & 2 Eliz. 2.  
c. 1.

1.—(1) In the proviso to subsection (1) of section one of the Colonial Loans Act, 1949 (which, as amended by subsection (2) of section one of the Colonial Loans Act, 1952, limits to the equivalent of one hundred million pounds the aggregate amount of the loans by the International Bank for Reconstruction and Development to Governments of, or authorities providing or administering services for, colonial territories which may be guaranteed by the Treasury under that Act) for the words “one hundred million pounds” there shall be substituted the words “one hundred and fifty million pounds”.

(2) In subsection (1) of section one of the said Act of 1952 (which provides that in subsection (1) of section one of the said Act of 1949 the reference to the Government of a colonial territory shall be construed as including a reference to any Government constituted for two or more colonial territories and to any authority established for the purpose of providing or administering services which are common to, or relate to matters of common interest to, two or more such territories)—

(a) for the words “two or more such territories” there shall be substituted the words “two or more territories of which at least one is a colonial territory”;



(b) in paragraphs (a) and (c) (which provide that, in the case of a loan to any Government or authority constituted or established as aforesaid, references in subsection (2) or (3) of section one of the said Act of 1949 to the resources or, as the case may be, general revenues and assets of the colonial territory concerned shall be construed as references to the resources or, as the case may be, general revenues and assets of all or any of the colonial territories concerned), for the words "colonial territories" there shall be substituted the word "territories".

(3) The expression "colonial territory" in the said Acts of 1949 and 1952 shall include the New Hebrides.

2.—(1) This Act may be cited as the Colonial Loans Act, Citation. 1962.

(2) This Act and the Colonial Loans Acts, 1949 and 1952, may be cited together as the Colonial Loans Acts, 1949 to 1962.

## CHAPTER 42

An Act to amend the law of Scotland relating to damages and solatium by extending the entitlement of parents to sue in respect of the death of a child, and to remove a doubt as to the title of a child to sue in respect of the death of his mother while his father is alive.

[19th July, 1962]

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

1.—(1) Notwithstanding any rule of law, it shall not be a bar to any right of a mother to recover damages or solatium in respect of the death of her child that the father of that child is alive.

*Extension of title of mother or child to sue in respect of the death of the other.*

(2) For the removal of doubt, it is hereby declared that it shall not be a bar to any right of a child to recover damages or solatium in respect of the death of his mother that the father of that child is alive.

2. The parent of an illegitimate child shall have the like right to recover damages or solatium in respect of the death of that child as if he were legitimate.

*Title to sue in respect of illegitimate child.*

3. Nothing in the provisions of this Act shall apply to a claim for damages or solatium in respect of the death of a person which occurred before its commencement.

*Saving.*

Short title and extent.

- 4.—(1) This Act may be cited as the Law Reform (Damages and Solatium) (Scotland) Act, 1962.
- (2) This Act shall apply to Scotland only.



### CHAPTER 43

#### *Carriage by Air (Supplementary Provisions) Act, 1962*

##### ARRANGEMENT OF SECTIONS

**Section**

- 1. Supplementary Convention to have force of law.
- 2. Interpretation of Supplementary Convention.
- 3. Application of provisions of Acts of 1961 and 1932.
- 4. Interim protection for carriers' servants and agents.
- 5. Application to British possessions, etc., and to carriage by air not governed by Supplementary Convention.
- 6. Application to Crown.
- 7. Short title, commencement and saving.

SCHEDULE—Convention, supplementary to the Warsaw Convention, for the unification of certain rules relating to international carriage by air performed by a person other than the contracting carrier.

An Act to give effect to the Convention, supplementary to the Warsaw Convention, for the unification of certain rules relating to international carriage by air performed by a person other than the contracting carrier; and for connected purposes. [19th July, 1962]

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

Supplementary Convention to have force of law.

1.—(1) The provisions of the Convention, supplementary to the Warsaw Convention, for the unification of certain rules relating to international carriage by air performed by a person other than the contracting carrier, as set out in the Schedule to this Act, shall, so far as they relate to the rights and liabilities of carriers, carriers' servants and agents, passengers, consignors, consignees, and other persons, and subject to the provisions of this Act, have the force of law in the United Kingdom in relation to any carriage by air to which the Convention applies, irrespective of the nationality of the aircraft performing that carriage.

(2) If there is any inconsistency between the text in English in Part I of the Schedule to this Act and the text in French in Part II of that Schedule, the text in French shall prevail.

**2.—(1)** In the Schedule to this Act “the Warsaw Convention” means—

Interpretation  
of Supple-  
mentary  
Convention.  
9 & 10 Eliz. 2.  
c. 27.  
22 & 23 Geo. 5.  
c. 36.

(a) before the day on which section one of the Carriage by Air Act, 1961, comes into force, the Convention set out in the First Schedule to the Carriage by Air Act, 1932, and

(b) on and after that day, the Convention set out in the First Schedule to the said Act of 1961,

but, in relation to rights or liabilities arising out of an occurrence before that day, “the Warsaw Convention” shall continue to have the same meaning as before that day.

(2) In Articles VII and VIII in the Schedule to this Act “court” includes (in an arbitration allowed by the Conventions referred to in the foregoing subsection or by Article IX, 3 in the Schedule to this Act) an arbitrator.

(3) In the application to Scotland of the Schedule to this Act and of the foregoing provisions of this section, for references to an arbitrator and a plaintiff there shall be substituted respectively references to an arbiter and a pursuer.

**3.—(1)** In paragraph (a) of subsection (1) and in subsections (2) and (3) of section four of the said Act of 1961 (which explain the limitations on liability in Article 22 in the First Schedule to that Act and enable a court to make appropriate orders and awards to give effect to those limitations) references to the said Article 22 shall include, subject to any necessary modifications, references to Article VI in the Schedule to this Act.

Application  
of provisions  
of Acts of  
1961 and 1932.

(2) In section five of the said Act of 1961 (which limits the time for bringing proceedings against a carrier’s servant or agent and to obtain contribution from a carrier) references to a carrier include references to an actual carrier as defined in paragraph (c) of Article I in the Schedule to this Act as well as to a contracting carrier as defined in paragraph (b) of that Article.

(3) In section eight of the said Act of 1961 (which relates to actions against States brought in the United Kingdom in accordance with Article 28 in the First Schedule to that Act) and in section two of the said Act of 1932 (which contains corresponding provisions) the reference to Article 28 shall include a reference to Article VIII in the Schedule to this Act.

**4.** Article V in the Schedule to this Act, and so much of Article VI in that Schedule as limits the aggregate amount which can be recovered from a carrier and his servants and agents, shall, in relation to rights or liabilities arising out of an occurrence before the day on which Article 25A in the First Schedule to the

Interim  
protection for  
carriers’  
servants and  
agents.

said Act of 1961 (to which those provisions are supplementary) comes into force, apply not only in relation to carriage performed by an actual carrier and to the persons mentioned in those provisions but also in relation to any other carriage governed by the Convention set out in the First Schedule to the said Act of 1932 and to any carrier under that Convention and his servants and agents.

Application to British possessions, etc., and to carriage by air not governed by Supplementary Convention.

5.—(1) Section nine of the said Act of 1961 (which enables Her Majesty to extend that Act to British possessions and other territories) shall (except so far as it relates to United Kingdom trust territories) apply to this Act as it applies to that Act, and an order under that section may relate to both that Act and this Act.

(2) Section ten of the said Act of 1961 (which enables Her Majesty to apply the First Schedule and other provisions of that Act to carriage by air which is not governed by the Convention set out in that Schedule) shall apply to the Schedule and other provisions of this Act as it applies to that Act, and an order under that section may relate to both that Act and this Act.

(3) Before the day on which section one of the said Act of 1961 comes into force, in subsections (1) and (2) of this section the references to sections nine and ten of the said Act of 1961 shall be read respectively, subject to any necessary modifications, as references to sections three and four of the said Act of 1932 (which contain corresponding provisions).

(4) This section shall come into force on the passing of this Act.

Application to Crown.

6.—(1) This Act shall bind the Crown.

(2) This section shall not have effect before the day on which section one of the said Act of 1961 comes into force.

Short title, commencement and saving.

7.—(1) This Act may be cited as the Carriage by Air (Supplementary Provisions) Act, 1962.

(2) Except as otherwise provided, this Act shall come into force on such day as Her Majesty may by Order in Council certify to be the day on which the Convention in the Schedule to this Act comes into force as regards the United Kingdom.

(3) This Act shall not apply so as to affect rights or liabilities arising out of an occurrence before the day mentioned in the last foregoing subsection; and nothing in this section shall prevent any provision of this Act having effect before that day by virtue of an order under subsection (2) of section five of this Act.

## SCHEDULE

Section 1.

### PART I

#### THE ENGLISH TEXT CONVENTION

SUPPLEMENTARY TO THE WARSAW CONVENTION, FOR THE UNIFICATION  
OF CERTAIN RULES RELATING TO INTERNATIONAL CARRIAGE BY AIR  
PERFORMED BY A PERSON OTHER THAN THE CONTRACTING CARRIER

#### ARTICLE I

In this Convention :

- (a) [*This paragraph is not reproduced. It defines "Warsaw Convention."*]
- (b) "contracting carrier" means a person who as a principal makes an agreement for carriage governed by the Warsaw Convention with a passenger or consignor or with a person acting on behalf of the passenger or consignor ;
- (c) "actual carrier" means a person, other than the contracting carrier, who, by virtue of authority from the contracting carrier, performs the whole or part of the carriage contemplated in paragraph (b) but who is not with respect to such part a successive carrier within the meaning of the Warsaw Convention. Such authority is presumed in the absence of proof to the contrary.

#### ARTICLE II

If an actual carrier performs the whole or part of carriage which, according to the agreement referred to in Article I, paragraph (b), is governed by the Warsaw Convention, both the contracting carrier and the actual carrier shall, except as otherwise provided in this Convention, be subject to the rules of the Warsaw Convention, the former for the whole of the carriage contemplated in the agreement, the latter solely for the carriage which he performs.

#### ARTICLE III

1. The acts and omissions of the actual carrier and of his servants and agents acting within the scope of their employment shall, in relation to the carriage performed by the actual carrier, be deemed to be also those of the contracting carrier.

2. The acts and omissions of the contracting carrier and of his servants and agents acting within the scope of their employment shall, in relation to the carriage performed by the actual carrier, be deemed to be also those of the actual carrier. Nevertheless, no such act or omission shall subject the actual carrier to liability exceeding the limits specified in Article 22 of the Warsaw Convention. Any special agreement under which the contracting carrier assumes obligations not imposed by the Warsaw Convention or any waiver of rights conferred by that Convention or any special declaration of interest in delivery at destination contemplated in Article 22 of the said Convention, shall not affect the actual carrier unless agreed to by him.

SCH.

## ARTICLE IV

Any complaint to be made or order to be given under the Warsaw Convention to the carrier shall have the same effect whether addressed to the contracting carrier or to the actual carrier. Nevertheless, orders referred to in Article 12 of the Warsaw Convention shall only be effective if addressed to the contracting carrier.

## ARTICLE V

In relation to the carriage performed by the actual carrier, any servant or agent of that carrier or of the contracting carrier shall, if he proves that he acted within the scope of his employment, be entitled to avail himself of the limits of liability which are applicable under this Convention to the carrier whose servant or agent he is unless it is proved that he acted in a manner which, under the Warsaw Convention, prevents the limits of liability from being invoked.

## ARTICLE VI

In relation to the carriage performed by the actual carrier, the aggregate of the amounts recoverable from that carrier and the contracting carrier, and from their servants and agents acting within the scope of their employment, shall not exceed the highest amount which could be awarded against either the contracting carrier or the actual carrier under this Convention, but none of the persons mentioned shall be liable for a sum in excess of the limit applicable to him.

## ARTICLE VII

In relation to the carriage performed by the actual carrier, an action for damages may be brought, at the option of the plaintiff, against that carrier or the contracting carrier, or against both together or separately. If the action is brought against only one of those carriers, that carrier shall have the right to require the other carrier to be joined in the proceedings, the procedure and effects being governed by the law of the court seized of the case.

## ARTICLE VIII

Any action for damages contemplated in Article VII of this Convention must be brought, at the option of the plaintiff, either before a court in which an action may be brought against the contracting carrier, as provided in Article 28 of the Warsaw Convention, or before the court having jurisdiction at the place where the actual carrier is ordinarily resident or has his principal place of business.

## ARTICLE IX

1. Any contractual provision tending to relieve the contracting carrier or the actual carrier of liability under this Convention or to fix a lower limit than that which is applicable according to this Convention shall be null and void, but the nullity of any such provision does not involve the nullity of the whole agreement, which shall remain subject to the provisions of this Convention.

2. In respect of the carriage performed by the actual carrier, the preceding paragraph shall not apply to contractual provisions governing loss or damage resulting from the inherent defect, quality or vice of the cargo carried.

SCH.

3. Any clause contained in an agreement for carriage and all special agreements entered into before the damage occurred by which the parties purport to infringe the rules laid down by this Convention, whether by deciding the law to be applied, or by altering the rules as to jurisdiction, shall be null and void. Nevertheless, for the carriage of cargo arbitration clauses are allowed, subject to this Convention, if the arbitration is to take place in one of the jurisdictions referred to in Article VIII.

#### ARTICLE X

Except as provided in Article VII, nothing in this Convention shall affect the rights and obligations of the two carriers between themselves.

*[Articles XI to XVIII and the concluding words of the Convention are not reproduced. They deal with the coming into force of the Convention and provide that in the case of inconsistency the text in French shall prevail.]*

### PART II THE FRENCH TEXT CONVENTION

COMPLEMENTAIRE A LA CONVENTION DE VARSOVIE, POUR L'UNIFICATION DE CERTAINES REGLES RELATIVES AU TRANSPORT AERIEN INTERNATIONAL EFFECTUEE PAR UNE PERSONNE AUTRE QUE LE TRANSPORTEUR CONTRACTUEL.

#### ARTICLE PREMIER

Dans la présente Convention :

- (a) . . . . .
- (b) "transporteur contractuel" signifie une personne partie à un contrat de transport régi par la Convention de Varsovie et conclu avec un passager ou un expéditeur ou avec une personne agissant pour le compte du passager ou de l'expéditeur ;
- (c) "transporteur de fait" signifie une personne, autre que le transporteur contractuel, qui, en vertu d'une autorisation donnée par le transporteur contractuel, effectue tout ou partie du transport prévu à l'alinéa (b) mais n'est pas, en ce qui concerne cette partie, un transporteur successif au sens de la Convention de Varsovie. Cette autorisation est présumée, sauf preuve contraire.

#### ARTICLE II

Sauf disposition contraire de la présente Convention, si un transporteur de fait effectue tout ou partie du transport qui, conformément au contrat visé à l'article premier, alinéa (b), est régi par la

SCH.

Convention de Varsovie, le transporteur contractuel et le transporteur de fait sont soumis aux règles de la Convention de Varsovie, le premier pour la totalité du transport envisagé dans le contrat, le second seulement pour le transport qu'il effectue.

### ARTICLE III

1. Les actes et omissions du transporteur de fait ou de ses préposés agissant dans l'exercice de leurs fonctions, relatifs au transport effectué par le transporteur de fait, sont réputés être également ceux du transporteur contractuel.

2. Les actes et omissions du transporteur contractuel ou de ses préposés agissant dans l'exercice de leurs fonctions, relatifs au transport effectué par le transporteur de fait, sont réputés être également ceux du transporteur de fait. Toutefois, aucun de ces actes ou omissions ne pourra soumettre le transporteur de fait à une responsabilité dépassant les limites prévues à l'article 22 de la Convention de Varsovie. Aucun accord spécial aux termes duquel le transporteur contractuel assume des obligations que n'impose pas la Convention de Varsovie, aucune renonciation à des droits prévus par ladite Convention ou aucune déclaration spéciale d'intérêt à la livraison, visée à l'article 22 de ladite Convention, n'auront d'effet à l'égard du transporteur de fait, sauf consentement de ce dernier.

### ARTICLE IV

Les ordres ou protestations à notifier au transporteur, en application de la Convention de Varsovie, ont le même effet qu'ils soient adressés au transporteur contractuel ou au transporteur de fait. Toutefois, les ordres visés à l'article 12 de la Convention de Varsovie n'ont d'effet que s'ils sont adressés au transporteur contractuel.

### ARTICLE V

En ce qui concerne le transport effectué par le transporteur de fait, tout préposé de ce transporteur ou du transporteur contractuel, s'il prouve qu'il a agi dans l'exercice de ses fonctions, peut se prévaloir des limites de responsabilité applicables, en vertu de la présente Convention, au transporteur dont il est préposé, sauf s'il est prouvé qu'il a agi de telle façon que les limites de responsabilité ne puissent être invoquées aux termes de la Convention de Varsovie.

### ARTICLE VI

En ce qui concerne le transport effectué par le transporteur de fait, le montant total de la réparation qui peut être obtenu de ce transporteur, du transporteur contractuel et de leurs préposés quand ils ont agi dans l'exercice de leurs fonctions, ne peut pas dépasser l'indemnité la plus élevée qui peut être mise à charge soit du transporteur contractuel, soit du transporteur de fait, en vertu de la présente Convention, sous réserve qu'aucune des personnes mentionnées dans le présent article ne puisse être tenue pour responsable au delà de la limite qui lui est applicable.



**ARTICLE VII**

SCH.

Toute action en responsabilité, relative au transport effectuée par le transporteur de fait, peut être intentée, au choix du demandeur, contre ce transporteur ou le transporteur contractuel ou contre l'un et l'autre, conjointement ou séparément. Si l'action est intentée contre l'un seulement de ces transporteurs, ledit transporteur aura le droit d'appeler l'autre transporteur en intervention devant le tribunal saisi, les effets de cette intervention ainsi que la procédure qui lui est applicable étant réglés par la loi de ce tribunal.

**ARTICLE VIII**

Toute action en responsabilité, prévue à l'article VII de la présente Convention, doit être portée, au choix du demandeur, soit devant l'un des tribunaux où une action peut être intentée au transporteur contractuel, conformément à l'article 28 de la Convention de Varsovie, soit devant le tribunal du domicile du transporteur de fait ou du siège principal de son exploitation.

**ARTICLE IX**

1. Toute clause tendant à exonérer le transporteur contractuel ou le transporteur de fait de leur responsabilité en vertu de la présente Convention ou à établir une limite inférieure à celle qui est fixée dans la présente Convention est nulle et de nul effet, mais la nullité de cette clause n'entraîne pas la nullité du contrat qui reste soumis aux dispositions de la présente Convention.

2. En ce qui concerne le transport effectué par le transporteur de fait, le paragraphe précédent ne s'applique pas aux clauses concernant la perte ou le dommage résultant de la nature ou du vice propre des marchandises transportées.

3. Sont nulles toutes clauses du contrat de transport et toutes conventions particulières antérieures au dommage par lesquelles les parties dérogeraient aux règles de la présente Convention soit par une détermination de la loi applicable, soit par une modification des règles de compétence. Toutefois, dans le transport des marchandises, les clauses d'arbitrage sont admises, dans les limites de la présente Convention, lorsque l'arbitrage doit s'effectuer dans les lieux de compétence des tribunaux prévus à l'article VIII.

**ARTICLE X**

Sous réserve de l'article VII, aucune disposition de la présente Convention ne peut être interprétée comme affectant les droits et obligations existant entre les deux transporteurs.

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CHAPTER 44

Finance Act, 1962

ARRANGEMENT OF SECTIONS

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CUSTOMS, EXCISE AND PURCHASE TAX

Section

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2. Lower rates of Customs duties on E.F.T.A. goods.

Section

3. Sugar, tea, coffee and cocoa chargeable with protective instead of revenue duties.
4. Hydrocarbon oils (minor amendments).
5. Amendments of Vehicles (Excise) Act, 1962.
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INCOME TAX AND PROFITS TAX

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Second Schedule—Beer other than black beer (rates of customs and excise duties and drawbacks).

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Fifth Schedule—Sugar, invert sugar etc. (miscellaneous provisions).

Sixth Schedule—Coffee (rates of customs duties and drawbacks).

Seventh Schedule—Customs and Excise Act, 1952, s. 200 (2)-(5) as amended.

Eighth Schedule—Purchase tax (amendments of list of chargeable goods).

Ninth Schedule—Miscellaneous rules applicable to Case VII of Schedule D.

Tenth Schedule—Modification of enactments for Case VII of Schedule D.

Eleventh Schedule—Repeals.

An Act to grant certain duties, to alter other duties, and to amend the law relating to the National Debt and the Public Revenue, and to make further provision in connection with Finance. [1st August, 1962]

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

CUSTOMS, EXCISE AND PURCHASE TAX

- 1.—(1) As from the tenth day of April, nineteen hundred and sixty-two,—
- (a) the adjustment of ten per cent. which had effect immediately before that day under subsection (2) of section nine of the Finance Act, 1961, shall not have effect in the case of any duty or tax to which the section applies or of any drawback, rebate, allowance or other payment in connection with such a duty or tax; but
- Surcharge
under Finance
Act, 1961,
s. 9, and
related changes
in rates of
revenue
duties.

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(b) subsection (2) below shall have effect in the case of the articles and duties there mentioned with a view to making an equivalent increase (that is to say, an increase of ten per cent. or as near thereto as is convenient) in the rates of those duties or, as the case may be, making an equivalent increase in one or more of the duties or rates applying to the articles and such related increases in others of them as will take account of existing preferences and other matters or will tend to simplify the duty.

(2) The customs and excise duties to be so increased and the amounts of the increases, together with the increase in the rates of any drawback where those rates are not under the enactments relating to the duty fixed by the rates of duty, shall be as appears from the following paragraphs, that is to say:—

(a) in the case of spirits other than imported perfumed spirits, beer (but not black beer), wine and British wine, the equivalent increase shall be made—

(i) in the rate of the excise duty on spirits not chargeable with additional duty as immature spirits; and

(ii) in the rate of the excise duty on beer; and

(iii) in the Commonwealth rates of the customs duty on still wines and in the excise duty on still British wine;

and the full and Commonwealth rates of duty, the rates of excise duty, and in the case of beer the corresponding rates of drawback, shall be as respectively shown in the relevant columns in the First, Second and Third Schedules to this Act (where the First Schedule also sets out in Table II the existing rates of customs duty on imported perfumed spirits);

(b) in the case of tobacco the equivalent increase shall be made in the rates of duty on unmanufactured tobacco, and the full and Commonwealth rates of customs duty, the rates of excise duty and the corresponding rates of drawback, shall be as respectively shown in the relevant columns in the Fourth Schedule to this Act;

(c) in the case of hydrocarbon oils, power methylated spirits and petrol substitutes, the equivalent increase shall be made in the rate of the customs duty on hydrocarbon oils (that rate accordingly becoming two shillings and ninepence a gallon), and the enactments fixing by reference to the rate of that duty the rates of excise duty on those articles and the rates of rebate on heavy oils shall have effect accordingly;

(d) in the case of the pool betting duty, the equivalent increase shall be made in the rate of the duty applic-

PART I

able to bets other than bets made by means of a totalisator set up on a licensed dog racecourse, with effect for bets made at any time by reference to an event taking place on or after the said tenth day of April, and that rate shall accordingly become thirty-three per cent. ;

- (e) in the case of the television advertisement duty, the equivalent increase shall be made in the rate of the duty, with effect for programmes broadcast on or after the said tenth day of April, and that rate shall accordingly become eleven per cent.

The supplementary provisions contained in the First, Second, Third and Fourth Schedules to this Act shall have effect for adapting, with regard to the rates of duty and drawback there provided, the existing enactments concerning the duties in question.

(3) Orders of the Treasury under section nine of the Finance Act, 1961, may, notwithstanding the proviso to subsection (1) of that section, be made or continue in force after the thirty-first day of August, nineteen hundred and sixty-two, but not after the thirty-first day of August, nineteen hundred and sixty-three, or such later date as Parliament may hereafter determine.

(4) For the purposes of this section—

- (a) “black beer” means black beer of an original gravity of 1200 degrees or more ; and
 (b) “British wine” means any liquor heretofore comprised in the expression “sweets” ; and
 (c) “Commonwealth rate” means the rate applying to articles which qualify for Commonwealth preference ; and
 (d) “licensed dog racecourse” means a dog racecourse which is a track in respect of which a licence granted under Part I of the Betting and Lotteries Act, 1934, is for the time being in force, and “totalisator” has the same meaning as in the said Part I ;

and in the excise Acts for the expression “sweets”, wherever occurring, there shall be substituted the expression “British wine”.

2.—(1) In the case of goods of Convention area origin within the meaning of the European Free Trade Association Act, 1960,—

- (a) the duties of customs and drawbacks of those duties mentioned in Table I in the First Schedule and in the Second and Fourth Schedules to this Act, instead of being charged or allowed at the full rates there shown shall be charged or allowed at the Convention rates shown in the relevant columns of those Schedules ; and

Lower rates of customs duties on E.F.T.A. goods.

PART I

- (b) the duties of customs charged on matches by section four of the Finance Act, 1951, shall be charged at the rate of 19s. 7d. (instead of 19s. 11d.) per 10,000 matches in containers in which there are not more than 30 matches, and at the rate of 14s. 1d. (instead of 14s. 5d.) per 7,200 matches in containers in which there are more than 30 matches ; and
- (c) the duty of customs charged on mechanical lighters by section six of the Finance Act, 1928, shall be charged at the rate of 6s. 6d. (instead of 7s. 0d.) or, in the case of a gas lighter, at the rate of 4s. 6d. (instead of 5s. 0d.).

(2) In the application to any of the said duties of any provision contained in the customs Acts and passed before this Act, any reference to a preferential rate shall be taken as referring only to a rate for goods qualifying for Commonwealth preference, and any reference to the full rate (where distinguished from a preferential rate) shall be taken as including any Convention rate of duty.

(3) This section shall have effect as from the tenth day of April, nineteen hundred and sixty-two.

3.—(1) In respect of the following goods, that is to say,—

- (a) sugar, molasses, glucose and saccharin ; and
- (b) tea ; and
- (c) coffee, chicory and mixtures thereof, and preparations consisting wholly or partly of extracts, essences or other concentrations of coffee or chicory ; and
- (d) cocoa, cocoa butter and cocoa husks and shells ;

there shall be charged under the Import Duties Act, 1958, such duties of customs (if any) as may be provided for in accordance with that Act by any order of the Treasury, and on the coming into force of such an order for goods within any paragraph of this subsection any duties of customs then chargeable under any other Act in respect of goods within that paragraph shall cease to be chargeable.

(2) The following duties of customs shall, until they cease under subsection (1) above to be chargeable, be charged in respect of sugar, invert sugar, glucose and saccharin imported into the United Kingdom, that is to say, in the case of sugar, invert sugar, glucose and saccharin not qualifying for Commonwealth preference, duties at the rates shown in Part I of the Fifth Schedule to this Act, and in the case of sugar qualifying for Commonwealth preference, being sugar of a polarisation exceeding 99°, a duty at the rate of 12·8d. per cwt., and as regards drawback of those duties the following provisions shall apply :—

- (a) drawback allowable in respect of sugar produced in the United Kingdom from dutiable materials shall be as follows :—

Sugar, tea, coffee and cocoa chargeable with protective instead of revenue duties.

PART I

(i) where the duty on the materials was paid in accordance with Part I of the Fifth Schedule to this Act at a rate less than 6s. 10·8d. per cwt., and the sugar is of a polarisation exceeding 98°, the rate of drawback shall be 4s. 3½d. ;

(ii) in any other case the drawback shall be of an amount equal to the duty chargeable on sugar of the like polarisation (and qualifying or not qualifying for Commonwealth preference as the materials did or did not so qualify on payment of the duty) ;

(b) drawback shall not be allowable (except in the case of invert sugar) in respect of molasses produced in the United Kingdom from dutiable materials, and any drawback allowable in respect of invert sugar so produced shall be of an amount equal to the duty paid on the materials ;

and there shall not be charged any duty of customs or excise previously chargeable on sugar, molasses, glucose or saccharin (except any duty of customs under the Import Duties Act, 1958), nor shall any excise licence be required to manufacture in Great Britain sugar, glucose, saccharin or invert sugar.

There shall also not be allowed any drawback or other relief, whether of the duties previously chargeable or of the duties under this subsection, by virtue of section two hundred and sixteen or two hundred and seventeen, or of paragraph (e) or (f) of subsection (1) of section two hundred and eighteen, of the Customs and Excise Act, 1952 (which relate to goods for use in certain manufactures or for the feeding of stock).

(3) Until they cease under subsection (1) above to be chargeable, the duties of customs chargeable on coffee under section three of the Finance Act, 1924, and on preparations consisting wholly or partly of extracts, essences or other concentrations of coffee or chicory under section two of the Finance Act, 1946, shall be charged at the rates shown in Table I in the Sixth Schedule to this Act ; and for roasted coffee and mixtures of roasted coffee and roasted chicory the rates of drawback of the duties chargeable under the said section three shall be the rates shown for these drawbacks in Table II in that Schedule.

(4) A duty of customs shall, until it ceases to be chargeable under subsection (1) above, be charged at the rate of 2s. 4d. per cwt. on cocoa or cocoa butter imported into the United Kingdom and not qualifying for Commonwealth preference, and there shall not be charged the duties of customs previously chargeable on cocoa, cocoa butter and cocoa husks and shells under section two of the Finance Act, 1924.

Drawback of the duty under this subsection shall not be allowed under section two hundred and thirty-one of the Customs

PART I and Excise Act, 1952, on goods delivered or appropriated for use in the manufacture of theobromine.

(5) Subsections (2) to (4) above shall have effect as from the tenth day of April, nineteen hundred and sixty-two.

(6) The changes made by subsections (1) and (2) above in the duties on sugar or invert sugar, or in the drawbacks and other reliefs of those duties, shall not affect or be deemed to have affected surcharge and surcharge repayments or distribution payments and repayments under the Sugar Act, 1956, except to the extent provided for by Part II of the Fifth Schedule to this Act; and the Sugar Act, 1956, shall have effect subject to and in accordance with the provisions of Part II of the Fifth Schedule to this Act (being provisions designed to adapt its operation in the United Kingdom to the provision made by this section as to sugar and molasses, and to secure that it has the like operation in the Isle of Man).

Hydrocarbon
oils (minor
amendments).

4.—(1) For the purposes of the customs and excise Acts the expression “fuel oils” shall include any heavy oils which contain in solution an amount of hard asphalt of not less than one tenth of one per cent. and of which the closed flash point is one hundred and fifty degrees centigrade or below (so that in respect of any such oils the rate of the rebate of customs duty shall, in accordance with section two of the Finance Act, 1961, be twopence, instead of threepence, less than the rate of the duty); and this shall have effect from the tenth day of April, nineteen hundred and sixty-two.

(2) In the Customs and Excise Act, 1952—

(a) section two hundred and one (which provides for the licensing of persons selling unrebated heavy oils) shall cease to have effect, and accordingly in subsection (1) of section two hundred and two for the words “the two last foregoing sections” there shall be substituted the words “section two hundred of this Act”; and

(b) in the said section two hundred, for subsections (2) to (5) there shall be substituted the subsections set out in the Seventh Schedule to this Act (which substantially reproduce the effect of the said subsections (2) to (5) as amended by section seven of the Finance Act, 1959, section nine of the Finance Act, 1960, and the Seventh Schedule to the Vehicles (Excise) Act, 1962).

(3) In subsections (2) and (3) of section two hundred and three of the Customs and Excise Act, 1952 (which relate to the allowance, on the exportation etc. of any articles, of drawback of duty on hydrocarbon oil, or goods containing it, used as a material, solvent, preservative or finish in the manufacture or preparation of those articles), after the word “solvent”, there shall, in both places, be inserted the word “extractant”.

5.—(1) For the purpose of the application, in relation to an offence committed after the commencement of this Act, of paragraph (b) of section seven of the Vehicles (Excise) Act, 1962, or paragraph (b) of subsection (9) of section twelve thereof (which provide for excise penalties calculated by reference to the duty chargeable in respect of a vehicle), the amount of the duty chargeable in respect of any vehicle shall be taken to be an amount equal to the annual rate of duty applicable to the vehicle at the date on which the offence was committed or, where in the case of a vehicle kept on a public road that rate differs from the annual rate by reference to which the vehicle was at that date chargeable under section four of that Act, equal to the last-mentioned rate.

PART I
Amendments
of Vehicles
(Excise)
Act, 1962.

In the case of a conviction for a continuing offence, the offence shall be taken for the purposes of this subsection to have been committed on the date or latest date to which the conviction relates.

(2) In section seventeen of the Vehicles (Excise) Act, 1962, in subsection (2) (which renders punishable a false declaration made in connection with an application for a licence for a vehicle) there shall be inserted in paragraph (a) after the word "vehicle" the words "(including an application for a trade licence)".

6.—(1) Part I of the Second Schedule to the Finance Act, 1958, shall be amended as follows (but subject to any new order of the Treasury under section twenty-one of the Finance Act, 1948), that is to say:—

Purchase
tax.

- (a) as from the tenth day of April, nineteen hundred and sixty-two, the rates of tax shall be amended by substituting for any reference to a rate of fifty per cent. a reference to a rate of forty-five per cent., and for any reference to a rate of twelve and a half per cent. or of five per cent. a reference to a rate of ten per cent., and accordingly as from the passing of this Act the Groups mentioned in Part I of the Eighth Schedule to this Act shall be amended as there specified; and
- (b) as from the eighth day of May, nineteen hundred and sixty-two, the Groups set out in Part II of the Eighth Schedule to this Act shall be added after Group 33.

(2) In relation to chargeable goods, being beverages or products for the preparation of beverages, section twenty-five of the Finance (No. 2) Act, 1940 (which provides that certain appropriations or applications of chargeable goods for purposes there mentioned shall be treated as chargeable purchases), shall apply as if the production of beverages which are not purchase tax goods (other than spirits, beer or British wine produced

PART I

under the authority of the appropriate excise licence) were among the purposes specified in paragraphs (a) to (c) of subsection (1) of that section, and shall so apply with effect from the eighth day of May, nineteen hundred and sixty-two; and references to that section in any other enactment shall have effect accordingly.

In this subsection "purchase tax goods" means goods of any description from time to time comprised in Part I of the Second Schedule to the Finance Act, 1958.

(3) For the purposes of the enactments relating to purchase tax any person who in the United Kingdom makes, or applies any process in the course of the making of, goods for use in or in connection with a business carried on by him shall be treated as carrying on a business of making those goods, and shall accordingly be deemed to be a manufacturer; and in the case of any such person his appropriation or application of the goods to that use shall, for the purposes of section twenty-three of the Finance (No. 2) Act, 1940, and of any other enactment relating to registration for purchase tax purposes, be considered as a sale in the course of his business at a price equal to the wholesale value of the goods.

(4) Any drug or medicine comprised in Group 33 in Part I of the Second Schedule to the Finance Act, 1958 (or any Group substituted therefor by order of the Treasury under section twenty-one of the Finance Act, 1948) shall be exempt from all charge to purchase tax, if so directed by the Commissioners of Customs and Excise:

Provided that—

- (a) any direction under this subsection shall cease to have effect, if not previously revoked, on the expiration of fifteen months from the giving of the direction or on the coming into force of an order of the Treasury with respect to the exemption from tax of drugs and medicines so comprised, not being an order made before or within six weeks after the giving of the direction; and
- (b) the Commissioners shall not give such a direction except on the recommendation of the Minister of Health or of the Minister of Agriculture, Fisheries and Food.

(5) Where an amount is due from any person on account of purchase tax, but by reason of his failure to keep or to produce or furnish to the proper officer the accounts, records or other documents required by or under the enactments relating to the tax, or to take or permit to be taken any other step which he is so required to take or permit to be taken, or by reason of the accounts, records or other documents kept, produced or furnished being materially incomplete or inaccurate, the Commissioners of Customs and Excise are unable to ascertain the

amount of tax properly due from him, the Commissioners may estimate the amount of tax due, and (without prejudice to the recovery of the full amount due or to the making of a further estimate in that behalf) the amount estimated shall be recoverable as tax properly due unless in any action relating thereto the person liable proves the amount properly due, and that amount is less than the amount estimated.

PART I

(6) An estimated sum for tax due from a person in respect of a period before the coming into force of subsection (5) above may be recovered under that subsection notwithstanding any proceedings taken before that subsection comes into force for the recovery of that tax on an estimate made by the Commissioners of the amount due, or any order made, judgment given or other thing done after the ninth day of April, nineteen hundred and sixty-two, in or in relation to any such proceedings; but save as aforesaid that subsection shall not affect any order or judgment made or given before that subsection comes into force.

PART II

INCOME TAX AND PROFITS TAX

CHAPTER I

RENEWAL OF INCOME TAX, AND CHANGES IN
PERSONAL RELIEFS

7. Income tax for the year 1962-63 shall be charged at the standard rate of seven shillings and ninepence in the pound, and in the case of an individual whose total income exceeds two thousand pounds, at such higher rates in respect of the excess as Parliament may hereafter determine.

Charge of
income tax
for 1962-63.

8.—(1) In section fifteen of the Finance Act, 1952 (relief for persons under sixty-five with small incomes), as originally enacted, for the references to two hundred and fifty pounds (the income limit for the full relief) there shall be substituted in all places references to four hundred pounds; and (as regards the marginal relief) for the references to three hundred and fifty pounds and to two-fifths there shall be substituted references to five hundred and fifty pounds and to one-half.

Increase of
reliefs for
small
incomes.

(2) In section thirteen of the Finance Act, 1957 (relief for persons over sixty-five with small incomes), as originally enacted, for the references to two hundred and fifty pounds and to four hundred pounds (the income limits for exemption) there shall be substituted references to three hundred pounds and to four hundred and eighty pounds; and (as regards the marginal relief) for the reference to fifty pounds (the addition to the income limit) there shall be substituted a reference to seventy-five pounds.

(3) This section shall not be deemed to have required any change in the amounts deducted or repaid under section one

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PART II hundred and fifty-seven (pay as you earn) of the Income Tax Act, 1952, before the twenty-second day of June, nineteen hundred and sixty-two.

Relief for
blind persons.

9.—(1) Subject to subsection (3) below, if a claimant proves—

- (a) that he is a married man who for the year of assessment has his wife living with him, and that one of them was, and the other was not, throughout the year a registered blind person ; or
- (b) that, not being such a married man, he was throughout the year a registered blind person ;

and also proves that the amounts of any tax-free disability payments receivable in the year by him or, as the case may be, by his wife living with him are such that seven-ninths of the aggregate thereof is less than one hundred pounds, he shall be entitled to a deduction from the amount of income tax with which he is chargeable equal to tax at the standard rate on an amount equal to one hundred pounds reduced by seven-ninths of the aggregate of any such payments so receivable.

(2) Subject to subsection (3) below, if a claimant proves—

- (a) that he is a married man who for the year of assessment has his wife living with him ; and
- (b) that throughout the year both he and his wife were registered blind persons ; and
- (c) that the amounts of any tax-free disability payments receivable in the year (whether by him or his wife) are such that seven-ninths of the aggregate thereof is less than two hundred pounds ;

he shall be entitled to a deduction from the amount of income tax with which he is chargeable equal to tax at the standard rate on an amount equal to two hundred pounds reduced by seven-ninths of the aggregate of any such payments so receivable.

(3) Unless a claimant who is entitled to relief for the year of assessment under section two hundred and seventeen of the Income Tax Act, 1952, in respect of the services of a daughter relinquishes his claim to that relief, he shall not be allowed relief under subsection (1) or (2) above for that year.

(4) In this section—

“ registered blind person ” means a person registered as a blind person in a register compiled under section twenty-nine of the National Assistance Act, 1948, or under any corresponding enactment for the time being in force in Northern Ireland ;

“ tax-free disability payment ” means a periodical payment receivable by a person on account of his blindness and not falling to be treated as income for the purposes of income tax.

PART II

(5) In subsection (1) of section fourteen of the Finance Act, 1957 (under which, as amended by the Finance Act, 1960, certain reliefs specified in paragraphs (a) to (d) thereof by reference to the enactments conferring them are allowable for purposes of surtax), at the end of paragraph (d) there shall be inserted the following—

“ and

(e) subsection (1) or (2) of section nine of the Finance Act, 1962 (relief for blind persons) ; ”.

(6) The Income Tax Acts, and in particular Part VIII of the Income Tax Act, 1952, shall have effect as if subsections (1) to (4) of this section were contained in the said Part VIII between sections two hundred and eighteen and two hundred and nineteen.

CHAPTER II

CHARGE ON GAINS FROM ACQUISITION AND
DISPOSAL OF ASSETS

10.—(1) Without prejudice to any other provision of the Income Tax Acts directing income tax to be charged under Schedule D, tax under that Schedule for the year 1962-63 or any subsequent year of assessment shall be charged, subject to and in accordance with the rules contained in this Chapter, in respect of all gains accruing to any person resident and ordinarily resident for the year in the United Kingdom from his acquisition and disposal of any chargeable assets, not being gains which accrue as profits of a trade, profession, vocation, office or employment:

Charge to
income tax
and profits
tax.

Provided that tax shall not be chargeable by virtue of this section where the acquisition or the disposal occurred before the tenth day of April, nineteen hundred and sixty-two, except in so far as provision to the contrary is made by section fourteen of this Act.

(2) Except for purposes of section fourteen of this Act, there shall be no acquisition and disposal within the meaning of this Chapter where the disposal occurs more than three years after the acquisition in the case of a disposal of land, or where the disposal occurs more than six months after the acquisition in any other case.

(3) Tax charged under Schedule D by virtue of this section shall be charged under a new Case VII of that Schedule (in this Chapter referred to as “ Case VII ”), and—

(a) the tax with which a person is chargeable under Case VII for any year of assessment shall be computed

PART II

on the gains accruing to him in that year, after deducting any losses allowable under Case VII against those gains; and

- (b) subject to subsection (6) below, a gain on the acquisition and disposal of an asset shall for purposes of Case VII be treated as accruing at the time of the disposal or, if that precedes the acquisition, the time of the acquisition; and
- (c) the amount or net amount on which tax is charged by this subsection shall be deemed for income tax purposes to be income for the year of assessment of the person chargeable.

(4) Subject to the provisions of this Chapter the losses allowable under Case VII against gains accruing to a person in any year of assessment shall consist of any losses accruing to him in that or any previous year from any chargeable acquisition and disposal, that is to say, from his acquisition and disposal of assets in such circumstances that a gain accruing from it would have been chargeable under Case VII; and a loss shall be treated as accruing at the same time, and be computed in the same manner, as a gain would be.

(5) The foregoing provisions of this section with respect to losses allowable under Case VII shall not prejudice any right to relief in respect of other losses from tax chargeable under that Case, or otherwise affect any other provision of the Income Tax Acts with respect to losses; but no deduction shall be made under Case VII of a loss or part of a loss in respect of which relief from tax has already been allowed by such a deduction or otherwise, and where such a deduction is made no relief from tax in respect of the loss or that part of it shall be allowed under any other provision of the Income Tax Acts.

(6) In the case of individuals resident and ordinarily resident but not domiciled in the United Kingdom, tax under Case VII shall not be charged in respect of gains arising to them out of the United Kingdom except that tax shall be charged on the amounts (if any) received in the United Kingdom in respect of those gains, any such amounts being treated as gains accruing when they are received in the United Kingdom; and accordingly losses arising out of the United Kingdom to any such individual shall not be allowable under Case VII.

(7) In computing for the purposes of the profits tax the profits or losses arising from a trade or business, any such gains and losses as are to be included and allowed in computing a person's income for purposes of Case VII shall by virtue of this Chapter (but subject to the enactments adapting income tax principles to the computation) be respectively included as receipts and allowed by way of deduction from gains so included, in so far

as they would not otherwise be brought into the computation ; and for this purpose—

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- (a) subject to paragraph (c) below, the gains to be included and the losses to be allowed shall be those accruing from the acquisition and disposal of assets where income arising from the assets to the person making the disposal would be brought into account as a receipt in computing the profits including franked investment income of the trade or business, or would be so brought into account apart from subsection (5) of section forty-two of the Finance Act, 1938 (which relates to payments between associated companies) ;
- (b) in the case of any chargeable accounting period, whether or not it is a period for which the accounts of the trade or business are made up, the gains to be included shall be those accruing during the period, and the losses to be allowed shall be determined accordingly, and subsection (3) of section twenty of the Finance Act, 1937, shall not apply in relation to those gains or losses ;
- (c) where under section twenty-two of the Finance Act, 1937, the profits or losses of a subsidiary are to be treated as profits or losses of the principal company, the gains or losses to be brought into account by virtue of paragraph (a) above in the case of any company shall be the same as if no notice were in force under that section, but—
 - (i) where gains accrue in a chargeable accounting period of the subsidiary in excess of the losses allowable to the subsidiary under this Chapter against those gains, then in computing the profits arising in the corresponding chargeable accounting period of the principal company from its trade or business the excess shall, for the purpose of deducting losses allowable to the principal company under this Chapter and accruing in that period and for the purposes of sub-paragraph (ii) below, be regarded as if it were a gain to be included by virtue of this Chapter in the computation of those profits ; and
 - (ii) where losses accrue in a chargeable accounting period of the subsidiary so as to be allowable to the subsidiary under this Chapter against gains so accruing, but exceed the amount (if any) of those gains, the excess may be allowed as a deduction in computing the profits or losses generally of that period :

Provided that this sub-paragraph shall not apply unless in computing the profits arising in the corre-

PART II

sponding chargeable accounting period of the principal company from its trade or business gains are to be included by virtue of this Chapter in excess of the losses allowable against those gains, nor shall a greater amount be allowed to any subsidiary or subsidiaries by reference to the period than the amount of that excess.

Chargeable assets.

11.—(1) Subject to the provisions of this section, all forms of property, whether situated in the United Kingdom or not, (including options, debts and incorporeal property generally) shall be chargeable assets for the purposes of Case VII, with the exception of tangible movable property; and subsection (2) of section ten of this Act shall apply to an option or other right to acquire or dispose of land as it applies to land.

(2) Tangible movable property shall be chargeable assets in any of the following cases:—

- (a) commodities of any description shall be chargeable assets in relation to any acquisition and disposal by a person dealing on a futures market or dealing with or through a person ordinarily engaged in dealing on a futures market;
- (b) currency of any description shall be chargeable assets, except in relation to an acquisition and disposal by an individual for the personal expenditure outside the United Kingdom of himself or his family or dependants (including expenditure on the provision or maintenance of any residence outside the United Kingdom);
- (c) tangible movable property of any description shall be chargeable assets in relation to any acquisition and disposal by a person acquiring it with a view to its employment in a trade or business carried on or to be carried on by him, but disposing of it without its being employed in that trade or business.

(3) Subject to subsection (7) below, the dwelling-house or part of a dwelling-house which is an individual's only or main residence shall not be chargeable assets in relation to any acquisition and disposal of it by him, nor shall land which he has for his own occupation and enjoyment with that residence as its garden or grounds up to an area (inclusive of the site of the dwelling-house) of one acre, or such larger area as the Commissioners concerned may in any particular case determine, on being satisfied that, regard being had to the size and character of the dwelling-house, the larger area is required for the reasonable enjoyment of it (or of the part in question) as a residence.

In the case where part of the land occupied with a residence is and part is not to be treated under this subsection as charge-

PART II

able assets, then (up to the permitted area) that part shall be taken not to be chargeable assets which, if the remainder were separately occupied, would be the most suitable for occupation and enjoyment with the residence.

(4) Subject to subsection (7) below, any building or part of a building which a person occupies and uses for the purposes only of a trade, profession or vocation carried on by him (other than a trade of dealing in or developing land, or of providing services for the occupier of land in which that person has an estate or interest) shall not be chargeable assets in relation to any acquisition and disposal of it by him, nor shall any land which he occupies for purposes ancillary to his occupation and use of the building or part of a building; and this subsection—

- (a) shall apply in relation to any permanent or semi-permanent structure in the nature of a building, as it applies in relation to a building; and
- (b) shall apply in relation to the discharge of the functions of a public or local authority, and to the occupation of woodlands where the woodlands are managed by the occupier on a commercial basis and with a view to the realisation of profits, as it applies in relation to a trade, profession or vocation.

(5) Subject to subsection (7) below, fixed plant or machinery which does not form part of a building or of a permanent or semi-permanent structure in the nature of a building, and which a person uses for the purposes only of a trade carried on by him, shall not be chargeable assets in relation to any acquisition or disposal of it by him; and this subsection shall apply in relation to the discharge of the functions of a public or local authority, and to the occupation of woodlands where the woodlands are managed by the occupier on a commercial basis and with a view to the realisation of profits, as it applies in relation to a trade.

(6) Patent rights (that is to say, the right to do or authorise the doing of anything which would, but for that right, be an infringement of a patent) shall not be chargeable assets, nor shall rights to acquire in the future patent rights as respects any invention in respect of which the patent has not yet been granted.

(7) Subsection (3), (4) or (5) above shall not apply by reason of a person's use of an asset for a purpose within the subsection, unless his acquisition of it was made for that purpose and not wholly or partly for the purpose of realising a gain from the disposal of it; but where a person acquires land as a site for a building or structure, and disposes of it after the erection of the building or structure, subsection (3) or (4) above shall not be prevented from applying by reason of his not having acquired the land with the building or structure on it.

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General
operation of
charge.

12.—(1) Subject to the provisions of this section, any acquisition of an interest or right in or over assets (whether it continues after or ceases on the acquisition), or any disposal of such an interest or right (whether it subsists before or is created by the disposal), shall be deemed for purposes of Case VII to be an acquisition or a disposal of the assets, and (except in so far as the context otherwise requires) the expression “acquire” and the expression “dispose of” shall be construed accordingly.

(2) For purposes of Case VII, where a contract is made to acquire or dispose of an asset (including an asset not in existence or not ascertained at the time of the contract), the contract shall be deemed to be the acquisition or disposal of the asset (for the consideration provided for by the contract), and the conveyance or transfer of an asset or of an interest or right in or over an asset in pursuance of a contract previously made shall not be deemed to be an acquisition or disposal of the asset.

(3) Subject to subsection (4) below and to the Ninth Schedule to this Act, a person’s acquisition of any asset, and the disposal of it to him, shall for purposes of Case VII be deemed to be for a consideration equal to the market value of the asset or of the interest or right in or over it received by him—

- (a) where he acquires the asset otherwise than by way of a bargain made at arm’s length, and in particular where he acquires it by way of gift, or by way of distribution from a company in respect of shares in the company ; or
- (b) where he acquires the asset wholly or partly for a consideration that cannot be valued, or in connection with his own or another’s loss of office or employment or diminution of emoluments, or otherwise in consideration for or recognition of his or another’s services or past services in any office or employment or of any other services rendered or to be rendered by him or another ; or
- (c) where he acquires the asset as trustee for creditors of the person making the disposal.

(4) Where, on a person’s acquisition of an asset, the asset or the interest or right in or over it received by him falls to be taken into account for purposes of tax as a receipt of an income nature (whether as his receipt or another’s), or would fall to be so taken into account if he (or, as the case may be, that other) were chargeable to tax in respect of the whole of his income, his acquisition shall for purposes of Case VII be deemed to be for a consideration equal to the amount or value attributed to the asset for that purpose.

(5) In relation to assets held by a person as nominee for another person, or as trustee for another person absolutely entitled as against the trustee (or for two or more persons jointly so entitled), this Chapter shall apply as if the property were vested in, and the acts of the nominee or trustee in relation to the assets were the acts of, the person or persons for whom he is nominee or trustee (acquisitions from or disposals to him by that person or persons being disregarded accordingly).

(6) In relation to settled property, the trustees of the settlement shall for purposes of Case VII be treated as being a single and continuing body of persons (distinct from the persons who may from time to time be the trustees), and that body shall be treated as being resident and ordinarily resident in the United Kingdom unless the general administration of the trusts is ordinarily carried on outside the United Kingdom and the trustees or a majority of them for the time being are not resident or not ordinarily resident in the United Kingdom :

Provided that a body corporate carrying on a business which consists of or includes the management of trusts, and acting as trustee of a trust in the course of that business, shall be treated in relation to that trust as not resident in the United Kingdom if the whole of the settled property consists of or derives from property provided by a person not at the time (or, in the case of a trust arising under a testamentary disposition or on an intestacy or partial intestacy, at his death) domiciled, resident or ordinarily resident in the United Kingdom.

For the purposes of this subsection, where part of the property comprised in a settlement is vested in one trustee or set of trustees and part in another (and in particular where settled land within the meaning of the Settled Land Act, 1925, is vested in the tenant for life and investments representing capital money are vested in the trustees of the settlement), they shall be treated as together constituting and, in so far as they act separately, as acting on behalf of a single body of trustees.

(7) Subsection (6) above shall apply in relation to property forming part of the estate of a deceased person and to his personal representatives as it applies in relation to settled property and to trustees of a settlement, but personal representatives shall not be chargeable to tax in respect of an acquisition and disposal by reference to the vesting of the property of the deceased in them.

(8) A person acquiring assets as legatee shall not be chargeable under Case VII in respect of any acquisition and disposal by reference to that acquisition, except as provided by section fourteen of this Act ; nor, in the case of settled property, shall a person be chargeable under Case VII in respect of any acquisition and disposal of a beneficial interest under the settlement.

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PART II

(9) The conveyance or transfer by way of security of an asset or of an interest or right in or over it, or transfer of a subsisting interest or right by way of security in or over an asset (including a retransfer on redemption of the security), shall not be treated for purposes of Case VII as involving any acquisition or disposal of the asset; and, without prejudice to the generality of the foregoing, this Chapter shall have effect in relation to any right to money secured on land (including periodical payments issuing out of land, where the right to the payments is not incident to an estate or interest in the land), as it has effect in relation to assets other than land, and not as it has effect in relation to land.

(10) Where a person entitled to an asset by way of security or to the benefit of a charge or incumbrance on an asset deals with the asset for the purpose of enforcing or giving effect to the security, charge or incumbrance, his dealings with it shall be treated for purposes of Case VII as if they were done through him as nominee by the person entitled to it subject to the security, charge or incumbrance; and this subsection shall apply to the dealings of any person appointed to enforce or give effect to the security, charge or incumbrance as receiver, receiver and manager or judicial factor as it applies to the dealings of the person entitled as aforesaid.

(11) Except as provided by section thirteen of this Act, a person disposing of land by letting it for a term of less than twenty-one years shall not be chargeable under Case VII in respect of any acquisition and disposal by reference to that disposal, unless the letting is accompanied by another letting or agreement for another letting such that the combined terms amount to twenty-one years or over, or by an agreement to dispose of the land otherwise than by letting it.

Computation
of gains.

13.—(1) Subject to the provisions of this Chapter the gain accruing to a person from his acquisition and disposal of any asset shall be computed for purposes of Case VII in the like manner as it would fall to be computed for purposes of Case I of Schedule D if the acquisition and disposal (together with anything done by him to or in relation to the asset in connection with the acquisition and disposal or with a view to the disposal) had been an adventure in the nature of trade (but so that no dividend or interest in respect of which tax has been borne by deduction or otherwise shall be brought into the computation as a receipt).

(2) Subsection (1) above shall not be treated as applying for purposes of Case VII any provision as to the period of computation of profits for purposes of Case I, but the gain accruing on any disposal of an asset shall be computed in one sum as from the relevant acquisition (or first relevant acquisition).

(3) Subject to the following subsections, the adventure by reference to which the gain on an acquisition and disposal is to be computed—

- (a) shall not be treated as relating to any assets not included in the disposal or to any interest not so included in assets which are so included, whether or not the assets or interest not so included were or was included in a relevant acquisition of the assets disposed of ;
- (b) shall not be treated as relating to assets included in the disposal which either are not chargeable assets or were not included in a relevant acquisition ;
- (c) subject to paragraph (b) above, shall be treated as relating—
 - (i) to all assets included in the same disposal, whether or not included in the same acquisition ; and
 - (ii) to all relevant acquisitions of those assets ; and
 - (iii) to the whole interest included in the disposal in any assets to which the adventure relates, whether or not the whole interest was included in any relevant acquisition ;

and all necessary apportionments shall be made accordingly of the consideration for any acquisition or disposal or of any receipts or expenditure (including in particular, in the case of land, apportionments between the interest disposed of and an interest retained of receipts and expenditure in connection with the land).

(4) If in the case of any asset the interest to which the adventure relates does not derive wholly from one or more relevant acquisitions, then the gain shall be computed as if such part of that interest as derives from any other acquisition had been first appropriated to the adventure immediately before the disposal.

(5) If, in the case of land, there is included in the disposal besides the land to which the adventure relates any adjoining or neighbouring land, being chargeable assets and not being land acquired as legatee, so much (if any) of the consideration for the disposal as represents an enhancement due to a relevant acquisition of the first-mentioned land in the value of the adjoining or neighbouring land shall on the apportionment of the consideration be apportioned to the first-mentioned land.

(6) If, in the case of land, the disposal is subject to an interest created by any such letting of the land as is excepted from Case VII by subsection (11) of section twelve of this Act, and the letting was made by the person disposing of the land and made by him since a relevant acquisition, the adventure shall be

PART II treated as extending to that letting to the same extent as if the interest thereby created had been included in the disposal.

(7) An asset shall be treated as having been acquired free of any interest or right by way of security subsisting at the time of any relevant acquisition of it, and as being disposed of free of any such interest or right subsisting at the time of the disposal.

(8) For the purposes of this section—

(a) “relevant acquisition” means, in relation to any disposal of an asset, an acquisition which with that disposal amounts to an acquisition and disposal within the meaning of this Chapter, except that it does not include an acquisition by reference to which tax is not chargeable, nor an acquisition from which no interest included in the disposal derives ;

(b) an interest included in a disposal shall be treated as deriving from an acquisition if without that acquisition the whole interest could not have been so included, but so that the part of that interest which does and the part which does not derive from relevant acquisitions shall be determined as if any interest of temporary duration subsisting at the time of the first relevant acquisition (other than an interest of such a duration as to expire before the time of the disposal) had been of the same duration at the time of the disposal.

Disposals of land effected indirectly.

14.—(1) Subject to the provisions of this section, where a person disposes of shares in a company, and immediately before the disposal either—

(a) the company is or has control of a land-owning company, and is one which is under the control of not more than five persons and in which he has a substantial interest ; or

(b) the company, or a company of which it has control, has a substantial interest in a land-owning company under the control of not more than five persons, and the company is one of which he has control, or of which he and persons connected with him have control ;

then he shall be chargeable to tax under Case VII by reference to his disposal of the shares, whenever he acquired them, and notwithstanding that he acquired them as legatee.

(2) Where, but for this section, a person would not be chargeable to tax under Case VII by reference to a disposal of shares in a company, then—

(a) he shall not be chargeable unless chargeable gains would have accrued to the company, being a land-owning

company, or to a land-owning company referred to in paragraph (a) or (b), as the case may be, of subsection (1) above, on the company disposing of its land at market value at the time of his disposal and any such land-owning company disposing likewise of the land of that company ; and

- (b) he shall not, if a gain accrues to him on that disposal, be chargeable by reference to it to tax on an amount greater than the amount of the chargeable gains which would have so accrued, or such part of that amount as is attributable to the shares disposed of by him, but if a loss accrues to him on the disposal, it shall not be allowable under Case VII.

(3) For the purposes of this section, "chargeable gains" means gains chargeable to tax under Case VII, but in calculating the chargeable gains that would have accrued to a company on the disposal of its land there shall be made the like deductions as would have been made in charging that tax for the losses that would have so accrued and, so far as they could not be deducted from chargeable gains previously accruing to the company, for losses previously accruing to it :

Provided that in the application of this section to a disposal of shares acquired as legatee on a death a company shall be treated as not chargeable to tax under Case VII by reference to any acquisition of land made before the death.

(4) Where in the case of a company any amount deductible under subsection (3) above in respect of losses cannot be deducted under that subsection because no gains or insufficient gains would have accrued to the company, the amount of the chargeable gains attributable to shares in the principal company shall be reduced by the amount that cannot be deducted or, if the company is not the principal company, by such part of that amount as is attributable to any shares held by the principal company.

In this subsection "principal company", in relation to any disposal of shares in a company, means that company.

(5) The part attributable to any shares in a company of the amount of any chargeable gains, or of any amount deductible in respect of losses, shall be the sum which that amount would add to or take from the distributions made in respect of those shares in a winding-up of the company if the amount represented assets of the company or, in the case of an amount deductible in respect of losses, a liability of the company, and if apart from that amount the assets of the company were enough, and no more than enough, to ensure the satisfaction of its liabilities (including the return of share capital) ; and the part of any such amount

PART II which is directly or indirectly attributable under this subsection to shares held by a company shall (so far as is necessary for the determination of any question as to the tax chargeable) be apportioned by the like method between the shares in that company to arrive at the part attributable to any of those shares.

(6) In this section "land-owning company" means a company not carrying on a trade of dealing in or developing land, but entitled to land, being chargeable assets, to a value equal to or exceeding one-fifth of the net value of all its assets (that is to say, their value less the value of the debts and liabilities of the company); and for this purpose the value of the said land shall be taken to be the value of the company's interest free of any liability charged thereon, and to include the value of interests which the company has unconditionally contracted to acquire, but not that of interests which the company has unconditionally contracted to dispose of.

For the purposes of this subsection "value" in relation to a company's land means market value, and the net value of a company's assets is the net value they would have on a sale in the open market of the company's business as a going concern.

(7) For the purposes of this section a person shall be deemed to have a substantial interest in a company if one-tenth or more in market value of the issued shares in the company is held by him or is held partly by him and partly by persons connected with him; and the persons to be treated as connected with one another are those specified in paragraph 20 of the Ninth Schedule to this Act.

(8) In this section "share", in relation to a company not limited by shares (whether or not it has a share capital), shall include the interest of a member of the company as such, whatever the form of that interest, and this section shall apply in relation to any disposal of rights attached to or forming part of a share as if the rights included in the disposal and those not included were separate shares.

Charities,
superannua-
tion funds,
and other
special cases.

15.—(1) There shall be exempt from tax chargeable under Case VII any gain accruing to a charity, or to any such Association as is mentioned in section four hundred and forty-nine of the Income Tax Act, 1952, from its acquisition and disposal of any assets.

In this subsection "charity" means any body of persons or trust established for charitable purposes only.

(2) There shall be exempt from tax chargeable under Case VII any gain accruing to a person from his acquisition and disposal of investments or deposits held by him as part of a fund approved under section three hundred and seventy-nine of the Income Tax

Act, 1952, but so that where part only of a fund is approved under that section the gain shall be exempt to the same extent only as income derived from the assets would be exempt under that section.

(3) There shall be exempt from tax chargeable under Case VII any gain accruing to a person from his acquisition and disposal of assets held by him as part of a fund of which income is exempt from tax under any of the following enactments (which relate to superannuation and similar funds), that is to say,—

- (a) in the Income Tax Act, 1952, sections three hundred and eighty-one, three hundred and eighty-two and three hundred and eighty-five ;
- (b) in the Finance Act, 1956, subsection (5) of section twenty-two and subsection (3) of section forty ;
- (c) in the Finance Act, 1961, section twenty-one.

(4) There shall be exempt from tax chargeable under Case VII any gain accruing to the United Kingdom Atomic Energy Authority from its acquisition and disposal of any assets, or accruing to any other person from his acquisition and disposal of investments or deposits held by him for the purposes of any pension scheme provided and maintained by that Authority.

(5) There shall be exempt from tax chargeable under Case VII any gains which accrue to an assurance company (within the meaning of Part XX of the Income Tax Act, 1952) from its acquisition and disposal of investments of its life assurance fund, but which by reason of the mutual nature of the company's business or part of it do not accrue as profits of a trade.

(6) Any gain accruing to a person from his acquisition and disposal of any assets as trustee or assignee in bankruptcy shall be exempt from tax chargeable under Case VII.

(7) Where assets of the British Transport Commission are, by virtue of or in accordance with any Act of the present Session providing for the dissolution of that Commission, transferred to any body corporate established by that Act, then—

- (a) the Commission shall not be chargeable to tax under Case VII by reference to the transfer in respect of its acquisition and disposal of any asset included in the transfer ; and
- (b) the body corporate shall be treated as if the Commission's acquisition of the asset had been its acquisition of it (paragraph 18 of the Ninth Schedule to this Act applying for the purposes of this paragraph as it applies for the purposes of that Schedule).

PART II
Supple-
mentary.

16.—(1) For the purposes of this Chapter—

“company” includes any body corporate ;

“control” has the meaning assigned to it by section three hundred and thirty-three of the Income Tax Act, 1952, but any reference to a company being under the control of not more than five persons shall be construed in accordance with subsections (2) and (3) of section two hundred and fifty-six of that Act ;

“legatee” includes any person taking under a testamentary disposition or on an intestacy or partial intestacy, whether he takes beneficially or as trustee, and a donatio mortis causa shall be treated as a testamentary disposition and shall not be treated as a gift ;

“market value” in relation to any property means the price which that property might reasonably be expected to fetch on a sale in the open market ;

“personal representatives” has the meaning assigned to it by subsection (4) of section four hundred and twenty-three of the Income Tax Act, 1952 ;

“settled property” means, subject to subsection (4) below, any property held in trust other than property to which subsection (5) of section twelve of this Act applies ;

“shares” includes stock, and shares or debentures comprised in any letter of allotment or similar instrument shall be treated as issued unless the right to the shares or debentures thereby conferred remains provisional until accepted and there has been no acceptance.

(2) For the purposes of subsection (6) of section ten of this Act, there shall be treated as received in the United Kingdom in respect of any gain all amounts paid, used or enjoyed in or in any manner or form transmitted or brought to the United Kingdom, and section twenty-four of the Finance Act, 1953 (under which income applied outside the United Kingdom in payment of debts is, in certain cases, treated as received in the United Kingdom), shall apply as it would apply for purposes of subsection (3) of section one hundred and thirty-two of the Income Tax Act, 1952, if the gain were income arising from possessions out of the United Kingdom.

(3) Where two or more persons carry on a business in partnership, gains accruing to them on the disposal of any partnership assets shall, in Scotland as well as elsewhere in the United Kingdom, be assessed and charged on them under Case VII separately, and any partnership dealings shall be treated as dealings by the partners and not by the firm as such ; but any statement of the profits or gains of a partnership delivered under section one hundred and forty-four of the Income Tax Act, 1952,

shall include, with respect to any disposal of partnership property during the year of assessment to which the statement relates, the like particulars as if the partnership were chargeable under Case VII in respect of any gain accruing on the disposal.

(4) This Chapter shall apply in relation to any unit trust scheme (as defined in subsection (1) of section twenty-six of the Prevention of Fraud (Investments) Act, 1958), as if the trustees were a company whose business consists mainly in the making of investments, and as if the rights of the unit holders were shares in the company, and in the case of an authorised unit trust scheme within the meaning of section sixty-nine of the Finance Act, 1960, as if the company were resident and ordinarily resident in the United Kingdom; but the said section sixty-nine shall not apply so as to treat income chargeable to tax under Case VII as income of unit holders (unless included in the distribution for any distribution period).

(5) An underwriting member of Lloyd's or of an approved association of underwriters shall be treated for the purposes of this Chapter (and in particular of subsection (5) of section twelve) as absolutely entitled as against the trustees to the investments of his premiums trust fund, his special reserve fund (if any) and any other trust fund required or authorised by the rules of Lloyd's or the association in question, or required by the underwriting agent through whom his business or any part of it is carried on, to be kept in connection with the business; but—

- (a) the trustees of any such fund shall (subject to subsection (6) below) be assessed and charged to income tax at the standard rate as if this subsection had not been passed, and may, notwithstanding anything in any enactment or in the trusts of the fund, out of any gain accruing from the acquisition and disposal of an investment of the fund make good to the underwriting member any increase in the surtax or profits tax borne by him which is attributable to that gain; and
- (b) in paragraph (a) of sub-paragraph (3) of paragraph 6 of the Twenty-first Schedule to the Income Tax Act, 1952 (which relates to the computation of the profits of an underwriter's business for the purpose of regulating payments into and out of his special reserve fund), the reference to income arising from the investments forming part of those funds shall include the amount of the gains chargeable to tax under Case VII which accrue in the underwriting year in question from the acquisition and disposal of any such investments, after deducting from those gains losses accruing before the end of that year from any chargeable acquisition and disposal of any such investments so far as those

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losses are not under this paragraph deductible from gains accruing in a previous underwriting year.

In this subsection expressions used in section four hundred and eighty of the Income Tax Act, 1952, or in the Twenty-first Schedule to that Act have the same meanings as they have for purposes of that section or Schedule.

(6) The assessment to be made on the trustees of a fund by virtue of paragraph (a) of subsection (5) above for any year of assessment shall not take account of losses accruing in any previous year of assessment, and if for that or any other reason the tax paid on behalf of an underwriting member for any year of assessment by virtue of assessments so made exceeds the tax for which he is liable, the excess shall, on a claim being made by him to the surveyor, be repaid by the Commissioners of Inland Revenue:

Provided that if the surveyor objects to a claim for a deduction on account of losses allowable under Case VII, the claim shall be heard and determined by the Commissioners concerned in like manner as if it were an appeal against an assessment under Case VII, and the provisions of the Income Tax Act, 1952, relating to the statement of a case for the opinion of the High Court on a point of law shall apply.

(7) Where it appears to the Commissioners of Inland Revenue that a person is or may be chargeable to tax under Case VII in respect of his acquisition and disposal of assets, they may by notice in writing served on any person require him, within such time not less than twenty-eight days as may be specified in the notice,—

- (a) to state whether he has acted on behalf of the first-mentioned person in connection with any acquisition or disposal of assets by that person;
- (b) if so, to furnish information in his possession with respect to the acquisition or disposal, being information as to—
 - (i) the assets comprised in the acquisition or disposal and the consideration for the acquisition or disposal; and
 - (ii) the date and manner of the acquisition or disposal, including any condition to which it was subject and the satisfaction or otherwise of any such condition;

and Part III of the Finance Act, 1960 (which relates to penalties), shall have effect as if this subsection were among the provisions specified in the second column of the Sixth Schedule to that Act.

(8) The rules contained in the Ninth Schedule to this Act shall have effect with respect to the operation of Case VII in relation

to the matters there dealt with, and with respect to matters arising out of the charge to tax under this Chapter, and the foregoing sections of this Chapter shall have effect subject to the rules so contained; and the enactments mentioned in the first column in the Tenth Schedule to this Act shall, for the purpose of adapting or applying them in relation to the provisions of this Chapter, have effect subject to and in accordance with the provision made in respect thereto in the second column in that Schedule.

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CHAPTER III

MISCELLANEOUS AMENDMENTS

17. Any sum which, in pursuance of the scheme introduced on the nineteenth day of July, nineteen hundred and sixty-one, becomes or has become payable out of moneys provided by Parliament by way of bounty to a man serving in Her Majesty's military forces on his voluntarily undertaking to serve for a further period shall not be regarded as being or having been income for any income tax purposes.

Bounties payable on voluntary extension of army service.

18.—(1) Section twenty of the Finance Act, 1954 (which enables capital allowances to be taken into account on a claim to set a trading loss against income generally), shall in relation to any claim for a loss sustained in the year 1962-63 or a later year of assessment, have effect with the following modifications:—

Modification of right to set capital allowances against general income.

- (a) the claim shall not be made by reference to the capital allowances for that year ("the relevant year of assessment"), but by reference to those for the year for which that year is the basis year ; and
- (b) the amount of the capital allowances to be taken into account in computing the loss shall not be limited by reference to the amount to which effect cannot be given in charging profits or gains of the trade, but the capital allowances for any year shall be so taken into account only if and in so far as they are not required to offset balancing charges for the year ; and
- (c) where the allowances taken into account are the allowances for the year for which the claim is made or for the preceding year (the relevant year of assessment being the basis year for that year itself or the claim being made by way of carry-forward of the loss under subsection (3) of section fifteen of the Finance Act, 1953), relief shall not be given by reference to those allowances in respect of an amount greater than the amount non-effective in the year for which the claim

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is made or, in the case of allowances for the preceding year, the amount non-effective in both years.

(2) For the purposes of the said section twenty, where the end of the basis period for a year of assessment (as defined in section three hundred and twenty-five of the Income Tax Act, 1952) falls in, or coincides with the end of, any year of assessment, that year is the basis year for the first-mentioned year of assessment, but so that if a year of assessment would under the foregoing provision be the basis year both for that year itself and for another year of assessment, it shall be the basis year for the year itself and not for the other year; and—

(a) any reference to the capital allowances or balancing charges for a year of assessment shall be construed as a reference to those falling to be made in charging the profits or gains of the trade for that year (but not including in the case of allowances any part of the allowances for an earlier year carried forward under subsection (2) of section three hundred and twenty-three of the Income Tax Act, 1952); and

(b) any reference to an amount of capital allowances non-effective in a year shall be construed as referring to the amount to which by reason of an insufficiency of profits or gains effect cannot be given in charging the profits or gains of the trade for the year.

(3) For the purposes of paragraph (b) of subsection (1) above the capital allowances for a year of assessment shall be treated as required to offset balancing charges for the year up to the amount on which the balancing charges fall to be made after deducting from that amount the amount (if any) of capital allowances for earlier years which is carried forward to that year and would, without the balancing charges, be non-effective in that year.

(4) Accordingly (subject to paragraphs (b) and (c) of subsection (1) above) the said section twenty shall have effect with the following amendments:—

(a) in subsection (1) for the words from “as if” to “deducted” there shall be substituted the words “as if an amount equal to the capital allowances for the year of assessment for which the relevant year of assessment is the basis year were to be deducted”, and for the words “that year” in both places there shall be substituted the words “the relevant year of assessment”; and

(b) there shall be omitted the proviso to subsection (1), and in subsection (3) the words from “the capital allowances” to “but”; and

(c) in subsection (4) after the words “that year” there shall be inserted the words “or, in the case of allowances

for the following year, in charging the profits or gains of the trade for that following year”.

(5) Relief from tax may be given by virtue of subsection (1) of the said section twenty by reference to capital allowances for a year of assessment before the passing of any Act granting income tax for that year, as if income tax had been granted for the year without alteration; but if relief given to a person by virtue of that subsection for any year of assessment is affected by a subsequent alteration of the law, or by any discontinuance of the trade or other event occurring after the end of the year, any necessary adjustment may be made, and so much of any repayment of tax as exceeded the amount repayable in the events that happened may, if not otherwise made good, be assessed under Case VI of Schedule D and recovered from that person accordingly.

(6) This section shall apply in relation to a claim for the year 1961-62 as it applies in relation to claims for subsequent years of assessment, if the claim is expressed to be made on the basis that this section shall apply, and shall not apply to a claim for the year 1962-63 or for the year 1963-64, if the claim is expressed to be made on the basis that this section shall not apply; but

(a) subject to paragraph (b) below, a claim made by a person for any of those years on either basis (including a claim for the year 1961-62 made before the passing of this Act) may be superseded by a further claim made by him on the other basis within the time allowed for claims for the year 1963-64; and

(b) a claim may not be made for the year 1961-62 or for the year 1962-63 on the basis that this section shall apply, if a claim (not since superseded) has been made in respect of the same trade for a later year on the basis that this section shall not apply, nor may a claim be made for the year 1962-63 or for the year 1963-64 on the basis that this section shall not apply, if a claim (not since superseded) has been made in respect of the same trade for a previous year on the basis that this section shall apply.

(7) Where under paragraph (a) of subsection (6) above a claim made on one basis is, after effect has been given to it, superseded by a further claim made on the other basis, then (without prejudice to any other provision for adjusting tax) there may be made all such repayments of tax and assessments or alterations of assessments as may be necessary to give effect to the further claim in place of the claim superseded.

(8) This section shall be construed as one with subsections (1) to (6) of the said section twenty.

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Double
taxation
relief under
Finance Act,
1961 (effect on
dividends).

19.—(1) Notwithstanding the provision in subsection (1) of section three hundred and fifty of the Income Tax Act, 1952, that the tax deductible under section one hundred and eighty-four from dividends shall be determined without regard to double taxation relief, where—

- (a) a body of persons pays a dividend out of profits or gains in respect of which development relief is given ; and
- (b) credit cannot be given against profits tax for that relief or can be so given for part only of it (on the basis that credit is to be so given for development relief in priority to any other double taxation relief) ;

the rate at which tax is authorised by section one hundred and eighty-four to be deducted from the dividend shall be the reduced rate provided for by this section, and any provision of the Income Tax Acts referring to deduction of tax under section one hundred and eighty-four (and in particular the provisions of sections one hundred and eighty-five, one hundred and eighty-six and four hundred and ninety-one to four hundred and ninety-three of the Income Tax Act, 1952, for determining the gross amount of the dividend) shall have effect accordingly.

(2) In this section “development relief” means double taxation relief given by virtue of section seventeen of the Finance Act, 1961 (which provides for relief by reference to exemptions from foreign taxation given to promote development), but includes any indirect relief by the reduction under this section of the tax deducted or treated as deducted from any dividend.

(3) The reduced rate referred to in subsection (1) above shall be, in relation to any dividend, the standard rate reduced by the amount of any reduction in the net United Kingdom rate for the dividend (within the meaning of subsection (1) of the said section three hundred and fifty) which is due to so much of the development relief as cannot be given by way of credit against profits tax as mentioned in paragraph (b) of subsection (1) above ; and for the purposes of this section there shall be treated as paid out of profits or gains in respect of which development relief has been given any dividend for which the net United Kingdom rate is reduced by development relief.

(4) The power of the Commissioners of Inland Revenue under section three hundred and fifty-one of the Income Tax Act, 1952, to make regulations for carrying out the provisions of sections three hundred and forty-seven and three hundred and fifty of that Act shall include power to make regulations for carrying out this section.

(5) Where a dividend is payable wholly or partly at a fixed gross rate per cent., and the rate at which tax is deductible is affected by this section, the net amount to be paid shall be determined according to the reduced rate provided for by this

section, and not according to the standard rate; and tax payable in respect of a dividend shall be treated as satisfied by a deduction made in accordance with this section to the same extent as if the deduction had been of tax at the standard rate.

(6) Where a company is or has been an overseas trade corporation and is or has been entitled to development relief, the rate at which tax is authorised to be deducted from a dividend shall be determined, if there is a different net United Kingdom rate for different parts of the dividend, by treating each such part as a separate dividend, and Part IV of the Finance Act, 1957, shall have effect subject to the following modifications:—

(a) so much of any relevant distribution or part of a relevant distribution (within the meaning of the Fifth Schedule to that Act) as is to be regarded under that Schedule as made out of the exempt trading income of the period to which the distribution or part is finally related shall, for any of the following purposes, be grossed up at the reduced rate applying to a dividend regarded as paid out of that income (instead of at the standard rate for the year of assessment in which the date of distribution falls), that is to say,—

(i) for the purpose of determining under paragraph 9 of that Schedule the amount of that income which is to be regarded as applied in making the distribution or that part of it; and

(ii) for the purpose of determining, in the case of a dividend, the amount on which the company is chargeable to tax by reference to it under section twenty-six of that Act; and

(iii) for the purpose of determining, in the case of a grant or loan to which paragraph 1 or 2 of the Sixth Schedule to that Act applies, the amount of income which is under that paragraph to be deemed to have been received by the person to whom the grant or loan is made; and

(b) in determining under the Fifth Schedule to that Act—

(i) how far a relevant distribution is to be finally related to any period; or

(ii) in what proportions a relevant distribution or part of a relevant distribution is to be regarded as made out of the exempt trading income and the other income respectively of the period to which it is finally related;

any part of the income of the period in respect of which development relief is given (or, in the case of exempt trading income, would fall to be given if

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it were chargeable to tax) shall be treated as being of an amount which, after deduction of tax thereon at the standard rate for the year of assessment in which the date of distribution falls, is equal to the actual amount of the income after deduction of an amount equal to tax thereon at that rate as that tax is or would be reduced by reason of the development relief given or falling to be given in respect of the income.

Extension of double taxation relief in respect of certain dividends.

20.—(1) Paragraph 10 of the Sixteenth Schedule to the Income Tax Act, 1952, and paragraph 3 of the Seventeenth Schedule to that Act (which relate to the allowance of double taxation relief on certain dividends paid to a company resident in the United Kingdom and controlling, directly or indirectly, not less than one half of the voting power in the company paying the dividend, and provide for taking account of the foreign tax paid by the last-mentioned company in respect of its profits) shall each be amended as follows:—

- (a) after the words “in the company paying the dividend” there shall be inserted the words “or which controls, directly or indirectly, a proportion of that voting power greater than one quarter and is subject to a local limitation preventing it from controlling a larger proportion”; and
- (b) at the end of the paragraph there shall be added the words—

“In this paragraph ‘local limitation’ means a limitation imposed by the law in force in the territory where the company paying the dividend is resident, or by executive action of the Government of that territory.”

- (2) Where a company resident in the United Kingdom either—
 - (a) controls, directly or indirectly, not less than one half of the voting power in a company resident in a territory outside the United Kingdom; or
 - (b) controls, directly or indirectly, a proportion of that voting power greater than one quarter and is subject to a local limitation preventing it from controlling a larger proportion;

then, for the purposes of any credit to be allowed to the first-mentioned company in accordance with the Sixteenth or Seventeenth Schedule to the Income Tax Act, 1952, in respect of a dividend paid to it by the other company, tax payable by the other company in respect of its profits under the law of any territory outside the United Kingdom shall be taken into account as if it were payable under the law of the first-mentioned territory, and paragraphs 7 and 8 of the said Sixteenth Schedule (which relate to the computation of the amount of income

in certain cases where double taxation relief is allowed) shall apply accordingly.

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In this subsection "local limitation" has the same meaning as it has (by virtue of subsection (1) above) in paragraph 10 of the said Sixteenth Schedule and paragraph 3 of the said Seventeenth Schedule.

(3) This section shall have effect only in relation to dividends by reference to which income tax is chargeable for the year 1962-63 or a subsequent year of assessment and (for the purposes of the profits tax) in relation to any other dividends which are received after the end of March, nineteen hundred and sixty-two, and by reference to which income tax is not chargeable for any year of assessment.

21.—(1) The Treasury on the application of the Ministry of Finance for Northern Ireland may, as respects any securities to which this section applies, direct that the securities specified in the direction shall be issued, or shall be deemed to have been issued, subject to the condition that the interest thereon shall be paid without deduction of income tax; and in relation to any securities so specified and the interest thereon section one hundred and ninety-six of the Income Tax Act, 1952 (which made provision for paying interest on certain government securities without deduction of tax), shall have effect as if—

Power to direct interest on Northern Ireland securities to be payable without deduction of tax.

- (a) the securities were securities in respect of which a direction had been given by the Treasury under subsection (1) of that section; and
- (b) references in that section to "the Bank" were (notwithstanding subsection (6) thereof) references to the bank in the books of which the securities are registered or inscribed; and
- (c) the references in subsections (3) and (4) of that section to the Treasury were references to the said Ministry of Finance.

(2) The securities to which this section applies are securities issued under paragraph (c) of subsection (1) of section eleven of the Exchequer and Financial Provisions Act (Northern Ireland), 1950, for money borrowed by the said Ministry of Finance for the purposes of making issues from the Consolidated Fund of Northern Ireland.

22.—(1) Subject to the provisions of this section, for the purposes of income tax and for the purposes of the profits tax the Gas Council shall be treated as carrying on a trade or business from the beginning of April, nineteen hundred and sixty-two, and from the beginning of that month—

Taxation of Gas Council and Area Boards.

- (a) any trade or business carried on by an Area Board within the meaning of the Gas Act, 1948, shall be

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treated as part of the trade or business carried on by the Gas Council ;

- (b) subject to paragraph (c) below, any property, rights or liabilities of any such Board shall be treated as property, rights or liabilities of the Gas Council, and any thing done by or to any such Board shall be deemed to have been done by or to the Gas Council ;
- (c) any rights, liabilities or things done—
- (i) of, by or to the Gas Council against, to or by any such Board ; or
 - (ii) of, by or to any such Board against, to or by the Gas Council or any other such Board, shall be left out of account ;

and income tax and the profits tax shall be charged accordingly.

(2) Subsection (1) above shall not affect income tax for any year of assessment earlier than the year 1962-63 or the profits tax for any chargeable accounting period ending with or before the end of March, nineteen hundred and sixty-two, or the computation of the profits and gains or losses of the trade or business of an Area Board for any such year of assessment or chargeable accounting period ; and any such losses may be carried forward and set off against the profits or gains of the trade or business of the Gas Council as if incurred by the Gas Council in carrying on that trade or business.

(3) The trade or business of the Gas Council shall not be treated as a new trade or business set up and commenced at the beginning of April, nineteen hundred and sixty-two ; but, subject to subsection (2) above, the Income Tax Acts and the enactments relating to the profits tax shall apply in relation to that trade or business as if before the beginning of that month it had consisted of the trades or businesses of the Area Boards, and (without prejudice to the generality of the foregoing) allowances and balancing charges shall be made to or on the Gas Council accordingly by reference to the capital expenditure of Area Boards and to the allowances made to Area Boards in respect of that expenditure.

(4) The expenses of the Gas Council to which Area Boards may be required to contribute under subsection (1) of section forty-eight of the Gas Act, 1948, shall be taken to include the satisfaction of any obligations of the Gas Council in respect of income tax or the profits tax.

Sales of building land by persons associated with builder.

23.—(1) Where a person contracts with a builder for the erection of a building on land acquired or to be acquired in connection with the contract from a third person associated with the builder, then, unless that third person is carrying on a trade of dealing in or developing land and disposes of the land

in the course of that trade, he shall be treated as receiving as income on his disposing of the land a sum equal to the amount (if any) by which the consideration receivable by him for the land together with the market value of any interest retained by him in the land exceeds the cost to him of the land, and shall be chargeable to tax in respect thereof under Case VI of Schedule D accordingly:

Provided that where the third person acquired the land at a time when he was neither a builder nor associated with a builder, the cost to him of the land shall be determined as if he had acquired it at market value on his thereafter becoming (or first becoming) a builder or associated with a builder.

(2) For the purposes of this section land shall be deemed to be acquired in connection with a contract for the erection of a building if that contract is entered into before or on the same day as the contract for the acquisition of the land, or if the contract for the acquisition of the land is subject to any condition or stipulation, or is made in pursuance of any arrangement, for the building to be erected on terms provided for by the condition, stipulation or arrangement; and this subsection shall apply notwithstanding that the person contracting with the builder and the person acquiring the land are not the same, if the land is acquired with a view to or in connection with the erection of the building.

(3) Where a person contracts to dispose of land to another person acquiring it in connection with a contract for the erection of a building, the reference in subsection (1) above to any interest retained by the first-mentioned person shall include the whole of the interest which he then has in the land in so far as he does not dispose of it to that other person.

(4) For the purposes of this section "builder" means a person carrying on a trade which consists of or includes the erection or securing the erection of buildings, and (subject to subsection (5) below) the following persons shall be deemed to be associated with one another, that is to say,—

- (a) any individual and that individual's husband or wife and any relative, or husband or wife of a relative, of that individual or of that individual's husband or wife ("relative" meaning for this purpose brother, sister, ancestor or lineal descendant);
- (b) any person in his capacity as trustee of a settlement and any individual who in relation to that settlement is a settlor, and any person associated with that individual ("settlement" and "settlor" having for this purpose the meanings assigned to them by section four hundred and three of the Income Tax Act, 1952);

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- (c) any person and a body of persons of which that person, or persons associated with him, or that person and persons associated with him, has or have control ;
- (d) any two or more bodies of persons associated with the same person by virtue of paragraph (c) above ;
- (e) in relation to a disposal by joint owners, the joint owners and any person associated with any of them.

In this subsection "body of persons" includes a partnership, and "control" has the meaning assigned to it by section three hundred and thirty-three of the Income Tax Act, 1952.

(5) For the purposes of this section a person from whom land is acquired in connection with a contract with a builder shall be deemed in relation to that contract to be associated with the builder, if the contract is entered into by the builder in pursuance of any reciprocal arrangement between that person and a person with whom the builder is associated or between them and other persons.

(6) This section shall not apply in relation to land acquired in connection with a contract for the erection of a building if that contract or the contract for the acquisition of the land was entered into before the tenth day of April, nineteen hundred and sixty-two.

(7) Where this section applies to a disposal of land by a person carrying on a trade or business in respect of which the profits tax is chargeable, it shall have effect for the computation of the profits or losses arising from the trade or business for the purposes of the profits tax in like manner as it has effect for the computation of that person's income for purposes of income tax.

Sales of land
by land-
owning
companies.

24.—(1) Any profit arising to a land-owning company on the disposal of any of its land shall be deemed to be income of the company, and shall be chargeable to tax under Case VI of Schedule D accordingly, if—

- (a) a person who carried on the activities of that company together with any related activities would be regarded as carrying on a trade of dealing in or developing land ; and
- (b) the consideration for his disposal of the land in question would be regarded as a trading receipt of that trade.

(2) Subject to the provisions of this section, the activities to be taken into account under subsection (1) above as related activities in relation to a company's disposal of land are—

- (a) the activities with respect to land of any person with whom the company is connected at the time of the disposal ; and

(b) the activities with respect to land of any company not within paragraph (a) above, being activities of that company at a time when it was under such control as would have brought it within paragraph (a) above if it had not ceased to be under that control, or ceased to exist, or both.

(3) The activities to be taken into account under paragraph (a) of subsection (1) above in relation to a company's disposal of land—

(a) shall not include the activities of any person while carrying on a trade of dealing in or developing land ; and

(b) shall not by virtue of paragraph (a) of subsection (2) above include the activities of any person while not connected with the company making the disposal or with a company within paragraph (a) or (b) of that subsection ;

but subject to subsection (4) below shall include transactions between persons whose activities are so taken into account (any such transaction being as regards either of them treated as if the activities of the other were not to be taken into account).

(4) There shall not be taken into account under paragraph (a) of subsection (1) above any transaction whereby one company disposes of land to another at a time when—

(a) either company is a subsidiary of the other or both are subsidiaries of a third company ("subsidiary" having for this purpose the meaning assigned to it for certain purposes of the profits tax by section forty-two of the Finance Act, 1938) ; or

(b) the members of both companies are the same, and hold equivalent interests in each.

(5) Anything done with respect to a company's land in the course of the winding up of the company shall be treated for the purposes of this section as if the company were not being wound up and were carrying on the same trade or business as before the commencement of the winding up ; and where land of a land-owning company is disposed of by way of distribution to its members (whether or not in a winding up) or is in any other case disposed of otherwise than by way of bargain at arm's length, the land shall be treated as disposed of for a consideration equal to its market value.

(6) Subject to the provisions of this section, section thirteen of this Act and paragraph 17 of the Ninth Schedule thereto shall apply to the computation for purposes of this section of the profit arising from a disposal of land as they apply to the computation of gains for purposes of Case VII of Schedule D, but without

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regard to subsection (2) of section ten of this Act or to any other provision limiting the acquisitions or disposals to be taken into account in computing gains for purposes of Case VII.

(7) A company shall not be chargeable to tax by virtue of this section by reference to any acquisition of land made before the tenth day of April, nineteen hundred and sixty-two, nor by reference to any such letting of land as is excepted from Case VII of Schedule D by subsection (11) of section twelve of this Act except in so far as account is to be taken of such a letting on a subsequent disposal by virtue of subsection (6) of section thirteen of this Act.

(8) All assessments to income tax chargeable by virtue of this section shall be made by the Special Commissioners, and the provisions of the Income Tax Acts shall apply as if the company had required the assessment to be so made.

(9) No obligation as to secrecy imposed by statute or otherwise on the Special Commissioners or on persons employed in relation to Inland Revenue shall prevent the disclosure, in connection with any question as to the liability of a company to tax by virtue of this section, of information as to the affairs of any such person or company as is referred to in paragraph (a) or (b) of subsection (2) above; and the first-mentioned company may by notice in writing to the surveyor require any such information relevant for the determination of the question to be disclosed to it.

(10) Where it appears to the Commissioners of Inland Revenue that a company is or may be chargeable to tax by virtue of this section in respect of a disposal of land, they may, by notice in writing served on that company, or any person or company whose activities the Commissioners have reason to suppose may be taken into account as related activities in connection with that disposal, or any past or present member or officer of any company above-mentioned or person for whom such a member is or was nominee, require the person on whom the notice is served to furnish, within such time not less than twenty-eight days as may be specified in the notice, information in his possession with respect to any matters specified in the notice, being matters which are relevant to the question whether the first-mentioned company is chargeable to tax as aforesaid in respect of the disposal, or are relevant to the computation of the profit arising to it from the disposal; and Part III of the Finance Act, 1960 (which relates to penalties), shall have effect as if this subsection were among the provisions specified in the second column of the Sixth Schedule to that Act.

(11) Any profit on which a land-owning company is chargeable to tax by virtue of this section shall, if the company is one to which section two hundred and forty-five (surtax on

undistributed income of certain companies) of the Income Tax Act, 1952, applies, be deemed to be investment income; and where this section applies to a disposal of land by a company, it shall have effect for the computation of the profits or losses arising from the company's trade or business for the purposes of the profits tax in like manner as it has effect for the computation of the company's income for purposes of income tax.

(12) Where—

- (a) a land-owning company commences a trade of dealing in or developing land, and then or afterwards appropriates as trading stock of the trade land held by it at its commencement of the trade; and
- (b) if the company had disposed of the land at market value immediately before its commencement of the trade, it would have been chargeable to tax by virtue of this section in respect of a profit arising on the disposal;

then in computing the profits of the trade for purposes of tax the cost of the land to the company shall be substituted for its market value at the time of the appropriation.

(13) For the purposes of this section any person who, or group of persons which,—

- (a) can determine the manner in which one half of the votes which could be cast at a general meeting of a company are to be cast on matters not of such a description as to bring into play any special voting rights or restrictions on voting rights; or
- (b) is entitled to one half of any profits of a company distributed by way of dividend, or would be entitled in the winding up of a company to one half of the net assets;

shall be treated as having control of the company and of any other company of which it has (or is to be treated as having) control.

(14) In this section—

- (a) "company" includes any body corporate;
- (b) subject to subsection (13) above, "control" has the meaning assigned to it by section three hundred and thirty-three of the Income Tax Act, 1952;
- (c) "land-owning company" has the meaning assigned to it by subsection (6) of section fourteen of this Act, except that the words "being chargeable assets" in that subsection shall not apply;

and the persons to be treated for purposes of this section as connected with one another are those specified in paragraph 20 of the Ninth Schedule to this Act, but so that for purposes of this section "control" in that paragraph shall have the same

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meaning as in this section and, where two companies are connected with one another, they shall each be treated as connected with any person whose control (alone or with others) of that or the other company is relevant to establish their connection.

Amendments
of Finance
Act, 1960,
ss. 21 to 28.

25.—(1) For the purposes of sections twenty-one to twenty-three of the Finance Act, 1960—

- (a) the expression “share” shall be construed in relation to a company not limited by shares (whether or not it has a share capital) as including references to the interest of a member of the company as such, whatever the form of that interest; and
- (b) any sale of rights attached to or forming part of a share shall be treated as a sale of a share, as if the rights included in the sale and those not included had been separate shares;

and the expression “securities” in Part II of that Act shall for the purposes of section twenty-eight include any share in a company within the meaning of paragraph (a) above.

(2) Where by virtue of section twenty-one of the Finance Act, 1960 (which provides for charging tax in respect of certain sales of shares in a company by reference to a supposed sale of the company’s trading stock), the consideration for a sale of shares in a company is deemed to be income of the seller, and any securities of the company other than shares in the company are included in the sale or in an associated sale at a price in excess of the company’s liability on the securities, the excess shall for purposes of that section be treated as part of the consideration for the sale of the shares, in so far as it has not by virtue of this provision been treated as part of the consideration for any other sale of shares; and in this subsection—

- (a) any reference to section twenty-one of the Finance Act, 1960, shall include a reference to that section as extended by section twenty-two or twenty-three of that Act; and
- (b) “associated sale” means, in relation to any sale of shares, a sale of securities made to the same person as the sale of the shares (or which would be treated under subsection (4) or (5) of section twenty-four of that Act as made to that person), being a sale such that if both sales were of shares they would be sales of associated parcels of shares within the meaning of section twenty-four of that Act.

(3) In section twenty-eight of the Finance Act, 1960 (which provides for the cancellation of tax advantages from certain transactions in securities where the tax advantage is obtained or

obtainable in the circumstances set out in subsection (2) of the section),—

- (a) the reference in paragraph (a) of subsection (2) to a person being entitled by reason of any exemption from tax to recover tax in respect of dividends received by him shall include a reference to his being by reason of section twenty (subvention payments) of the Finance Act, 1953, so entitled ; and
- (b) the reference in paragraph (b) of subsection (2) to a person becoming entitled in respect of securities held or sold by him to a deduction in computing profits or gains by reason of a fall in the value of securities shall include a reference to his becoming in respect of any securities formerly held by him (whether sold by him or not) so entitled ;

and where a company in the circumstances mentioned in the said paragraph (b) becomes entitled to a deduction as there mentioned, the section shall apply in relation to any tax advantage obtained or obtainable in consequence of that deduction by another company by virtue of section twenty of the Finance Act, 1953, in respect of a subvention payment to the first-mentioned company, as if obtained or obtainable by the other company in circumstances falling within that paragraph.

(4) In the case of a man and his wife living with him (whether or not she is separately assessed to tax), the said section twenty-eight shall be treated as applying to him in respect of any transaction or transactions as it would apply if any property, rights or liabilities of the wife were his property, rights or liabilities in relation to which she had acted only as nominee for him, and shall be treated as applying to the wife in respect of any transaction or transactions as it would apply if any property, rights or liabilities of the man were her property, rights or liabilities in relation to which he had acted only as nominee for her :

Provided that no adjustment made under subsection (3) of that section by reference to any transaction or transactions to counteract any tax advantage shall by virtue of this subsection be so made that a person bears more tax than if the transaction or transactions had not had as a consequence that any relief or increased relief from, or repayment or increased repayment of, income tax, or any deduction in computing profits or gains, was obtained or obtainable, or that the way in which receipts accrued was such that the recipient did not pay or bear tax on them.

(5) For the purposes of the said section twenty-eight a tax advantage obtained or obtainable by a person shall be deemed to be obtained or obtainable by him in consequence of a transaction in securities or of the combined effect of two or more

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such transactions, if it is obtained or obtainable in consequence of the combined effect of the transaction or transactions and of the liquidation of a company.

(6) This section shall be construed as one with Part II of the Finance Act, 1960.

(7) This section—

(a) in so far as it affects sections twenty-one to twenty-three of the Finance Act, 1960, shall not apply in relation to any sale of shares made (or treated for purposes of those sections as made) before the tenth day of April, nineteen hundred and sixty-two ; and

(b) in so far as it affects section twenty-eight of that Act, shall not apply to a person in respect of any transaction or transactions in securities if they were carried out before that day, and if any change in the nature of any activities carried on by any person, being a change necessary in order that the tax advantage should be obtainable in consequence of the transaction or transactions, was also effected before that day ;

but nothing in this section shall be taken to prejudice the operation of any of those enactments in any such case.

Penalties and assessments.

26.—(1) Part III of the Finance Act, 1960 (which relates to income tax and profits tax penalties and assessments), shall be construed as having, from the commencement of that Act, the like effect in relation to happenings before that commencement as it has in relation to happenings after that commencement, except as specifically provided by any enactment contained in the said Part III (including the Seventh Schedule to the Act) ; and where any enactment so contained makes use of words in the present tense or in a past tense, that use shall not be taken to have any reference to the commencement of the Act or to import any distinction between happenings before and happenings after that commencement.

In this subsection “ happening ” includes any act or omission.

(2) In subsection (2) of section forty-four of the Finance Act, 1960 (which contains savings by reference to proceedings commenced before the commencement of that Act), “ proceedings ” shall be construed as referring only to proceedings for the recovery of a penalty under the Income Tax Acts or the enactments relating to the profits tax.

(3) This section shall be deemed to have had effect as from the commencement of the Finance Act, 1960, but not so as to make interest payable under section fifty-eight of that Act on any tax as respects which a certificate under subsection (5) of that section was refused before the passing of this Act.

PART III
ESTATE DUTY

27.—(1) The scale of rates of estate duty set out in the Seventh Schedule to the Finance Act, 1949, shall have effect, as respects deaths occurring on or after the tenth day of April, nineteen hundred and sixty-two, with the substitution for the entries relating to estates of a principal value not exceeding seven thousand five hundred pounds (being in part entries substituted by section thirty-two of the Finance Act, 1954) of the following entries:—

<i>Principal value of estate</i>	<i>Rate per cent. of duty</i>
Not exceeding £4,000	Nil
Exceeding £4,000 and not exceeding £5,000	1
Exceeding £5,000 and not exceeding £6,000	2
Exceeding £6,000 and not exceeding £7,500	3”.

(2) As respects deaths so occurring, in subsection (1) of section thirty-eight of the Finance Act, 1949 (which, among other things, exonerates from land tax land comprised on a death in an estate of a principal value less than two thousand pounds), for the reference to two thousand pounds there shall be substituted a reference to the amount below which the rate of estate duty under the scale in force for the death is nil.

28.—(1) In the case of persons dying after the commencement of this Act, subsection (2) of section twenty-eight of the Finance Act, 1949 (which specifies the cases in which property situate out of Great Britain is excluded from the property treated for purposes of estate duty as passing on the death of a person), shall have effect with the omission of paragraph (c) thereof (which provides for the exclusion of immovable property); and in the case of persons so dying the enactments relating to estate duty shall have effect subject to the further modifications specified in subsections (2) to (5) below:

Property situate out of Great Britain.

Provided that—

(a) the property passing on the death of a person so dying shall not by virtue of a disposition or event occurring before the tenth day of April, nineteen hundred and sixty-two, being a relevant disposition or event within the meaning of section sixty-four of the Finance Act, 1960 (which relates to gifts inter vivos, etc.), be deemed to include any property—

(i) which would not be deemed by virtue of that disposition or event to pass on the death if subsection (2) of the said section twenty-eight then had effect as originally enacted; and

PART III

- (ii) which is, or directly or indirectly represents, property that would not have been so deemed to pass if the death had occurred on the said tenth day of April ;
- (b) where an interest in expectancy in any property was before the said tenth day of April bona fide sold or mortgaged for full consideration in money or money's worth, then—
- (i) no other duty on that property shall be payable by the purchaser or mortgagee when the interest falls into possession than would be payable if subsection (2) of the said section twenty-eight then had effect as originally enacted ; and
- (ii) in the case of a mortgage any higher duty payable by the mortgagor shall rank as a charge subsequent to that of the mortgagee.

Subsection (1) of section fifty-six of the Finance Act, 1940 (which relates to transactions with companies under the control of not more than five persons), shall apply for the purposes of paragraph (b) above as it applies for the purposes of section three of the Finance Act, 1894.

(2) Subsection (3) of section eight of the Finance Act, 1894 (which renders the executor accountable for the estate duty in respect of all personal property of which the deceased was competent to dispose at his death), shall have effect as if the reference therein to all personal property wheresoever situate included a reference to all property (of whatever kind) situate out of Great Britain ; and subsection (4) of the said section eight (which, where the executor is not accountable for the estate duty, renders beneficiaries and others accountable therefor) shall apply in relation to estate duty on property situate out of Great Britain as if the words referring to the executor not being accountable were omitted.

(3) Where under subsection (1) of section nine of the Finance Act, 1894, a charge in respect of a rateable part of the estate duty on an estate is imposed on any property situate out of Great Britain, the charge shall extend to assets which form the proceeds of any disposition of the property or otherwise for the time being directly or indirectly represent it ; and the proviso to that subsection (which protects a bona fide purchaser for value without notice), and any other enactment relating to the charge imposed under that subsection, shall have effect accordingly.

(4) In relation to property situate out of Great Britain—

- (a) subject to the provisions of this section, references in the enactments relating to estate duty to personal property shall be construed as references to property which is, by the law of the territory in which it is situate, movable property or which consists of an

interest or right by way of mortgage or other security, and references in those enactments to real property shall be construed as references to any other property ;

- (b) subsection (3) of section sixty of the Finance (1909-10) Act, 1910 (which provides that an appeal shall not lie under section ten of the Finance Act, 1894, on a question of the value of any real (including leasehold) property, but makes other provision as to appeals on such questions), shall not apply ;
- (c) the proviso to subsection (5) of section seven of the Finance Act, 1894 (which provides for the valuation of certain agricultural property by reference to annual value as assessed for purposes of income tax under Schedule A), and so much of sub-paragraph (7) of paragraph 1 of the Seventh Schedule to the Finance Act, 1940, as requires any value to be calculated by reference to the annual value of land as ascertained for purposes of income tax under Schedule A, shall not apply.

(5) In subsection (2) of section seven of the Finance Act, 1894 (which, in the valuation of an estate for purposes of estate duty, restricts allowances for foreign debts by reference to the value of personal property abroad), the word "personal" shall be omitted in each place where it occurs.

(6) So much of subsection (1) of section four of the Government of Ireland Act, 1920, as precludes the Parliament of Northern Ireland from making laws in respect of matters not exclusively relating to Northern Ireland shall not be taken to preclude that Parliament, in relation to estate duty payable under the laws of Northern Ireland, from making provision with respect to property situate out of Northern Ireland.

29.—(1) Where the Commissioners of Inland Revenue are satisfied that in any territory outside the United Kingdom duty is payable by reason of a death occurring on or after the tenth day of April, nineteen hundred and sixty-two, in respect of any property situate in that territory and passing on that death, they shall allow a sum equal to the amount of that duty as a credit against the estate duty payable in respect of that property on the same death unless, under arrangements having effect by virtue of section fifty-four of the Finance (No. 2) Act, 1945, or section five of the Irish Free State (Consequential Provisions) Act, 1922 (Session 2), a credit is allowable in relation to the property against either the estate duty or the duty payable in that territory ; and accordingly subsection (4) of section seven of the Finance Act, 1894 (which provides that, in valuing foreign property for purposes of estate duty, an allowance is to be made for the foreign duty), shall not apply as respects deaths so occurring. Double taxation relief.

PART III

(2) As respects arrangements made on or after the tenth day of April, nineteen hundred and sixty-two, section fifty-four of the Finance (No. 2) Act, 1945, shall have effect in relation to duty imposed under the laws of any territory outside the United Kingdom which is leviable on, or by reference to, death as it has effect in relation to duties of a similar character to estate duty; and anything done before the passing of this Act under or by virtue of section seventy-seven of the Finance Act, 1948, shall thereafter have effect as if done under or by virtue of the said section fifty-four.

PART IV

STAMP DUTIES

Settlements.

30.—(1) In relation to instruments made or executed on or after the first day of August, nineteen hundred and sixty-two, the Stamp Act, 1891, shall have effect as if it had been enacted without the heading “Settlement” in the First Schedule, and with the addition, after the heading “Transfer” in that Schedule, of the following heading—

“UNIT TRUST INSTRUMENT. Any trust instrument of a unit trust scheme (within the meaning of Part VII of the Finance Act, 1946):

	£	s.	d.
For every 100 <i>l.</i> , and also for any fractional part of 100 <i>l.</i> , of the amount or value of the property subject to the trusts created or recorded by the instrument	0	5	0”

and, in relation to instruments so made or executed, in section fifteen of the Stamp Act, 1891, for the words “Settlement . . . The settlor” in the table set out at the end of subsection (2) there shall be substituted the words “Unit trust instrument . . . The trustees” and in the said First Schedule for the word “settlement” in the heading beginning “Declaration” there shall be substituted the words “unit trust instrument”.

(2) Duty under subsection (2) of section fifty-three of the Finance Act, 1946, in respect of property which on or after the said first day of August becomes trust property represented by units under a unit trust scheme shall be chargeable by reference to the heading “Unit trust instrument” in the First Schedule to the Stamp Act, 1891, but so that—

(a) if on or after that day units under the scheme are extinguished, the amount or value of property thereupon transferred by the trustees to the managers under the scheme, or to the person entitled to any extinguished unit, shall be treated as a credit to be deducted (in so far as it has not previously been deducted under this

paragraph in relation to any property) from the amount or value of property which subsequently becomes trust property represented by units under the scheme ; and

- (b) the requirements of the said subsection (2) shall not apply in relation to property the amount or value of which is treated as reduced to nil by one or more such deductions, and duty under that subsection shall be chargeable in respect of any other property which is subject to such deductions by reference to the amount or value as reduced.

(3) Where the amount or value of any property is treated as reduced to nil by one or more deductions under subsection (2) above, the trustees shall, before the end of the period within which a statement is next required to be furnished to the Commissioners of Inland Revenue under subsection (2) of the said section fifty-three in relation to the scheme, or before such later date as the Commissioners may allow, furnish to the Commissioners a statement of the property and of the transfers giving rise to the deductions ; and where the amount or value of any property is otherwise treated as reduced by one or more such deductions, the trustees shall, before the end of the period within which a statement of that property is required to be furnished to the Commissioners under subsection (2) of the said section fifty-three, or before such later date as the Commissioners may allow, furnish to the Commissioners a statement of the transfers giving rise to the deductions.

(4) If the trustees under a unit trust scheme fail to comply with the requirements of subsection (3) above in relation to any property, subsection (3) of the said section fifty-three (which enables unpaid duty with interest to be recovered from the trustees) shall apply as if the trustees had failed to comply with the requirements of subsection (2) of that section and as if no deduction had fallen to be made from the amount or value of the property.

(5) Subsection (1) of section fifty-seven of the Finance Act, 1946, shall apply for the interpretation of expressions used in subsections (2) to (4) above as it applies for the interpretation of expressions used in Part VII of that Act, but so that references in subsection (2) above to trust property represented by units shall not be taken to include property within the proviso to subsection (2) of section fifty-three of that Act (which excludes property derived from other trust property from the operation of subsection (2) of the said section fifty-three).

31.—(1) The Commissioners of Inland Revenue shall have the like power to enter into an agreement (with a view to the compounding of stamp duties) with any person or body of persons carrying on the business of issuing policies of insurance other than policies of life insurance as is conferred upon them Insurance policies.

PART IV

with respect to any body of persons carrying on the business of issuing policies of life insurance by subsection (2) of section thirty-eight of the Finance Act, 1956, and, subject to the necessary modifications, that subsection and subsections (3) to (5) of the said section thirty-eight shall have effect accordingly.

(2) In the case of a policy of insurance other than a policy of life insurance (being a policy first received in the United Kingdom on or after the first day of August, nineteen hundred and sixty-two), duty paid in accordance with paragraph (a) of subsection (3) of section fifteen of the Stamp Act, 1891 (which permits an instrument first executed out of the United Kingdom to be stamped within thirty days after it is first received in the United Kingdom on payment of the unpaid duty only), may be denoted by an adhesive stamp, which is to be cancelled by the person by whom it is affixed.

PART V

MISCELLANEOUS

Compulsory redemption of tithe annuities.

32.—(1) Where, under the Tithe Acts, 1936 and 1951, one or more annuities is or are charged in respect of any land and, after the first day of October, nineteen hundred and sixty-two, an estate or interest in the whole or a part of the land is, for a consideration in money or money's worth, disposed of or created in such a manner as to bring about a change in the person who is the owner of the land or that part thereof, any annuity which is or thereafter becomes charged under those Acts wholly in respect of land to which the change of ownership extends shall be redeemable compulsorily.

(2) Subsection (1) above shall be construed as one with the Tithe Acts, 1936 and 1951, and shall be without prejudice to any other power of compulsory redemption under those Acts.

Termination of powers under Government Annuities Act, 1929.

33.—(1) Subject to subsection (2) below, no new annuities or insurances shall be granted under the Government Annuities Act, 1929, other than immediate life annuities of which the purchase is completed (within the meaning of the First Schedule to that Act) on or before the last day of August, nineteen hundred and sixty-two.

(2) Subsection (1) above shall not prevent the grant of an annuity under section forty-five of the Government Annuities Act, 1929, by way of commutation of a savings bank insurance, or the grant of an insurance or annuity under section forty-six of that Act on the surrender of a savings bank insurance or on default in the payment of premiums in respect of a savings bank insurance.

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(3) For the purposes of sections forty-five and forty-six of the Government Annuities Act, 1929, and of any other enactment or instrument passed or made before this Act under which the amount of any payment is to be determined directly or indirectly by reference to the terms on which a savings bank annuity might for the time being be purchased under that Act, the tables in force under section fifty-three of that Act at the commencement of this Act shall, subject to subsection (4) below, apply as if this Act had not been passed.

(4) The Treasury may from time to time, if it appears to them that the tables in force for the purposes mentioned in subsection (3) above have ceased in any respect to be appropriate or sufficient, by order vary those tables or add or substitute new tables, and any such order shall state the rules observed in making the variation or in framing new tables, and shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

34.—(1) This Act may be cited as the Finance Act, 1962. Short title, construction, extent and repeal.

(2) Part I of this Act shall be construed as one with the Customs and Excise Act, 1952, or, so far as it relates to purchase tax, with Part V of the Finance (No. 2) Act, 1940; Part II shall be construed as one with the Income Tax Acts or, so far as it relates to the profits tax, with Part III of the Finance Act, 1937, and the other enactments relating to the profits tax; Part III shall be construed as one with the Finance Act, 1894; and Part IV shall be construed as one with the Stamp Act, 1891.

(3) 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.

(4) With the exception of subsection (2) of section twenty-nine, such of the provisions of this Act as relate to matters in respect of which the Parliament of Northern Ireland has power to make laws shall not extend to Northern Ireland.

(5) This Act, in so far as it affects the operation of the Sugar Act, 1956, shall extend to the Isle of Man.

(6) This Act, in so far as it relates to the Government Annuities Act, 1929, shall extend to the Channel Islands and the Isle of Man, and the Royal Courts of the Channel Islands shall register it accordingly.

(7) The enactments mentioned in the Eleventh Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule, but subject as regards the repeals contained in any Part of that Schedule to any provision made in that Part as to the date of operation or effect of those repeals.

SCHEDULES

FIRST SCHEDULE

SPIRITS (RATES OF CUSTOMS AND EXCISE DUTIES)

TABLE I: Spirits other than imported perfumed spirits

Description of spirits	Excise duty	Customs duties		
		Full rate	Commonwealth rate	Convention rate
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. British spirits (per proof gallon)	11 11 11	—	—	—
2. Imported spirits other than perfumed spirits—				
(a) not comprised below in this paragraph (per proof gallon) ...	—	11 14 9	11 12 3	11 13 6
(b) liqueurs, cordials, mixtures and other preparations in bottle, entered in such manner as to indicate that the strength is not to be tested (per gallon)	—	15 17 0	15 13 8	15 15 4

each of the above rates of duty being, in the case of spirits not warehoused or warehoused for less than 3 years, increased by 1s. 6d. per proof gallon or, for spirits within paragraph 2 (b) of this table, by 2s. 0d. per gallon.

TABLE II: Imported perfumed spirits

Description of spirits	Rates of customs duties (per gallon)	
	In cask	In bottle
	£ s. d.	£ s. d.
Perfumed spirits—		
warehoused for 3 years or more	9 12 0	9 13 0
warehoused for 2 years or more, but less than 3 years	9 13 7	9 14 7
not warehoused for 2 years or more ...	9 14 5	9 15 5

1. The above rates shall take the place of those provided for by section three of the Finance Act, 1920 (as amended by the Finance Act, 1948), and accordingly that section shall have effect as if in subsection (1) for the words following the word "paid" there were substituted the words "duties at the rates shown in

the First Schedule to the Finance Act, 1962", and as if in subsection (2) for the words following the words "an excise duty" there were substituted the words "at the rate shown in the First Schedule to the Finance Act, 1962".

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2. In relation to spirits on which duty is chargeable in accordance with Table I above, subsection (1) of section four of the Finance Act, 1918, and section one hundred and twelve of the Customs and Excise Act, 1952 (which provide for the reduction or allowance of duty in respect of spirits used in medical preparations or for scientific purposes), shall apply as follows:—

- (a) the said subsection (1) shall apply so that the reduced duties are charged at the rate of 15s. 1d. per proof gallon or, in the case of spirits within paragraph 2 (b) of Table I above, at the rate of 20s. 4d. per gallon; and
- (b) the said section one hundred and twelve shall apply with the omission of the proviso to subsection (1) (which provides for allowing an additional 1d. per proof gallon on brandy and rum).

SECOND SCHEDULE

Sections 1 & 2.

BEER OTHER THAN BLACK BEER (RATES OF CUSTOMS AND EXCISE DUTIES AND DRAWBACKS)

	Excise rates (per 36 gallons)	Customs rates (per 36 gallons)		
		Full	Common-wealth	Con-vention
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Duty	6 3 0	7 3 5	6 3 5	6 13 5
2. Drawback	6 3 2	7 3 2	6 3 2	6 13 2

each of the above rates of duty and drawback being, in the case of beer of an original gravity exceeding 1030 degrees, increased by 7s. 3½d. for each additional degree.

The above rates shall take the place of those provided for by Part I of the First Schedule to the Finance Act, 1959, and as regards drawback shall have effect subject to the supplementary provisions there contained; and in section one of that Act for any reference to rates set out in a column of the said Part I there shall be substituted a reference to the appropriate rates under this Schedule.

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Section 1.

THIRD SCHEDULE

WINE AND BRITISH WINE (RATES OF CUSTOMS AND EXCISE DUTIES)

TABLE I: Rates of customs duty on wine

<i>Description of wine</i>	<i>Rates of duty (per gallon)</i>	
	<i>Full</i>	<i>Commonwealth</i>
	£ s. d.	£ s. d.
Light wines:—		
Still—		
not in bottle	14 0	12 0
in bottle	16 6	13 6
Sparkling	1 6 6	1 4 6
Other wines:—		
Still—		
not in bottle	1 7 6	17 6
in bottle	1 10 0	19 0
Sparkling	2 0 0	1 10 0
together, in the case of wine exceeding 42 degrees proof spirit, with an addition for each additional degree or fraction of a degree of	2 2	1 4

For the purposes of this table, "light wine" means wine not exceeding 25 degrees or, in the case of wine qualifying for Commonwealth preference, 27 degrees of proof spirit.

The above rates shall take the place of those provided for by the Third Schedule to the Finance Act, 1958 (as amended by section one of the Finance Act, 1960); and for any reference to that Schedule in section four of the Finance Act, 1958, or in any order having effect under that section, there shall be substituted a reference to the above table.

TABLE II: Rates of excise duty on British wine

<i>Description of British wine</i>	<i>Rate of duty (per gallon)</i>
	£ s. d.
Still	11 6
Sparkling	17 6

The above rates shall take the place of those provided for by section two of the Finance Act, 1960.

FOURTH SCHEDULE

Sections 1 & 2

TOBACCO (RATES OF CUSTOMS AND EXCISE DUTIES
AND DRAWBACKS)

TABLE I: Rates of customs duty (per pound)

Description of Tobacco	Full	Common- wealth	Convention
	£ s. d.	£ s. d.	£ s. d.
Tobacco unmanufactured— containing 10 lbs. or more of moisture in every 100 lbs. weight thereof	3 10 10½	3 9 4	3 10 10½
containing less than 10 lbs. of moisture in every 100 lbs. weight thereof	3 11 10½	3 10 2	3 11 10½
Tobacco manufactured, viz.—			
Cigars	4 0 9½	3 17 10½	3 19 4
Cigarettes	3 16 4½	3 14 0	3 15 2½
Cavendish or Negrohead ...	3 15 4½	3 13 1½	3 14 3
Cavendish or Negrohead manufactured in bond ...	3 13 4½	3 11 5	3 13 4½
Other manufactured tobacco...	3 13 7½	3 11 8	3 12 8
Snuff and snuff work (including tobacco dust or powder and ground tobacco)—			
containing more than 13 lbs. of moisture in every 100 lbs. weight thereof	3 12 10½	3 11 0½	3 11 11½
containing not more than 13 lbs. of moisture in every 100 lbs. weight thereof ...	3 15 4½	3 13 1½	3 14 3

TABLE II: Rates of excise duty (per pound)

	£ s. d.
Tobacco unmanufactured—	
containing 10 lbs. or more of moisture in every 100 lbs. weight thereof	3 9 2
containing less than 10 lbs. of moisture in every 100 lbs. weight thereof	3 10 0
Tobacco manufactured, viz.:—	
Cavendish or Negrohead manufactured in bond ...	3 11 5

4TH SCH.

TABLE III: Rates of drawback (per pound)

Description of Tobacco	In respect of tobacco on which customs duty at the full or Convention rate has been paid	In respect of tobacco on which customs duty at the Commonwealth rate or excise duty has been paid
	£ s. d.	£ s. d.
Cigars	3 15 2½	3 13 8
Cigarettes	3 11 10½	3 10 4
Cut, roll, cake or other manufactured tobacco	3 11 7½	3 10 1
Snuff (not being offal snuff) ...	3 12 1½	3 10 7
Stalks, shorts or other refuse of tobacco, including offal snuff...	3 11 1½	3 9 7

The above rates shall take the place of those provided for by the First Schedule to the Finance Act, 1947 (as amended by section one of the Finance Act, 1956, and section five of the Finance Act, 1960), and for any reference to that Schedule in section three of the Finance Act, 1947, there shall (subject to section two of this Act) be substituted a reference to this Schedule; and—

- (a) in subsections (2) and (3) of section eight of the Finance Act, 1919 (which relate to articles manufactured partly from materials chargeable at a preferential rate of duty), “preferential rate” shall mean the Commonwealth rate of customs duty under this Schedule; and
- (b) in subsection (2) of section one hundred and seventy-three of the Customs and Excise Act, 1952, there shall cease to have effect paragraphs (d) and (e) (which restrict the importation of snuff work, tobacco stalks or tobacco stalk flour and of tobacco cut and compressed by mechanical or other means).

Section 3.

FIFTH SCHEDULE

SUGAR, INVERT SUGAR ETC. (MISCELLANEOUS PROVISIONS)

PART I

Rates of customs duty for sugar etc., not qualifying for Commonwealth preference

Sugar (per cwt.)—	s. d.
of a polarisation exceeding 98°	6 10·8
of a polarisation exceeding—	
97° but not exceeding 98°	3 11·3
96° “ “ “ 97°	3 10·0
95° “ “ “ 96°	3 8·8

Sugar (per cwt.)—	s. d.	5TH SCH.
of a polarisation exceeding—		
94° but not exceeding 95°	3 7·6	
93° " " " 94°	3 6·3	
92° " " " 93°	3 5·1	
91° " " " 92°	3 3·9	
90° " " " 91°	3 2·6	
89° " " " 90°	3 1·4	
88° " " " 89°	3 0·2	
87° " " " 88°	2 11·1	
86° " " " 87°	2 10·1	
85° " " " 86°	2 9·2	
84° " " " 85°	2 8·3	
83° " " " 84°	2 7·3	
82° " " " 83°	2 6·4	
81° " " " 82°	2 5·6	
80° " " " 81°	2 4·8	
79° " " " 80°	2 4·0	
78° " " " 79°	2 3·1	
77° " " " 78°	2 2·3	
76° " " " 77°	2 1·5	
of a polarisation not exceeding 76°	2 0½	
Invert sugar (per cwt.)—		
containing 70 per cent. or more of sweetening matter	3 8½	
containing less than 70 per cent. and more than 50 per cent. of sweetening matter...	2 8	
containing not more than 50 per cent. of sweetening matter	1 3½	
Glucose (per cwt.)—		
Solid	3 8½	
Liquid	2 8	
Saccharin	33½ per cent.	
	ad valorem.	

For the purposes of this Part of this Schedule the amount of sweetening matter in invert sugar shall be as determined by analysis in manner prescribed for the purpose of the duties heretofore in force or in such other manner as may be prescribed by the Commissioners.

PART II

Adaptations of Sugar Act, 1956

1.—(1) In the Sugar Act, 1956, and in this Part of this Schedule "sugar duty" shall mean the duties of customs and excise chargeable in the United Kingdom on sugar and invert sugar immediately before the tenth day of April, nineteen hundred and sixty-two, and subject to the provisions of this Part of this Schedule, that Act shall have effect as if—

- (a) sugar duty had continued to be charged, and any drawback or allowance had continued to be allowable, on and after that day and all proper payments of any duty, drawback or allowance had been made accordingly; and

5TH SCH.

(b) for any reference to molasses there were substituted a reference to invert sugar.

(2) Sub-paragraph (1) above shall apply in relation to instruments having effect under the Sugar Act, 1956, at the coming into force of this paragraph as it applies in relation to that Act.

2. Without prejudice to the generality of paragraph 1 above, the powers of the Commissioners under subsection (4) of section eleven of the Sugar Act, 1956, to make regulations with respect to surcharge and to surcharge repayments shall continue as if any statutory provisions in force immediately before the said tenth day of April had continued in force; and the operation of any regulations in force under that subsection immediately before that day shall not be affected by any regulations thereby applied ceasing to be in force as regards sugar duty or drawback of sugar duty.

3. Without prejudice to the generality of paragraph 1 above, the Commissioners may for the purposes of surcharge or surcharge repayments or of distribution payments or repayments make any determination, issue any certificate or other document, or do any other thing which they might have done for any corresponding purpose relating to sugar duty.

4. Any order of the Minister under section nine of the Sugar Act, 1956, with respect to surcharge or surcharge repayments for composite sugar products may make any such provision as might have been made with respect to sugar duty or drawback of that duty by virtue of proviso (i) to sub-paragraph (1) of paragraph 1 of the Second Schedule to the Finance Act, 1957 (which provides for disregarding immaterial quantities); but subject to any such order, any order of the Treasury made under that Schedule before the passing of this Act with respect to any duty under subsection (2) of section three of this Act or any drawback thereof shall for purposes of surcharge and surcharge repayments be deemed to have effect for sugar duty and drawback of sugar duty.

5. Notwithstanding anything in the foregoing provisions of this Part of this Schedule, sections two hundred and sixteen and two hundred and seventeen, and paragraphs (e) and (f) of subsection (1) of section two hundred and eighteen, of the Customs and Excise Act, 1952 (which provided for drawback or other relief of sugar duty in respect of sugar used in certain manufactures), shall cease to have effect for any purpose of the Sugar Act, 1956.

6. This Part of this Schedule shall have effect in relation to the Isle of Man as if the enactments relating to sugar duty (including the Second Schedule to the Finance Act, 1957) and any instrument having effect under any such enactment had applied in the Isle of Man in like manner as in the United Kingdom.

7.—(1) This Part of this Schedule shall have effect as from the tenth day of April, nineteen hundred and sixty-two.

(2) Subject to paragraph 5 above, nothing in this Act shall affect any right arising after the said tenth day of April to a surcharge repayment where the surcharge became payable before that day.

SIXTH SCHEDULE

Section 3.

COFFEE (RATES OF CUSTOMS DUTIES AND DRAWBACKS)

TABLE I: Rates of duty (per cwt.)

Description of goods	Full rate	Commonwealth rate
	s. d.	s. d.
Coffee, not kiln-dried, roasted or ground	9 4	nil
Coffee, kiln-dried, roasted or ground Preparations consisting wholly or partly of extracts, essences or other concentrations of coffee or chicory (on the dry weight)	12 6	9 4
	56 0	42 0

TABLE II: Rates of drawback

Coffee,—	
duty-paid at full rate ...	9s. 4d. per 100 lbs.
not duty-paid at full rate ...	nil
Mixtures of coffee and chicory ...	9s. 4d. per 100 lbs. exclusive of the weight of coffee not duty-paid at full rate.

SEVENTH SCHEDULE

Section 4.

CUSTOMS AND EXCISE ACT, 1952, s. 200 (2)-(5) AS AMENDED

(2) No heavy oils on the delivery of which for home use rebate has been allowed shall be used as fuel for a vehicle to which this section applies, or be taken into such a vehicle as fuel, unless an amount equal to the amount for the time being allowable in respect of rebate on like oils has been paid to the Commissioners in accordance with regulations made for the purposes of this section; and regulations so made may provide for restricting (whether by reference to locality, the obtaining of a licence from the Commissioners or other matters) the cases in which such payments are to be effective for the purposes of this subsection.

(3) Any person who uses heavy oils in contravention of the last foregoing subsection, or is liable for heavy oils being taken into a vehicle in contravention of that subsection, shall be liable to a penalty of three times the value of the oils or one hundred pounds, whichever is the greater, and the Commissioners may recover from him an amount equal to the rebate on like oils at the rate in force at the time of the contravention; and if any heavy oils are sold by a person having reason to believe that they will be so used, that person shall be liable to a penalty as aforesaid.

7TH SCH.

(4) Any heavy oils taken into a vehicle or sold as mentioned in the last foregoing subsection shall be liable to forfeiture.

(5) A person shall be liable for heavy oils being taken into a vehicle in contravention of subsection (2) of this section if he is at the time the person having the charge of the vehicle or the owner of the vehicle, except that if a person other than the owner is, or is for the time being, entitled to possession of it, that person and not the owner shall be liable.

(6) This section applies to any vehicle constructed or adapted for use on roads, except that it does not apply—

- (a) to any vehicle while it is not used on a public road (within the meaning of the Vehicles (Excise) Act, 1962, or, in Northern Ireland, the Vehicles (Excise) Act (Northern Ireland), 1954) and no road licence is in force in respect of it; or
- (b) to a vehicle exempted from duty by paragraph (h) of subsection (1) or by subsection (6) of section six of the said Act of 1962 or, in Northern Ireland, by paragraph (h) of subsection (1) or by subsection (5) of section seven of the said Act of 1954 (which relate to road construction vehicles, and to vehicles not used on public roads except in passing to and from land in the same occupation); or
- (c) to a vehicle of any of the following descriptions which is not chargeable with duty as a goods vehicle, that is to say, any agricultural machine, digging machine, mobile crane or mowing machine mentioned in the Third Schedule to the said Act of 1962 or in paragraph (a), (b), (c) or (d) of subsection (2) of section four of the said Act of 1954, and any road roller.

(7) For the purposes of the last foregoing subsection “road licence” and “duty” mean a licence and duty under the said Act of 1962 or, in Northern Ireland, the said Act of 1954; but a vehicle in respect of which there is current a certificate or document in the form of a licence issued in pursuance of regulations under subsection (3) of section sixteen of the said Act of 1962 or, in Northern Ireland, under section twenty of the said Act of 1954 shall be treated as a vehicle for which a road licence is in force.

(8) For the purposes of this section—

- (a) heavy oils shall be deemed to be used as fuel for a vehicle if, but only if, they are used as fuel for the engine provided for propelling the vehicle or for an engine which draws its fuel from the same supply as that engine; and
- (b) heavy oils shall be deemed to be taken into a vehicle as fuel if, but only if, they are taken into it as part of that supply;

and paragraph (a) of this subsection shall apply for the purposes of section two hundred and two of this Act, and for the purposes of Part I of the Second Schedule to the Finance Act, 1960, as it applies for the purposes of this section.

EIGHTH SCHEDULE

Section 6.

PURCHASE TAX (AMENDMENTS OF LIST OF CHARGEABLE GOODS)

PART I

Amendments consequential on changes in rates

1. In Group 2 paragraph (b) shall be omitted, and accordingly paragraph (c) shall become paragraph (b).

2. In Group 11 paragraph (b) shall be omitted, and accordingly paragraph (c) shall become paragraph (b).

3. In Group 16 the amendment made by the Purchase Tax (No. 4) Order, 1959 (S.I. 1959/1410) shall cease to have effect (and that Order is hereby repealed), and accordingly the paragraph relating to garden furniture shall be—

“(a) Garden furniture.....10 per cent.”

PART II

Additions to list of chargeable goods

GROUP 34

comprising Chocolates, sweets and similar confectionery (including drained, glacé or crystallised fruits); and chocolate biscuits and other confectionery having a case or coating of chocolate couverture, but not including cakes in such a case or coating.

Articles not comprised below in this Group 15%

Exempt

(1) Chocolate couverture not prepared or put up for retail sale.

(2) Drained cherries.

(3) Candied peels.

GROUP 35

(a) Manufactured beverages, including fruit juices and bottled waters, and syrups, concentrates, essences, powders, crystals or other products for the preparation of beverages, but not including beverages or products in the list set out at the end of this Group. 15%

(b) Containers of gas for the preparation of carbonated beverages. 15%

Goods not comprised in paragraph (a)

1. Beverages chargeable with any duty of customs or excise specifically charged on spirits, beer, wine or British wine, and preparations thereof.

2. Tea, maté, herbal teas and similar products, and preparations and extracts thereof.

3. Cocoa, coffee, and chicory and other roasted coffee substitutes, and preparations and extracts thereof.

4. Preparations and extracts of meat, yeast, egg or milk.

GROUP 36

Ice-cream, ice lollies, water ices and similar frozen products, and prepared mixes and powders for making such products. 15%

Sections 12, 14,
15, 16 & 24.

NINTH SCHEDULE

MISCELLANEOUS RULES APPLICABLE TO CASE VII OF SCHEDULE D

Discharge and assignment of contracts ; options and other conditional contracts, etc.

1.—(1) Save as provided by paragraph 2 below, a person's acquisition or disposal of an asset by a contract in that behalf shall be disregarded for purposes of Case VII if—

- (a) the contract is discharged by mutual consent or by operation of law ; or
- (b) default is made in carrying out the contract and by reason of that default there is no conveyance or transfer to implement the contract, whether by or to the person originally making the contract or another ; or
- (c) the contract is conditional and the condition is not satisfied.

(2) Where a person disposes of an asset, and the whole or part of the consideration is irrecoverable, the amount irrecoverable shall be disregarded in so far as it is not realised by the disposal in whole or in part of the right to the consideration ; and if the consideration is abated for any error in or default under the contract, Chapter II of Part II of this Act shall apply as if the abated consideration had originally been contracted for.

(3) If in the case of a conditional contract to acquire or dispose of an asset the condition is satisfied (and in particular if in the case of a contract conferring an option the option is exercised), then subject to the following sub-paragraphs the acquisition or disposal of the asset by the contract shall be treated as taking place at the time when the condition is satisfied.

(4) If the disposal of an asset by a conditional contract is made for a consideration not depending wholly or mainly on the value of the asset at the time the condition is satisfied the contract shall in relation to the disposal be treated (on the condition being satisfied) as if it had never been conditional.

(5) Where a contract for the disposal of an asset is discharged by mutual consent, but is replaced by a new contract for its disposal to the same person or to another in his place, the disposal by the new contract shall be treated as if it had taken place at the time when the disposal by the previous contract is to be treated as having taken place, and if the previous contract was a conditional contract, the condition shall for that purpose be treated as satisfied by the making of the new contract.

(6) Nothing in sub-paragraphs (3) to (5) above shall apply in relation to a contract entered into before the tenth day of April, nineteen hundred and sixty-two.

2.—(1) Subject to paragraph 18 of this Schedule, a person acquiring a right under a subsisting contract to acquire or dispose of an asset shall be treated as thereby acquiring or disposing of the asset to the like extent as if he had then entered into a new

contract conferring that right (his undertaking the obligations under the subsisting contract not being treated as consideration given by him for the acquisition of the right, but any consideration so given being treated, in relation to his acquisition and disposal of the asset, as an expense of acquiring or disposing of it).

9TH SCH.

(2) Notwithstanding anything in subsection (1) of section twelve of this Act a person disposing of the right under a subsisting contract to acquire or dispose of an asset shall not be treated as thereby disposing of the asset nor, in a case not within sub-paragraph (3) below, as having acquired or disposed of it by that contract.

(3) Subject to paragraph 18 of this Schedule, where a person disposes of an asset to another subject to and with the benefit of any subsisting contract for its disposal to a third person, then, if the contract is not conditional or the condition is satisfied at the time of the later disposal,—

- (a) he shall not be treated as thereby making any new disposal of the asset except to the extent to which it was not disposed of by that contract, and so much of the consideration for the later disposal as is attributable to the right to receive the consideration under that contract shall be disregarded; and
- (b) he shall be treated as thereby completing the disposal by that contract, and that disposal shall not under paragraph 1 above be treated as affected by any subsequent discharge of or default under the contract or abatement of the consideration.

(4) A person's right under a contract entered into by him to acquire or dispose of an asset shall, in relation to any disposal by him of that right, be treated as having been acquired by him on the making of the contract for any consideration given by him for having that right (other than his agreement to acquire or dispose of the asset); and where a person gives any consideration to be discharged from a contract to acquire or dispose of an asset, the person to whom it is given shall be treated as disposing for that consideration of his right under the contract to dispose of or acquire the asset.

(5) Where a person dies after entering into a conditional contract for the acquisition or disposal of an asset (the condition not being satisfied at the time of his death), then—

- (a) in the case of a contract to acquire the asset nothing in this paragraph shall apply so as to treat any other person as acquiring the asset by reason of that contract on the condition being satisfied, except that sub-paragraph (1) shall apply in relation to any person acquiring from the personal representatives or legatee the right under the contract to acquire the asset; and
- (b) in the case of a contract to dispose of the asset, nothing in this or the last foregoing paragraph shall apply so as to treat him as disposing of the asset under the contract on the condition being satisfied.

9TH SCH.

Gifts, settled property, and bargains not at arm's length

3.—(1) Where a person resident and ordinarily resident in the United Kingdom either—

- (a) disposes by way of gift of an asset previously acquired by him, but does so without there being (within the meaning of Case VII) an acquisition and disposal by him; or
- (b) disposes by way of gift of an asset acquired by him only as legatee;

then, so far as relates to the interest taken by the donee, the donee shall be treated as if the donor's acquisition of the asset had been his acquisition of it.

(2) Subject to sub-paragraph (4) below, where in a case not falling within paragraph (a) or (b) of sub-paragraph (1) above a person resident and ordinarily resident in the United Kingdom disposes by way of gift of an asset acquired or to be acquired by him, and the donee is also resident and ordinarily resident in the United Kingdom, then on an election being made in that behalf—

- (a) the donor shall not be chargeable under Case VII in respect of any acquisition and disposal by reference to that disposal; and
- (b) the donee shall be treated as if the donor's acquisition of the asset had been his acquisition of it, but so that the amount of the consideration for which he is treated as acquiring the asset shall not by virtue of this sub-paragraph be increased.

(3) An election under sub-paragraph (2) above shall be made by the donor and the donee jointly, except that it may be made by the donee alone if the donor would not apart from that sub-paragraph be chargeable to tax under Case VII in respect of the gain (if any) treated as accruing to him from his acquisition and disposal of the asset.

(4) Sub-paragraph (2) above shall not apply in relation to a gift of shares where the donor is, but the donee is not, in relation to his acquisition and disposal of the shares, within section fourteen of this Act ("shares" having for this purpose the same meaning as in that section).

(5) A person shall not be chargeable under Case VII in respect of any acquisition and disposal by reference to a disposal made to any charity or Association within subsection (1) of section fifteen of this Act if the disposal is by way of gift for the purposes of the charity or Association.

4.—(1) Subsection (3) of section twelve of this Act and paragraph 3 above shall apply in relation to a gift in settlement as a gift to the trustees of the settlement, and shall so apply notwithstanding that the settlor is one of the trustees or the sole trustee of the settlement; but if the settlor or the settlor's wife or husband has, or can by any means (whether or not requiring any consent or concurrence) obtain for the settlor or for the settlor's wife or husband, any beneficial interest in the settled property or the income from it, no loss treated as accruing to the settlor by reason of the gift in settlement shall be allowable under Case VII.

(2) Subject to sub-paragraph (3) below, where under a settlement a person becomes absolutely entitled as against the trustee to settled property (whether alone or jointly with another), he shall be chargeable by reference to any subsequent disposal of the property by him as if its acquisition by the trustees had been his acquisition of it.

(3) Where for a consideration in money or money's worth a person becomes absolutely entitled as against the trustee to settled property, or two or more persons jointly become so entitled, either by the exercise of a power of appointment under the settlement or by acquiring the interests of persons who were together so entitled and acted in concert in disposing of their interests to him or them, then notwithstanding anything in subsection (8) of section twelve of this Act—

- (a) the person or persons becoming so entitled shall, on disposing of the property, be chargeable under Case VII by reference to that acquisition of it, if there is an acquisition and disposal by him or them ; and
- (b) the person exercising the power or persons disposing of their interests under the settlement shall be chargeable under Case VII by reference to that disposal of the property, as if its acquisition by the trustees had been his or their acquisition of it.

5.—(1) Subject to sub-paragraph (4) below, where a person resident and ordinarily resident in the United Kingdom disposes otherwise than by way of bargain at arm's length (but not by way of gift) of an asset acquired or to be acquired by him so that there is an acquisition and disposal of the asset by him, and the person acquiring the asset on that disposal is also resident and ordinarily resident in the United Kingdom, then on an election being made in that behalf the person disposing of the asset and the person acquiring it on that disposal shall be treated as doing so for a consideration equal to whichever is the higher of—

- (a) the actual consideration ; and
- (b) such amount as will secure that neither a gain nor a loss accrues to the person disposing of the asset from his acquisition and disposal of it:

Provided that this sub-paragraph shall not apply so as to increase the amount of the consideration for which those persons are respectively treated as disposing of and acquiring the asset.

(2) An election under this paragraph shall be made jointly by the person disposing of the asset and the person acquiring it, except that an election may be made by the person disposing of the asset alone if the person acquiring it would not, on disposing of it, be chargeable to tax under Case VII in respect of the gain (if any) accruing to him from his acquisition and disposal of it.

(3) In a case falling within paragraph (b) of subsection (3) of section twelve of this Act, the amount referred to in paragraph (b) of sub-paragraph (1) above shall be taken to be higher than the actual consideration referred to in paragraph (a).

9TH SCH.

(4) This paragraph shall not apply to a disposal of assets by a company by way of distribution in respect of shares in the company, nor shall it apply where the person disposing of the asset is, but the person acquiring it is not, in relation to his acquisition and disposal of the asset, within section fourteen of this Act.

6.—(1) Where, in the case of a man and his wife living with him, the man disposes of an asset acquired or to be acquired by him to the wife, or the wife disposes of an asset acquired or to be acquired by her to the man, then—

- (a) the one making the disposal shall not be chargeable under Case VII in respect of an acquisition and disposal by reference to that disposal ; and
- (b) the one to whom the disposal is made shall be treated as if the other's acquisition of the asset had been his or her acquisition of it.

(2) Where a company resident and ordinarily resident in the United Kingdom disposes of an asset acquired or to be acquired by it to another such company at a time when either is the subsidiary of the other, or both are subsidiaries of a third company ("subsidiary" having for this purpose the meaning assigned to it for certain purposes of the profits tax by section forty-two of the Finance Act, 1938), then—

- (a) the first-mentioned company shall not be chargeable under Case VII in respect of an acquisition and disposal by reference to that disposal ; and
- (b) the other company shall be treated as if the first-mentioned company's acquisition of the asset had been its acquisition of it.

(3) Where a person disposes of an asset to a company of which that person has control, or a company disposes of an asset to a person having control of the company, no loss accruing to the one making the disposal from the acquisition and disposal of the asset shall be allowable under Case VII otherwise than by deduction from any gain accruing on the disposal of assets to the other while the person in question has control of the company ; and for the purposes of this sub-paragraph an individual shall be treated as having control of a company if the individual's wife or husband has control of it, or if they together have control of it.

Appropriations to and from stock in trade

7.—(1) Subject to sub-paragraph (3) below, where an asset acquired by a person otherwise than as trading stock of a trade carried on by him is appropriated by him for the purposes of the trade as trading stock (whether on the commencement of the trade or otherwise) and, if he had then sold the asset for its market value, a gain or loss chargeable or allowable under Case VII would have accrued to him, he shall be treated as having thereby disposed of the asset by selling it for its then market value.

(2) Where an asset forming part of the trading stock of a person's trade is appropriated by him for any other purpose, or is retained by him on his ceasing to carry on the trade, he shall be treated

as having acquired it for a consideration equal to the amount brought into the accounts of the trade in respect of it for tax purposes on the appropriation or on his ceasing to carry on the trade, as the case may be.

(3) Sub-paragraph (1) above shall not apply in relation to a person's appropriation of an asset for the purposes of a trade if he is chargeable to tax in respect of the profits of the trade under Case I of Schedule D, and elects that instead the market value of the asset at the time of the appropriation shall, in computing the profits of the trade for purposes of tax, be treated as reduced by the amount of the gain or increased by the amount of the loss referred to in that sub-paragraph, and where that sub-paragraph does not apply by reason of such an election, the profits of the trade shall be computed accordingly :

Provided that if a person making an election under this sub-paragraph is at the time of the appropriation carrying on the trade in partnership with others, the election shall not have effect unless concurred in by the others.

Dealings in marketable securities, commodities, etc.

8.—(1) Where a person disposes of shares, the shares disposed of shall be identified in accordance with the rules contained in this paragraph with the shares acquired by him which could be comprised in that disposal, and shall be so identified notwithstanding that they are otherwise identified by the disposal or by a transfer or delivery giving effect to it (but so that where a person disposes of shares in one capacity, they shall not be identified with shares which he holds or can dispose of only in some other capacity).

(2) The identification under this paragraph of the shares disposed of on any occasion shall have effect not only for determining the gain or loss accruing by reason of that disposal but for all purposes of Case VII, including its operation in relation to other disposals by the same person and, in a case where that person's acquisition of the shares is or may be relevant to the person acquiring from him, its operation in relation to the last-mentioned person.

(3) Shares disposed of on an earlier date shall be identified before shares disposed of on a later, and the identification of the shares first disposed of shall accordingly determine the shares which could be comprised in the later disposal.

(4) Shares disposed of for transfer or delivery on a particular date or in a particular period—

(a) shall not be identified with shares acquired for transfer or delivery on a later date or in a later period ; and

(b) shall be identified with shares acquired for transfer or delivery on or before that date or in or before that period, but on or after the date of the disposal, rather than with shares not so acquired.

(5) The shares disposed of shall be identified with shares not acquired as legatee rather than with shares acquired as legatee.

9TH SCH.

(6) The shares disposed of shall be identified—

- (a) with shares acquired within the six months preceding the disposal (but not earlier than the tenth day of April, nineteen hundred and sixty-two) rather than with shares not so acquired, and with shares so acquired on an earlier date rather than with shares so acquired on a later ; and
- (b) subject to paragraph (a) above, with shares acquired on a later date rather than with shares acquired on an earlier ; and
- (c) with shares acquired at different times on any one day in as nearly as may be equal proportions.

(7) The rules above contained shall have priority according to the order in which they are so contained.

(8) Notwithstanding anything in sub-paragraphs (3) to (6) above, where, under arrangements designed to postpone the transfer or delivery of shares disposed of, a person by a single bargain acquires shares for transfer or delivery on a particular date or in a particular period and disposes of them for transfer or delivery on a later date or in a later period, then—

- (a) the shares disposed of by that bargain shall be identified with the shares thereby acquired ; and
- (b) shares previously disposed of which, but for the operation of paragraph (a) above in relation to acquisitions for transfer or delivery on the earlier date or in the earlier period, would have been identified with the shares acquired by that bargain—

- (i) shall, subject to sub-paragraph (3) above, be identified with any available shares acquired for such transfer or delivery (that is to say, any shares so acquired other than shares to which paragraph (a) above applies and other than shares with which shares disposed of for such transfer or delivery would be identified apart from this sub-paragraph) ; and

- (ii) in so far as they cannot be so identified shall be treated as disposed of for transfer or delivery on the later date or in the later period above mentioned.

(9) This paragraph shall apply in relation to a disposal of any assets as it applies in relation to a disposal of shares, where the assets are of a nature to be dealt in without identifying the particular assets disposed of or acquired.

9.—(1) Subject to sub-paragraph (3) below, where a loss accrues to a person from his acquisition and disposal of any shares, and he re-acquires the same shares within one month after the disposal or, in the case of a re-acquisition otherwise than through a stock exchange, within six months after it, that loss shall not be allowable under Case VII otherwise than by deduction from any gain accruing to him from an acquisition and disposal of the shares beginning with the re-acquisition.

(2) Subject to sub-paragraph (3) below, where a person disposes of shares and afterwards acquires the like shares within the period

referred to in sub-paragraph (1) above, he is to be treated for the purposes of this paragraph as re-acquiring the shares disposed of (or, if the quantity disposed of was greater than the quantity acquired, a part of them equal to the quantity acquired), but so that—

- (a) there cannot be in relation to the same disposal more than one re-acquisition of the same share, nor be by the same acquisition of a share a re-acquisition in relation to more than one disposal ; and
- (b) an acquisition of shares shall, where there has been more than one relevant disposal, be treated as a re-acquisition of shares disposed of on an earlier date rather than of shares disposed of on a later, and as a re-acquisition of shares disposed of at different times on the same date in as nearly as may be equal proportions ; and
- (c) where there is more than one acquisition of shares relevant to a previous disposal, shares acquired on an earlier date shall be treated in relation to that disposal as the shares re-acquired rather than shares acquired on a later date, and as between shares acquired on any one date those subsequently disposed of on an earlier date shall be so treated rather than those subsequently disposed of on a later date, and those subsequently disposed of on any one day shall be so treated in as nearly as may be equal proportions ;
- (d) where a person disposes of shares in one capacity, shares which he acquires in some other capacity shall be disregarded.

(3) Where a person acquires shares and, under paragraph 8 above, shares previously disposed of by him are identified with those shares, then—

- (a) this paragraph shall not apply in relation to any loss accruing from that acquisition and disposal ; and
- (b) that acquisition shall not be treated for the purposes of this paragraph as a re-acquisition of any shares.

(4) Where under sub-paragraph (8) of paragraph 8 above shares disposed of are identified with shares acquired by the same bargain, sub-paragraph (3) of this paragraph shall apply as if the disposal had preceded the acquisition.

(5) Where—

- (a) under arrangements designed to postpone the acceptance of shares acquired, a person by a single bargain disposes of shares for transfer or delivery on a particular date or in a particular period and acquires them for transfer or delivery on a later date or in a later period ; and
- (b) under paragraph 8 above—
 - (i) the shares disposed of by that bargain are identified with shares previously acquired for transfer or delivery on the earlier date or in the earlier period ; and

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(ii) shares disposed of afterwards, but within six months of the date of that bargain, are identified with the shares acquired by that bargain ;

then, subject to sub-paragraph (6) below, sub-paragraph (3) of this paragraph shall apply as if the disposal by that bargain had preceded the acquisition of the shares so identified with those disposed of.

(6) Where an acquisition of shares is more than once continued by such a bargain as is referred to in paragraph (a) of sub-paragraph (5) above, that sub-paragraph shall apply in relation to each bargain continuing the acquisition, but so that in relation to each such bargain sub-paragraph (ii) of paragraph (b) shall have effect as if the references to the date of and to the shares acquired by the bargain were references to the date of and to the shares acquired by the last of the bargains ; and for the purposes of this sub-paragraph an acquisition continued by one bargain shall be treated as further continued by a later bargain, in so far as the shares disposed of by the later bargain are identified under paragraph 8 above with the shares acquired by the earlier.

(7) This paragraph shall apply in relation to acquisitions or disposals of any assets as it applies in relation to acquisitions or disposals of shares, where the assets are of a nature to be dealt in without identifying the particular assets disposed of or acquired.

Reorganisation of share capital, conversion of securities etc.

10.—(1) This paragraph shall apply in relation to any reorganisation or reduction of a company's share capital ; and for the purposes of this paragraph—

(a) references to a reorganisation of a company's share capital include—

(i) any case where persons are, whether for payment or not, allotted shares in or debentures of the company in respect of and in proportion to (or as nearly as may be in proportion to) their holdings of shares in the company or of any class of shares in the company ; and

(ii) any case where there are more than one class of share and the rights attached to shares of any class are altered ; and

(b) “ original shares ” means shares held before and concerned in the reorganisation or reduction of capital, and “ new holding ” means, in relation to any original shares, the shares in and debentures of the company which as a result of the reorganisation or reduction of capital represent the original shares (including such, if any, of the original shares as remain).

(2) Subject to the following sub-paragraphs, a reorganisation or reduction of a company's share capital shall not be treated as involving any disposal of the original shares or any acquisition of the new holding or any part of it, but the original shares and the new holding shall be treated as the same asset acquired as the original shares were acquired.

(3) Where, on a reorganisation or reduction of a company's share capital, a person gives or becomes liable to give any consideration for his new holding or any part of it, that consideration

shall in relation to any disposal of the new holding or any part of it be treated as having been given for the original shares, and if the new holding or part of it is disposed of with a liability attaching to it in respect of that consideration, the consideration given for the disposal shall be adjusted accordingly:

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Provided that there shall not be treated as consideration given for the new holding or any part of it any surrender, cancellation or other alteration of the original shares or of the rights attached thereto, or consisting of any application in paying up the new holding or any part of it of assets of the company or of any dividend or other distribution declared out of those assets but not made.

(4) Where, on a reorganisation or reduction of a company's share capital, a person receives or becomes entitled to receive in respect of his original shares any capital distribution from the company not forming part of the new holding, he shall be treated as if the new holding resulted from his having in consideration of that distribution disposed of an interest in the original shares of a market value equal to that of the distribution (but without prejudice to the original shares and the new holding being treated in accordance with sub-paragraph (2) above as the same asset).

(5) Where for the purpose of computing the gain or loss accruing to a person from the acquisition and disposal of any part of the new holding it is necessary to apportion the cost of acquisition of any of the original shares between what is disposed of and what is retained, the apportionment shall be made by reference to market value at the date of the disposal (with such adjustment of the market value of any part of the new holding as may be required to offset any liability attaching thereto but forming part of the cost to be apportioned); and any corresponding apportionment for the purposes of sub-paragraph (4) above shall be made in like manner.

(6) Where on a reorganization of a company's share capital a person receives or becomes entitled to receive in respect of any shares a provisional allotment of shares in or debentures of the company, then unless he neither accepts the allotment nor disposes of his rights before or after the making of the allotment, those rights shall be treated in relation to him and in relation to any person acquiring them directly or indirectly from him as if they were the shares or debentures to which they relate and as if the consideration to be given for the shares or debentures were a liability attaching to the rights.

(7) References in this paragraph to a reduction of share capital do not include the paying off of redeemable share capital, and where shares in a company are redeemed by the company otherwise than by the issue of shares or debentures (with or without other consideration) and otherwise than in a liquidation, the shareholder shall be treated as disposing of the shares at the time of the redemption.

11.—(1) Subject to sub-paragraph (2) below, paragraph 10 above shall apply with any necessary adaptations in relation to the conversion of securities as it applies in relation to the reorganisation or reduction of a company's share capital.

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(2) Where securities are converted on an exchange effected under any arrangement which is being carried out under section two of the National Loans Act, 1939, and any additional consideration is given to the holder of the securities, sub-paragraph (4) of paragraph 10 above shall not apply to the additional consideration, but it shall in relation to any disposal of the new holding or any part of it be treated as reducing the consideration given for the original securities.

(3) For the purposes of this paragraph—

- (a) “conversion of securities” includes a conversion of securities of a company into shares in the company, and a conversion at the option of the holder of the securities converted as an alternative to the redemption of those securities for cash ; and
- (b) “security” includes any loan stock or similar security whether of the Government of the United Kingdom or of any other government, or of any public or local authority in the United Kingdom or elsewhere, or of any company, and whether secured or unsecured.

Company amalgamations

12.—(1) Subject to the following sub-paragraphs, where a company issues shares or debentures to a person in exchange for shares in or debentures of another company, paragraph 10 above shall apply with any necessary adaptations as if the two companies were the same company and the exchange were a reorganisation of its share capital.

(2) This paragraph shall apply only where the company issuing the shares or debentures has or in consequence of the exchange will have control of the other company, or where the first-mentioned company issues the shares or debentures in exchange for shares as the result of a general offer made to members of the other company or any class of them (with or without exceptions for persons connected with the first-mentioned company), the offer being made in the first instance on a condition such that if it were satisfied the first-mentioned company would have control of the other company.

(3) Except to the extent mentioned in sub-paragraph (4) below, this paragraph shall not apply in relation to an issue of shares or debentures to a person in exchange for shares in respect of which—

- (a) he is liable to a charge by virtue of section fourteen of this Act by reason of a gain accruing to him on that disposal of those shares or would be so liable if he had acquired the shares more than six months previously ; and
- (b) he would not, if this paragraph did apply, be liable to a greater charge by virtue of sub-paragraph (4) of paragraph 10 above :

Provided that this sub-paragraph shall not have effect in relation to an issue of shares where the company issuing the shares and his

holding in it are or in consequence of the issue will be such that on his afterwards disposing of those shares without there having been any alteration in the share holdings in or assets of that or any other company he might in respect of the gain (if any) accruing to him on that disposal be liable to a charge under section fourteen of this Act.

(4) In a case within sub-paragraph (3) above this paragraph shall apply so as to treat the original shares and the new holding as one asset for the purpose of determining the time at which the new holding is, in relation to any disposal, to be treated as having been acquired; and the person in question shall not be liable in respect of his disposal of the original shares to any greater charge than that mentioned in paragraph (a) of that sub-paragraph, nor shall any loss accruing on the disposal be allowable under Case VII.

13.—(1) Where under any arrangement between a company and the persons holding shares in or debentures of the company or any class of such shares or debentures, being an arrangement entered into for the purposes of or in connection with a scheme of reconstruction or amalgamation, another company issues shares or debentures to those persons in respect of and in proportion to (or as nearly as may be in proportion to) their holdings of the first-mentioned shares or debentures, but the first-mentioned shares or debentures are either retained by those persons or cancelled, then those persons shall be treated as exchanging the first-mentioned shares or debentures for those held by them in consequence of the arrangement (any shares or debentures retained being for this purpose regarded as if they had been cancelled and replaced by a new issue):

Provided that sub-paragraph (2) of paragraph 12 above shall not apply.

(2) Where any scheme of reconstruction or amalgamation involves the transfer of the whole or part of a company's business to another company, and the first-mentioned company receives no part of the consideration for the transfer (otherwise than by the other company taking over the whole or part of the liabilities of the business), then the first-mentioned company shall not be chargeable under Case VII by reference to the transfer in respect of its acquisition and disposal of any assets included in the transfer.

(3) In this paragraph "scheme of reconstruction or amalgamation" means a scheme for the reconstruction of any company or companies or the amalgamation of any two or more companies, and references to shares or debentures being retained include their being retained with altered rights or in an altered form, whether as the result of reduction, consolidation, division or otherwise.

14.—(1) This paragraph shall apply where a business is transferred to a company as a going concern together with the whole assets of the business or with the whole of those assets other than cash, and is so transferred wholly or partly in exchange for shares issued by the company to the person transferring the business.

(2) The person transferring the business shall not be chargeable by reference to the transfer in respect of his acquisition and disposal of any asset included in the transfer, in so far as the consideration

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(3) The person transferring the business shall not by reference to the issue to him of the shares be chargeable in respect of any acquisition and disposal of shares representing consideration for the transfer, except in the case of shares representing the consideration for cash included in the transfer or of shares treated under sub-paragraph (2) above as being the same asset as an asset so included ; but the foregoing provision shall not affect any charge under section fourteen of this Act, and in relation to shares to which this sub-paragraph applies, sub-paragraph (5) of paragraph 8 of this Schedule and any other provision of this Act referring to assets acquired as legatee shall have effect as it has effect in relation to shares so acquired.

(4) For the purposes of this paragraph the consideration for the transfer of the business (where it does not consist wholly of shares of a single class) shall be allocated between the transfer and any other matter for which it is given, and between the assets included in the transfer, as follows:—

- (a) any part of the consideration consisting of liabilities of the business taken over with the business shall be treated so far as may be as consideration for the transfer, and as consideration for any cash included in the transfer ; and
- (b) any part of the consideration not consisting of any such liabilities nor of shares issued as mentioned in sub-paragraph (1) above shall as far as may be—
 - (i) be treated as consideration for matters other than the transfer ; and
 - (ii) so far as it is not so treated, be treated as consideration for assets in the case of which the person making the transfer is (apart from sub-paragraph (2) above) chargeable by reference to the transfer in respect of his acquisition and disposal of them ; and
- (c) subject to paragraphs (a) and (b) above, the consideration of any description shall (so far as necessary) be allocated between items rateably according to their amounts after taking account of any prior allocation thereto under those paragraphs.

Debts

15.—(1) Where a person incurs a debt to another, the creditor shall not be treated as thereby acquiring the debt, except in the case of the debt on a security (as defined in paragraph 11 of this Schedule).

(2) In the case of the debt on any such security, or of a debt acquired by the creditor from a previous creditor, the satisfaction of the debt or part of it shall, subject to the provisions of paragraphs 11 and 12 of this Schedule, be treated as a disposal of the debt or of that part by the creditor made at the time when the debt or that part is satisfied.

(3) Where property is acquired by a creditor in satisfaction of his debt or part of it, then subject to the provisions of the said paragraphs 11 and 12 the property shall not be treated as disposed of by the debtor or acquired by the creditor for a consideration greater than its market value at the time of the creditor's acquisition of it; but if (in a case not falling within either of those paragraphs) the satisfaction of the debt or that part of it is not to be treated as a disposal of it by the creditor, and he becomes chargeable under Case VII in respect of gains accruing from his acquisition and disposal of the property, the amount on which tax is chargeable shall (where necessary) be reduced so as not to exceed the amount on which tax would have been chargeable if he had acquired the property for a consideration equal to the amount of the debt or that part of it.

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Disposals of land to authorities with compulsory powers

16.—(1) A person shall not be chargeable under Case VII in respect of an acquisition and disposal of land by reference to a disposal to an authority exercising or having compulsory powers, if that person had neither—

- (a) acquired the land at a time when he knew or might reasonably have known that it was likely to be acquired by the authority; nor
- (b) taken any steps by advertisement or otherwise to dispose of the land or to make his willingness to dispose of it known to the authority or others.

(2) In this paragraph "authority exercising or having compulsory powers" means, in relation to any disposal of land, a person or body of persons acquiring the land compulsorily or who has or have been, or could be, authorised to acquire it compulsorily for the purposes for which it is acquired, or for whom another person or body of persons has or have been, or could be, authorised so to acquire it.

Additional provisions as to computation of gains

17.—(1) Where a single bargain comprises two or more transactions whereby assets are disposed of, those transactions shall be treated for purposes of section thirteen of this Act as a single disposal; and where separate considerations are agreed or purport to be agreed for any two or more transactions comprised in one bargain (whether transactions whereby assets are disposed of or not), those considerations shall be treated as together constituting an entire consideration for the transactions, and shall be apportionable between them accordingly.

(2) Where an individual and the wife or husband of that individual, or a body of persons and a person having control of it, or two bodies of persons under common control, enter into associated transactions, sub-paragraph (1) above shall apply as if the transaction were comprised in a single bargain ("body of persons" for this purpose including a partnership):

Provided that this sub-paragraph shall not apply so as to treat as an entire consideration considerations given or received by different persons, unless they are given to or received from a single person or persons in relation to whom they can by virtue of this sub-paragraph be treated as an entire consideration.

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(3) In the case of an acquisition and disposal of land no deduction shall be made in respect of maintenance expenditure incurred by any person—

(a) in computing the gain accruing to that person from the acquisition and disposal either—

(i) for the purposes of the profits tax (if any) chargeable on the disposal; or

(ii) for the purposes of sub-paragraph (3) of paragraph 7 of this schedule; or

(b) in computing for any purpose of this Schedule the amount which would secure that on that person's disposal of the land neither a gain nor a loss accrued to him;

and maintenance expenditure incurred by the person chargeable which falls to be taken into account for other purposes of Case VII shall not be taken into account under section one hundred and one or paragraph (g) of subsection (1) of section one hundred and seventy-six of the Income Tax Act, 1952, but where it has been taken into account under either of those enactments, any necessary adjustment of that person's liability to tax may be made by means of an additional assessment or otherwise and for that purpose the amount of any tax repaid by reason of its having been taken into account may be charged on him under Case VI of Schedule D and recovered accordingly.

In this sub-paragraph references to maintenance expenditure incurred by any person are references to any expenditure so incurred which could be taken into account under section one hundred and one of the Income Tax Act, 1952, in computing the cost to him or any other person of maintenance, repairs, insurance and management of the land.

(4) No deduction shall be made in computing the gain to the person chargeable for any expenditure if section four hundred and twenty-five (assurance companies and investment companies) of the Income Tax Act, 1952, applies to that person and relief could be given under that section in respect of the expenditure as expenses of management.

In this sub-paragraph the references to section four hundred and twenty-five of the Income Tax Act, 1952, include references to that section as applied by section four hundred and thirty-eight of that Act (savings banks and certain industrial and provident societies) or by section sixty-nine of the Finance Act, 1960 (unit trust schemes).

(5) Where, in the case of any asset, the person chargeable receives or is entitled to claim any capital allowances with reference to expenditure relating to the asset, the amount of the allowances shall be treated for the purpose of computing the said gain as a trading receipt of the adventure, in so far as it exceeds the amount or aggregate amount on which any balancing charges fall to be made on him in respect of the allowances (subject to a just apportionment where the adventure does not relate to the whole of his interest in the asset).

In this sub-paragraph "capital allowance" means an allowance under Part X of the Income Tax Act, 1952, but not including an investment allowance.

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18.—(1) Where under this Schedule a person acquiring an asset is to be treated as if another's acquisition of it had been his acquisition, that person shall be treated as having acquired the asset at the time when the other acquired it, and for a consideration of such amount as would secure that on the other's disposal to that person neither a gain nor a loss would accrue to the other (that amount being calculated as it would be for the purpose of a charge under Case VII then falling on the other by reference to that acquisition), and where there have been more than one acquisition by the other of different interests in the asset, this provision shall apply in relation to each such acquisition:

Provided that—

- (a) a person shall be treated as if another's acquisition of an asset had been his acquisition of it only if and in so far as the interest taken by that person would be treated for the purpose of such a charge as aforesaid as deriving from that acquisition; and
- (b) that person shall be treated as acquiring the asset as legatee, and not for any consideration, in so far as the said interest would be so treated as deriving from an acquisition by the other as legatee.

(2) Where a person acquires an asset subject to and with the benefit of any subsisting contract for its disposal to a third person, and under this Schedule he is to be treated as if another's acquisition of it had been his acquisition, sub-paragraphs (1) and (3) of paragraph 2 of this Schedule shall not apply in relation to the acquisition by or disposal to him of the asset (he being treated as if the other's acquisition of the right had been his acquisition).

19.—(1) An election under this Schedule shall be made by notice in writing signed by the person or persons making the election and the persons (if any) whose concurrence is required, and delivered to the surveyor within the relevant period.

(2) A notice so delivered with respect to property disposed of by way of gift shall be of no effect unless within the relevant period there is also delivered to the surveyor a statement signed by the donor and giving such particulars as are necessary to establish the time at which, and the consideration for which, the donee is to be treated as having acquired the property, in so far as those particulars may be material in relation to any acquisition and disposal by the donee.

(3) Where in the case of a gift a joint election is required and the donor and donee are respectively subject to the jurisdiction of different bodies of General Commissioners, the election shall be of no effect unless sub-paragraphs (1) and (2) above are complied with in relation to the surveyor for each of the districts in question.

(4) Any election which a person may make or concur in under this Schedule may be made or concurred in instead by his personal representatives, if he is dead, or by any person assessable on his behalf, and similarly with the statement required by sub-paragraph (2) of this paragraph.

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(5) For the purposes of this paragraph the relevant period—

- (a) in the case of a gift, is the period ending with the year of assessment following that in which the gift is made or, where an election may be made by the donee alone, the period ending with the year of assessment following that in which he first disposes of the property comprised in the gift or any part of it; and
- (b) in the case of an election under paragraph 7 of this Schedule, is the period ending with the year of assessment following that in which is made the appropriation of the asset for the purposes of the trade;

and in this paragraph references to a gift include any disposal otherwise than by way of bargain at arm's length, and references to the donor and the donee shall be construed accordingly.

20.—(1) Any question whether a person is connected with another shall for the purposes of Chapter II of Part II of this Act be determined in accordance with the following sub-paragraphs of this paragraph (any provision that one person is connected with another being taken to mean that they are connected with one another).

(2) A person is connected with an individual if that person is the individual's husband or wife, or is a relative, or the husband or wife of a relative, of the individual or of the individual's husband or wife.

(3) A person, in his capacity as trustee of a settlement, is connected with any individual who in relation to the settlement is a settlor, and with any person who is connected with such an individual ("settlement" and "settlor" having for this purpose the meanings assigned to them by section four hundred and three of the Income Tax Act, 1952).

(4) A person is connected with any person with whom he is in partnership, and with the husband or wife or a relative of any individual with whom he is in partnership.

(5) A company is connected with another company—

- (a) if the same person has control of both, or a person has control of one and persons connected with him, or he and persons connected with him, have control of the other; or
- (b) if a group of two or more persons has control of each company, and the groups either consist of the same persons or could be regarded as consisting of the same persons by treating (in one or more cases) a member of either group as replaced by a person with whom he is connected.

(6) A company is connected with another person, if that person has control of it or if that person and persons connected with him together have control of it.

(7) Any two or more persons acting together to secure or exercise control of a company shall be treated in relation to that company as connected with one another and with any person acting on the directions of any of them to secure or exercise control of the company.

(8) In this paragraph "relative" means brother, sister, ancestor or lineal descendant.

TENTH SCHEDULE

Section 16.

MODIFICATION OF ENACTMENTS FOR CASE VII OF SCHEDULE D

*Enactment and subject-matter**Adaptation*

The Income Tax Act, 1952—

Section 329 (Procedure on apportionments and other determinations affecting more than one person).

The section shall apply for purposes of Case VII in relation to any apportionment and in relation to any determination of market value, as it applies for purposes of Part X of that Act in relation to the apportionments and determinations referred to in the section.

Chapter II of Part XVIII (Settlements on children).

The definition of "income" in section four hundred and three shall apply in relation to gains arising from the acquisition and disposal of chargeable assets as it would apply if the gains were profits from a trade of dealing in the assets, and any such gains shall be treated as payable in the first instance to the person to whom they accrue; but, in the case of settled property within the meaning of Case VII, paragraph (a) of subsection (1) of section three hundred and ninety-eight of that Act shall have effect in relation to gains so arising from the settled property only in so far as they exceed losses so arising therefrom.

Chapter III of Part XVIII, including the Finance Act, 1958, section 22 (Revocable settlements, etc.).

In the definition in section four hundred and eleven of "income arising under a settlement" references to income shall include the amount of any gains arising from the acquisition and disposal of chargeable assets subject to the like deduction for losses so arising as would be made under Case VII; but that amount shall be left out of account under section four hundred and seven.

Chapter IV of Part XVIII (Avoidance of tax by transfers of income to persons abroad).

References to income shall apply in the case of gains accruing from the acquisition and disposal of chargeable assets as they would apply if the gains were profits from a trade of dealing in the assets, and any such gains shall be treated as payable in the first instance to the person to whom they accrue.

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Section 450 (Procedure for claims by charities etc. to exemption).

The Finance Act, 1953—

Section 21 (Unremittable overseas profits).

The Finance Act, 1954—

Section 24 (Exemptions for certain consular officers and employees).

The Finance Act, 1956—

Section 10, subsection (3) (Determination of questions as to residence and domicile).

Adaptation

The section shall apply in relation to a claim for exemption under subsection (1) of section fifteen of this Act as it applies in relation to claims for exemption under sections four hundred and forty-seven to four hundred and forty-nine of that Act.

“Overseas income” shall include any gains chargeable under Case VII which arise in a territory outside the United Kingdom, but so long as gains so arising in any year of assessment are treated as unremittable, losses arising in that year in the same territory shall be allowable under Case VII only in so far as they exceed those gains or the part thereof for the time being treated as unremittable.

In subsection (1) the reference to income falling within Case IV or V of Schedule D shall include income falling within Case VII.

The subsection shall apply in relation to any question arising under Case VII as to a person's residence, ordinary residence or domicile, as it applies in relation to the disputes there mentioned.

Section 34.**ELEVENTH SCHEDULE****REPEALS****PART I***Customs, excise and purchase tax (general repeals)*

Session and Chapter	Short Title	Extent of Repeal
4 Edw. 7. c. 7.	The Finance Act, 1904.	In section two, subsection (3). Section eleven.
8 & 9 Geo. 5. c. 15.	The Finance Act, 1918.	In section four, in subsection (1) the words “specified in Part I of the First Schedule to this Act” and the words from “by” where first occurring, to “charged”, where last occurring. In section forty-five, subsection (1).

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 5. c. 32.	The Finance Act, 1919.	Section ten. The Second Schedule, so far as unrepealed.
10 & 11 Geo. 5. c. 18.	The Finance Act, 1920.	The First Schedule.
14 & 15 Geo. 5. c. 21.	The Finance Act, 1924.	Section two. In section three, subsection (4), except as respects chicory.
18 & 19 Geo. 5. c. 17.	The Finance Act, 1928.	Section four. The Second Schedule.
24 & 25 Geo. 5. c. 32.	The Finance Act, 1934.	The First Schedule, so far as unrepealed.
2 & 3 Geo. 6. c. 109.	The Finance (No. 2) Act, 1939.	In section six, subsection (1) so far as unrepealed. In section twenty-four, subsection (2). The Fifth Schedule, so far as unrepealed.
3 & 4 Geo. 6. c. 48.	The Finance (No. 2) Act, 1940.	Section four, so far as unrepealed. In section forty-two, subsection (2). In section three, subsection (4).
10 & 11 Geo. 6. c. 35.	The Finance Act, 1947.	Section three.
11 & 12 Geo. 6. c. 49.	The Finance Act, 1948.	In section fourteen, subsections (1) and (3) and in subsection (4) the words "and totalisator". In section eighty-two, paragraph (a) of subsection (2). The Third Schedule.
12, 13 & 14 Geo. 6. c. 47.	The Finance Act, 1949.	Section six. Section twelve.
14 Geo. 6. c. 15.	The Finance Act, 1950.	The Fourth Schedule. In section one, subsection (1).
15 & 16 Geo. 6. c. 33.	The Finance Act, 1952.	Section one. Section six. The Second Schedule.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.	The Customs and Excise Act, 1952.	In section one hundred and twelve, the proviso to subsection (1). In section one hundred and seventy-three, paragraphs (d) and (e) of subsection (2). In section one hundred and seventy-seven, in subsection (1) the words "sugar and glucose" in paragraph (g). Section two hundred and one. In section two hundred and two, in subsection (1), the words "licensed under the last foregoing section or" in paragraph (a), and subsection (3) from "and oils" onwards.

11TH SCH.

11TH SCHEDULE

Session and Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.— <i>cont.</i>	The Customs and Excise Act, 1952.— <i>cont.</i>	<p>Sections two hundred and ten to two hundred and thirteen. Sections two hundred and fifteen to two hundred and seventeen.</p> <p>In section two hundred and eighteen, paragraphs (e) and (f) of subsection (1).</p> <p>In section two hundred and thirty-one, paragraph (b) of subsection (1) together with the "or" at the end of paragraph (a), subsection (3) from the first "and" onwards, and subsection (4).</p> <p>In section two hundred and fifty-three, in subsection (3) the words "or manufacturer of glucose".</p> <p>In section two hundred and sixty-three, in subsection (3) the words "or manufacturer of glucose or saccharin", and the words "glucose or saccharin", where next occurring.</p> <p>In section two hundred and ninety-five, in subsection (2) the words "or manufacturer of sugar, of glucose or of saccharin".</p>
2 & 3 Eliz. 2. c. 44.	The Finance Act, 1954.	In section three, paragraph (b) of subsection (5).
4 & 5 Eliz. 2. c. 48.	The Sugar Act, 1956.	<p>In section seven, in subsection (2) the words from "'sugar duty' means" to "and", where next occurring.</p> <p>In section ten, subsection (2).</p> <p>In section fifteen, in subsection (2), paragraph (c), together with the "and" at the end of paragraph (b).</p> <p>In section thirty-five, in subsection (2) the definitions of "molasses" and of "sugar duty."</p>
4 & 5 Eliz. 2. c. 54.	The Finance Act, 1956.	Section one. The First Schedule.
6 & 7 Eliz. 2. c. 6.	The Import Duties Act, 1958.	In the First Schedule, paragraphs 2 and 3.
6 & 7 Eliz. 2. c. 56.	The Finance Act, 1958.	The Third Schedule.

11TH SCH.

Session and Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 58.	The Finance Act, 1959.	In section one, in subsection (4), the words " Part I or " and the words " as the case may be ". Sections seven and eight. In the First Schedule, the table in Part I.
8 & 9 Eliz. 2. c. 44.	The Finance Act, 1960.	Section one. Section five. In section nine, subsections (2), (5) and (6). In the Second Schedule, in Part I the final paragraph from " and references " onwards.
8 & 9 Eliz. 2. c. 60.	The Betting and Gaming Act, 1960.	In the Fifth Schedule, paragraph 13.
9 & 10 Eliz. 2. c. 36.	The Finance Act, 1961.	In section nine, the proviso to subsection (1). In the Fourth Schedule, subparagraph (2) of paragraph 5, and in paragraph 6 the words " subsection (2) of section two hundred of ", the words from " repayment " to " oils; and ", and the words " of that Act ".
10 & 11 Eliz. 2. c. 13.	The Vehicles (Excise) Act, 1962.	In the Seventh Schedule, the entry relating to the Customs and Excise Act, 1952.

The above repeals so far as they relate to any drawback or other relief from duty shall not have effect in relation to duty paid or payable before the coming into force of the repeal, except in the case of sections two hundred and sixteen and two hundred and seventeen, and paragraphs (e) and (f) of subsection (1) of section two hundred and eighteen, of the Customs and Excise Act, 1952.

11TH SCH.

PART II

Customs and excise (prospective repeals as to sugar, tea, coffee and cocoa)

Session and Chapter	Short Title	Extent of Repeal
6 & 7 Geo. 5. c. 24.	The Finance Act, 1916.	Section twenty-two.
9 & 10 Geo. 5. c. 32.	The Finance Act, 1919.	In section eight, subsection (1). In section thirty-eight, the first paragraph of subsection (1). Section three.
14 & 15 Geo. 5. c. 21.	The Finance Act, 1924.	In section forty-one, subsection (1). Section four.
16 & 17 Geo. 5. c. 22.	The Finance Act, 1926.	Section four.
9 & 10 Geo. 6. c. 64.	The Finance Act, 1946.	In section two, subsection (2).
12, 13 & 14 Geo. 6. c. 47.	The Finance Act, 1949.	Section one.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.	The Customs and Excise Act, 1952.	In section eighty-eight, in subsection (4), the words "sugar, molasses". Section two hundred and fourteen. Section two hundred and eighteen. Sections two hundred and twenty-nine to two hundred and thirty-one (so far as not otherwise repealed). In section two hundred and fifty-nine, subsection (2). In section two hundred and seventy-one, proviso (ii) to subsection (3). In section three hundred and seven, in subsection (1) the definitions of "molasses" and "saccharin".
2 & 3 Eliz. 2. c. 44.	The Finance Act, 1954.	Section three.
6 & 7 Eliz. 2. c. 6.	The Import Duties Act, 1958.	In section three, in subsection (2), the words from "any" where first occurring to "that is to say", the word "either" and the words from "or", where last occurring, onwards. In the First Schedule, in subparagraph (1) of paragraph 1 the words "subsection (1) of", the words "subject to the following sub-paragraph" and the words "in the said section eight" and subparagraph (2) of that paragraph.

11TH SCH.

Session and Chapter	Short Title	Extent of Repeal
10 & 11 Eliz. 2. c. 44.	The Finance Act, 1962.	In section three, subsections (1) to (5) and subsection (6) to the words " this Act and ". In the Fifth Schedule, Part I. The Sixth Schedule.

The above repeals, so far as they relate to goods within any paragraph of subsection (1) of section three of this Act, shall not have effect until the time when by virtue of that subsection goods within that paragraph cease to be chargeable with duties of customs other than those under the Import Duties Act, 1958, but shall not affect any drawback or other relief in respect of duty paid or payable before that time; and subsection (2) of section thirty-eight of the Interpretation Act, 1889, shall apply to the above repeals of enactments contained in this Act as if they had been repealed by another Act.

PART III

Income tax repeals

Session and Chapter	Short Title	Extent of Repeal
2 & 3 Eliz. 2. c. 44.	The Finance Act, 1954.	In section twenty, the proviso to subsection (1) and subsection (3) from the second " the " to " but ", except as respects claims made on the basis that section eighteen of this Act shall not apply.
3 & 4 Eliz. 2. c. 15.	The Finance Act, 1955.	Subsection (2) of section two.
6 & 7 Eliz. 2. c. 56.	The Finance Act, 1958.	Subsection (1) of section fourteen.
7 & 8 Eliz. 2. c. 58.	The Finance Act, 1959.	Subsection (4) of section nineteen.

PART IV

Estate duty repeals

Session and Chapter	Short Title	Extent of Repeal
57 & 58 Vict. c. 30.	The Finance Act, 1894.	In section seven, in subsection (2), the word " personal " in each place where it occurs, and (from 10th April), subsection (4). In section twenty, subsections (1), (3) and (4) (from 10th April).

2 B* 2

11TH SCH.

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 13.	The Finance (No. 2) Act, 1945.	In section fifty-four, subsection (2) (from 10th April).
11 & 12 Geo. 6. c. 49.	The Finance Act, 1948.	Section seventy-seven (as respects deaths whenever occurring).
12, 13 & 14 Geo. 6. c. 47.	The Finance Act, 1949.	In section twenty-eight, paragraph (c) of subsection (2).
2 & 3 Eliz. 2. c. 44.	The Finance Act, 1954.	In section thirty-two, subsection (1) (from 10th April).

The above repeals shall not have effect, unless expressed so to do, as respects deaths occurring before the commencement of this Act or, if expressed to have effect from 10th April, before the tenth day of April, nineteen hundred and sixty-two, and the repeal of paragraph (c) of subsection (2) of section twenty-eight of the Finance Act, 1949, shall have effect subject to the savings contained in the proviso to subsection (1) of section twenty-eight of this Act.

PART V

Stamp duty repeals

Session and Chapter	Short Title	Extent of Repeal
54 & 55 Vict. c. 39.	The Stamp Act, 1891.	Sections one hundred and four to one hundred and six. In the First Schedule, the heading "Settlement" and the exemption following it.
10 Edw. 7. & 1 Geo. 5. c. 8.	The Finance (1909-10) Act, 1910.	In section seventy-four, subsection (4).
9 & 10 Geo. 6. c. 64.	The Finance Act, 1946.	In section fifty-three, subsection (1).

The above repeals shall have effect in relation to instruments made or executed on or after the first day of August, nineteen hundred and sixty-two, including instruments treated under subsection (2) of section fifty-three of the Finance Act, 1946, as bearing date on or after that day (to the extent that they are so treated).

PART VI
Government annuity repeals

11TH SCH.

Session and Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 5. c. 20.	The Law of Property Act, 1925.	In section one hundred and ninety-one, subsection (1) from the words "Where the rent" onwards, and in subsection (4) the words "or the Government annuity".
19 & 20 Geo. 5. c. 27.	The Savings Banks Act, 1929.	The whole Act, so far as unrepealed.
19 & 20 Geo. 5. c. 29.	The Government Annuities Act, 1929.	<p>Sections one to seven.</p> <p>In section eight, in subsection (1), the words "and all annuities for years, whether immediate or deferred".</p> <p>In section nine, subsection (2) and the proviso to subsection (3).</p> <p>Section twelve.</p> <p>In section thirteen, subsection (2) and in subsection (3), the words "or the Bank of England".</p> <p>Sections fourteen and sixteen to eighteen.</p> <p>In section twenty-two, in subsection (1), paragraphs (a) to (c) and in paragraph (d) the words "or the books of the Bank of England".</p> <p>In section twenty-three, in subsection (3), the words "purchase or".</p> <p>Section twenty-eight.</p> <p>Section thirty, as respects accounts for any period after 5th January, 1963.</p> <p>In section thirty-two, subsection (1).</p> <p>In section thirty-three, paragraph (f), in paragraph (g) the words "in the books of the Bank of England or" and in paragraph (i) the words "of any stock or annuities or".</p> <p>Sections thirty-seven to forty.</p> <p>In section forty-two, subsection (2) and the proviso to subsection (3).</p> <p>Section fifty-three.</p> <p>In section fifty-four, in subsection (1), the words "annuities and", subsection (2), in subsection (3) the words "for</p>

11TH SCH.	Session and Chapter	Short Title	Extent of Repeal
	19 & 20 Geo. 5. c. 29— <i>cont.</i>	The Government Annuities Act, 1929— <i>cont.</i>	<p>deferred savings bank annuities and” and the words “and invested in manner provided by this Act,” and in subsection (4) the words “annuities and”, where first occurring, and the words from “and defrayed” onwards.</p> <p>In section fifty-eight, paragraph (b) and in paragraph (c) the words “annuity or”.</p> <p>In section sixty-three, in paragraph (h), the words “or any annuity for years”.</p> <p>Section sixty-five, as respects accounts for any period after 5th January, 1963.</p> <p>In section sixty-seven, subsection (1) from the beginning to the word “same”, except the words “All moneys which form part of the Government Annuities Investment Fund”, subsections (2) and (3), and in subsection (4) the words “stock and annuities” and paragraph (f) from “distinguishing” onwards.</p> <p>The First Schedule.</p>
	23 & 24 Geo. 5. c. 19.	The Finance Act, 1933.	Section forty-five.
	1 Edw. 8. & 1 Geo. 6. c. 54.	The Finance Act, 1937.	Section thirty-three.
	2 & 3 Geo. 6. c. 117.	The National Loans Act, 1939.	<p>In the Second Schedule, in paragraph 5, sub-paragraph (c) and the words from “and such securities” onwards.</p>
	11 & 12 Geo. 6. c. 39.	The Industrial Assurance and Friendly Societies Act, 1948.	In section six, subsection (3).
	2 & 3 Eliz. 2. c. 44.	The Finance Act, 1954.	<p>In the Fifth Schedule, paragraph 2.</p>
	4 & 5 Eliz. 2. c. 6.	The Miscellaneous Financial Provisions Act, 1955.	In section five, subsection (13).
	9 & 10 Eliz. 2. c. 15.	The Post Office Act, 1961.	<p>In section nineteen, subsection (7) from “and any” onwards.</p>

The above repeals, so far as they relate to the grant of immediate life annuities and matters connected therewith, shall not have effect in relation to any such annuity of which the purchase is completed (within the meaning of the First Schedule to the Government Annuities Act, 1929) on or before the last day of August, nineteen hundred and sixty-two.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Stamp Act, 1891	54 & 55 Vict. c. 39.
Finance Act, 1894	57 & 58 Vict. c. 30.
Finance (1909-10) Act, 1910	10 Edw. 7 & 1 Geo. 5. c. 8.
Finance Act, 1918	8 & 9 Geo. 5. c. 15.
Finance Act, 1919	9 & 10 Geo. 5. c. 32.
Finance Act, 1920	10 & 11 Geo. 5. c. 18.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Irish Free State (Consequential Provisions) Act, 1922 (Session 2)	13 Geo. 5 (Session 2). c. 2.
Finance Act, 1924	14 & 15 Geo. 5. c. 21.
Settled Land Act, 1925	15 & 16 Geo. 5. c. 18.
Finance Act, 1928	18 & 19 Geo. 5. c. 17.
Government Annuities Act, 1929	19 & 20 Geo. 5. c. 29.
Betting and Lotteries Act, 1934	24 & 25 Geo. 6. c. 58.
Tithe Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 43.
Finance Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 54.
Finance Act, 1938	1 & 2 Geo. 6. c. 46.
National Loans Act, 1939	2 & 3 Geo. 6. c. 117.
Finance Act, 1940	3 & 4 Geo. 6. c. 29.
Finance (No. 2) Act, 1940	3 & 4 Geo. 6. c. 48.
Finance (No. 2) Act, 1945	9 & 10 Geo. 6. c. 13.
Finance Act, 1946	9 & 10 Geo. 6. c. 64.
Finance Act, 1947	10 & 11 Geo. 6. c. 35.
National Assistance Act, 1948	11 & 12 Geo. 6. c. 29.
Finance Act, 1948	11 & 12 Geo. 6. c. 49.
Gas Act, 1948	11 & 12 Geo. 6. c. 67.
Finance Act, 1949	12, 13 & 14 Geo. 6. c. 47.
Finance Act, 1951	14 & 15 Geo. 6. c. 43.
Tithe Act, 1951	14 & 15 Geo. 6. c. 62.
Finance Act, 1952	15 & 16 Geo. 6. c. 33.
Income Tax Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 10.
Customs and Excise Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.
Finance Act, 1953	1 & 2 Eliz. 2. c. 34.
Finance Act, 1954	2 & 3 Eliz. 2. c. 44.
Sugar Act, 1956	4 & 5 Eliz. 2. c. 48.
Finance Act, 1956	4 & 5 Eliz. 2. c. 54.
Finance Act, 1957	5 & 6 Eliz. 2. c. 49.
Import Duties Act, 1958	6 & 7 Eliz. 2. c. 6.
Prevention of Fraud (Investments) Act, 1958... ..	6 & 7 Eliz. 2. c. 45.
Finance Act, 1958	6 & 7 Eliz. 2. c. 56.
Finance Act, 1959	7 & 8 Eliz. 2. c. 58.
European Free Trade Association Act, 1960	8 & 9 Eliz. 2. c. 19.
Finance Act, 1960	8 & 9 Eliz. 2. c. 44.
Finance Act, 1961	9 & 10 Eliz. 2. c. 36.
Vehicles (Excise) Act, 1962	10 & 11 Eliz. 2. c. 13.

CHAPTER 45

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 sixty-three, and to appropriate the supplies granted in this Session of Parliament
[1st August, 1962]

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

GRANT OUT OF CONSOLIDATED FUND

Issue of
£3,402,234,997
out of the
Consolidated
Fund for the
service of the
year ending
31st March,
1963.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and sixty-three, the sum of three thousand, four hundred and two million, two hundred and thirty-four thousand, nine hundred and ninety-seven pounds.

Power for the
Treasury to
borrow.

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

40 & 41 Vict.
c. 2.

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

APPROPRIATION OF GRANTS

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 Her Majesty amounting, as appears by the said schedule, in the aggregate, to the sum of five thousand, eight hundred and fifty-one million, four hundred and nine thousand, four hundred and eighty-one pounds, eight shillings and ninepence 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.

Appropriation of sums voted for supply services.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

In addition to the 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.

54 & 55 Vict. c. 24.

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.

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.

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which

the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the 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.

Sanction for application of surpluses on certain Navy, Army and Air Votes for 1960-61.

8 & 9 Eliz. 2.
c. 45.

9 & 10 Eliz. 2.
c. 59.

Short title.

5. Whereas under the powers given for the purpose by the Appropriation Acts, 1960 and 1961, 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:

It is enacted that the application of those surpluses as shown in the said statements is hereby sanctioned.

6. This Act may be cited as the Appropriation Act, 1962.

ABSTRACT
OF
**SCHEDULES (A) and (B) to which this
Act refers**

SCHEDULE (A)

Section 3.

Grants out of the Consolidated Fund ... £5,851,409,481 8s. 9d.

SCHEDULE (B).—APPROPRIATION OF GRANTS

Section 3.

	Sums not exceeding			
	Supply Grants		Appropriations in Aid	
1960-61 and 1961-62	£	s. d.	£	s. d.
Part 1. Civil (Excesses), 1960-61	24,359	8 9 *	— 2,806	7 3
Part 2. Army (Supplementary), 1961-62 - - - - -	5,000,000	0 0	1,243,000	0 0
Part 3. Air (Supplementary), 1961-62 - - - - -	22,250,000	0 0	*— 5,250,000	0 0
Part 4. Civil and Revenue Departments (Supplementary), 1961-62 - - - - -	173,881,422	0 0	7,110,533	0 0
£	201,155,781	8 9	3,100,726	12 9

* Deficit.

SCHEDULE (B).—APPROPRIATION OF GRANTS—*continued*

	Sums not exceeding				
	Supply Grants		Appropriations in Aid		
	£	s. d.	£	s.	d.
1962-63					
Part 5. Ministry of Defence -	18,420,000	0 0	4,702,000	0 0	
Part 6. Navy - - - -	427,361,000	0 0	44,392,500	0 0	
Part 7. Army - - - -	526,720,100	0 0	60,850,000	0 0	
Army, War Office Purchasing (Repayment) Services - - - -		100 0 0	—		
Army, Royal Ordnance Factories - - - -	5,200,000	0 0	29,650,000	0 0	
Part 8. Air - - - -	558,900,000	0 0	64,470,100	0 0	
TOTAL, DEFENCE - -£	1,536,601,200	0 0	204,064,600	0 0	
Part 9. Civil, Class I - -	87,855,500	0 0	3,691,000	0 0	
Part 10. Civil, Class II - -	148,891,000	0 0	6,843,000	0 0	
Part 11. Civil, Class III - -	129,573,000	0 0	12,953,000	0 0	
Part 12. Civil, Class IV - -	653,245,000	0 0	77,307,000	0 0	
Part 13. Civil, Class V - -	400,800,000	0 0	20,780,000	0 0	
Part 14. Civil, Class VI - -	2,296,751,000	0 0	282,822,000	0 0	
Part 15. Civil, Class VII - -	183,886,000	0 0	42,370,000	0 0	
Part 16. Civil, Class VIII - -	6,372,000	0 0	304,800	0 0	
Part 17. Civil, Class IX - -	132,855,000	0 0	60,266,000	0 0	
Part 18. Civil, Class X - -	7,131,000	0 0	8,963,410	0 0	
Part 19. Civil, Class XI - -	66,293,000	0 0	3,250,300	0 0	
TOTAL, CIVIL - -£	4,113,652,500	0 0	519,550,510	0 0	
GRAND TOTAL - -£	5,851,409,481	8 9	726,715,836	12 9	

SCHEDULE (A)

GRANTS OUT OF THE CONSOLIDATED FUND

	£	s. d.
For the service of the year ended on the 31st day of March 1961—		
Under Act 10 & 11 Eliz. 2. c. 11	24,359	8 9
For the service of the year ended on the 31st day of March 1962—		
Under Act 10 & 11 Eliz. 2. c. 7	96,830,500	0 0
Under Act 10 & 11 Eliz. 2. c. 11	104,300,922	0 0
For the service of the year ending on the 31st day of March 1963—		
Under Act 10 & 11 Eliz. 2. c. 11	2,248,018,703	0 0
Under this Act	3,402,234,997	0 0
TOTAL	£5,851,409,481	8 9

SCHED. (B).
Part 1.
Civil
(Excesses),
1960-61.

SCHEDULE (B).—PART 1

CIVIL (EXCESSES), 1960-61

SUMS granted, and sum which may be applied as appropriations in aid in addition thereto, to make good excesses on certain grants for Civil Services for the year ended on the 31st day of March 1961, viz.:—

	Sums not exceeding					
	Supply Grants			Appropriations in Aid		
	£	s.	d.	£	s.	d.
CLASS II						
Vote						
2. Foreign Office Grants and Services	10	0	0	—		
CLASS X						
4. National Insurance and Family Allowances	24,349	8	9	*— 2,806	7	3
TOTAL, CIVIL (EXCESSES), 1960-61 £	24,359	8	9	*— 2,806	7	3

* Deficit.

SCHEDULE (B).—PART 2

SCHED. (B).
Part 2.
Army
(Supplementary),
1961-62.

ARMY (SUPPLEMENTARY), 1961-62

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 1962, viz. :—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote		
1. Pay, &c., of the Army - - - - -	4,000,000	320,000
2. Reserve Forces, Territorial Army and Cadet Forces - - - - -	Cr. 730,000	* - 370,000
3. War Office - - - - -	250,000	—
4. Civilians - - - - -	6,700,000	—
5. Movements - - - - -	1,820,000	£ 330,000
6. Supplies, &c. - - - - -	2,900,000	* - 150,000
7. Stores - - - - -	Cr. 4,160,000	2,110,000
8. Works, Buildings and Lands - - - - -	Cr. 6,280,000	* - 470,000
10. Non-Effective Services - - - - -	500,000	—
11. Additional Married Quarters - - - - -	—	* - 527,000
TOTAL, ARMY (SUPPLEMENTARY), 1961-62 - - - - -	£ 5,000,000	1,243,000

* Deficit

SCHED. (B).
Part 3.
Air
(Supple-
mentary),
1961-62.

SCHEDULE (B).—PART 3

AIR (SUPPLEMENTARY), 1961-62

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 1962, viz. :—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
Vote	£	£
1. Pay, &c., of the Air Force - - -	Cr. 840,000	100,000
2. Reserve and Auxiliary Services - - -	Cr. 70,000	—
3. Air Ministry - - - - -	400,000	—
4. Civilians at Outstations and the Meteorological Office - - - - -	2,750,000	100,000
5. Movements - - - - -	700,000	—
6. Supplies - - - - -	50,000	250,000
7. Aircraft and Stores - - - - -	17,200,000	*—1,800,000
8. Works and Lands - - - - -	750,000	*—2,700,000
9. Miscellaneous Effective Services - - -	700,000	*—800,000
10. Non-Effective Services - - - - -	610,000	—
11. Additional Married Quarters - - - -	—	*—400,000
TOTAL, AIR (SUPPLEMENTARY), 1961-62 - - - - -	£ 22,250,000	—5,250,000

* Deficit

SCHEDULE (B).—PART 4

SCHED. (B).
Part 4.
Civil and
Revenue
Departments
(Supple-
mentary),
1961-62.

CIVIL AND REVENUE DEPARTMENTS
(SUPPLEMENTARY), 1961-62

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 1962, viz. :—

Vote	CLASS I	Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
1.	For the salaries and expenses of the House of Lords - - - - -	13,770	2,414
2.	For the salaries and expenses of the House of Commons, including certain grants in aid - - - - -	28,995	—
3.	For the salaries and other expenses in the Department of Her Majesty's Treasury and subordinate departments, the additional salary payable to the Chancellor of the Duchy of Lancaster and the salaries and other expenses of his office arising from his responsibility for the co-ordination of official information, and the salary and expenses of the Minister without Portfolio - - - - -	158,000	14,000
8.	For the salaries and expenses of the Civil Service Commission - - - - -	21,250	7,370
10.	For the salaries and expenses of the Department of the Comptroller and Auditor General - - - - -	4,000	—
11.	For the salaries and expenses of the Registry of Friendly Societies - - - - -	10	2,838
12.	For the salaries and expenses of the Department of the Government Actuary - - - - -	10	500
15.	For the salaries and expenses of the National Debt Office and Pensions Commutation Board - - - - -	10	1,690
17.	For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - - - - -	10	852
18.	For the salaries of the establishment under the Public Works Loan Commission and the expenses of the Commission - - - - -	10	635
19.	For the salaries and other expenses of Royal Commissions, committees, special inquiries, &c., including provision for shorthand and a grant in aid - - - - -	40,000	—

SCHED. (B).
Part 4.
Civil and
Revenue
Departments
(Supple-
mentary),
1961-62.

SCHEDULE (B).—PART 4—*continued*

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CLASS II		
1. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Foreign Affairs, including Her Majesty's Missions and Consulates abroad, and the salaries of two Ministers of State - - - - -	389,665	*—34,670
2. For sundry grants and services connected with Her Majesty's Foreign Service, including subscriptions to international organisations and grants in aid - - -	574,598	—
5. For sundry Commonwealth services, including subscriptions to certain international organisations and certain grants in aid; the salaries and expenses of Pensions Appeal Tribunals in the Republic of Ireland; a grant to the Republic of Ireland in respect of compensation to transferred officers; and certain expenditure in connection with former Burma services - - - - -	10	*—19,130
8. For sundry Colonial services, including subscriptions to certain international organisations and grants in aid; certain expenditure in connection with the liabilities of the former Governments of Palestine and Cyprus; and certain non-effective services - - - - -	1,531,753	1,888
11. For certain expenses of the Commonwealth War Graves Commission, including purchase of land in the United Kingdom and a grant in aid - - -	47,635	—
12. For the salaries and expenses of the Department of Technical Co-operation, and for sundry foreign, Commonwealth and Colonial services, including a subscription to an international organisation, certain grants in aid and certain expenditure in respect of schemes made under the Colonial Development and Welfare Act - - - - -	1,950,118	185,137
CLASS III		
1. For the salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department and subordinate offices; grants towards the expenses of the probation of offenders and of magistrates' courts; expenses of inspection,		
		* Deficit

SCHEDULE (B).—PART 4—*continued*

SCHED. (B).
Part 4.
Civil and
Revenue
Departments
(Supple-
mentary),
1961-62.

Vote	CLASS III— <i>continued</i>	Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
	training, superannuation, &c., in connection with the fire services in England and Wales, and balances of grants in respect of expenditure incurred by fire authorities during 1958-59 and earlier years; certain grants in aid; legal aid in criminal cases; and sundry other services - - - - -	317,170	301,310
4.	For the salaries and expenses of the office of the Prison Commissioners and of prisons, borstal institutions, detention and remand centres in England and Wales - - - - -	155,000	170,000
5.	For grants in respect of the expenses of the managers of approved schools in England and Wales; grants towards the expenses of local authorities in respect of remand homes; balances of grant to local authorities in respect of their expenditure in 1958-59 and earlier years 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 - - - - -	125,000	11,000
6.	For the salaries and expenses of the Carlisle State Management District, including the cost of provision and management of licensed premises - - - - -	10	59,300
7.	For such of the salaries and expenses of the Supreme Court of Judicature, Court of Criminal Appeal and Courts-Martial Appeal Court as are not charged on the Consolidated Fund; the salaries and expenses of the Judge Advocate General and the Judge Advocate of the Fleet, Pensions Appeal Tribunals, the Lands Tribunal, the Restrictive Practices Court, and the Council on Tribunals; payments to jurors; trial of election petitions; fees to acting and deputy metropolitan magistrates, payments to the Chancery Court of the County Palatine of Durham and expenses in connection with certain Advisory Committees - - - - -	10	109,019
11.	For the salaries and expenses of the office of Public Trustee - - - - -	10	23,990

SCHED. (B).
Part 4.
Civil and
Revenue
Departments
(Supple-
mentary),
1961-62.

SCHEDULE (B).—PART 4—*continued*

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
<i>CLASS III—continued</i>		
12. For the salaries and expenses of the Law Officers' Department; the salaries and expenses of the Department of Her Majesty's Procurator - General and Solicitor for the Affairs of Her 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 - - - - -	8,000	24,000
13. For certain miscellaneous legal expenses -	4,500	—
17. For grants in respect of the expenses of the managers of approved schools in Scotland; grants towards the expenses of local authorities in respect of remand homes; balances of grant to local authorities in respect of their expenditure in 1958-59 and earlier years 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 - - - - -	43,000	2,600
18. For the salaries and expenses of the State Management Districts in Scotland, including the cost of provision and management of licensed premises -	10	15,590
19. For the salaries and expenses of the Lord Advocate's Department and other law charges, including the provision of free legal assistance, a scheme of diligence payments, and the salaries and expenses of the Courts of Law and Justice, of the office of the Scottish Land Court and of Pensions Appeal Tribunals - - - - -	10	15,740
20. For the salaries and expenses of the Department of the Registers of Scotland - -	10	3,670
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, trial of election petitions and a grant in aid -	10	1,710

SCHEDULE (B).—PART 4—continued

SCHED. (B).
Part 4.
Civil and
Revenue
Departments
(Supple-
mentary),
1961-62.

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CLASS IV		
1. For the salaries and expenses of the Ministry of Education, and of the various establishments connected therewith, including sundry grants in aid, subscriptions to international organisations, grants in connection with physical training and recreation, and grants to approved associations for youth welfare	628,000	200,000
2. For the salaries and expenses of the British Museum, including a grant in aid - - - - -	10	13,990
4. For the salaries and expenses of the Imperial War Museum, including a grant in aid - - - - -	10	4,570
5. For the salaries and expenses of the London Museum, including a grant in aid - - - - -	2,175	95
6. For the salaries and expenses of the National Gallery, including a grant in aid - - - - -	50,700	3,000
7. For the salaries and expenses of the Tate Gallery, including a grant in aid - - - - -	20,640	2,410
8. For the salaries and expenses of the National Maritime Museum, including a grant in aid - - - - -	1,710	65
9. For the salaries and expenses of the National Portrait Gallery, including a grant in aid - - - - -	1,100	300
10. For the salaries and expenses of the Wallace Collection - - - - -	2,243	—
11. For grants in aid of certain institutions and bodies concerned with science, learning and the arts, and for other services in connection therewith - - - - -	33,000	—
12. For a grant in aid of the expenses of, and for loans to, universities, colleges, &c., in Great Britain; for a grant to universities in respect of the cost of certain medical and dental school accommodation; and for the cost of certain post-graduate studentships - - - - -	2,100,000	—
13. For grants to and grants in aid of the British Broadcasting Corporation, and for paying the Postmaster General for discharging his functions in relation to Broadcasting - - - - -	10	19,000

SCHED. (B).
Part 4.
Civil and
Revenue
Departments
(Supple-
mentary),
1961-62.

SCHEDULE (B).—PART 4—*continued*

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CLASS V		
1. For the salaries and expenses of the Office of the Minister of Housing and Local Government and Minister for Welsh Affairs, and the salary and expenses of the Minister of State for Welsh Affairs; the salaries and expenses of Rent Control Tribunals, Local Valuation Panels and Courts, the Local Government Commissions for England and Wales, and the National Parks Commission; the remuneration of the Commission for the New Towns; grants and other expenses in connection with water supply, sewerage, coast protection, flood emergency, abating the pollution of the air, and certain civil defence services; grants and other payments in connection with planning and re-development, town development, new towns, national parks, &c.; a contribution to the Ironstone Restoration Fund; expenses in connection with the safe disposal or accumulation of radioactive waste; grants in aid and sundry other services - - - -	50,010	82,100
2. For grants and other payments relating to the provision, reconditioning, maintenance and improvement of housing accommodation, and services in relation to emergency housing, in England and Wales - - - -	912,840	10
3. For general grants, rate-deficiency grants and exchequer equalisation grants to local authorities in England and Wales -	15,322,000	—
4. For the salaries and expenses of the Ministry of Health; expenses in connection with welfare food services and food hygiene; expenditure on the Polish health services; port health administration; residential accommodation for the aged, infirm, &c.; purchases on repayment for other Government Departments; and sundry other services including a subscription to the World Health Organisation - - - -	1,211,630	*—885,040

* Deficit

SCHEDULE (B).—PART 4—*continued*

SCHED. (B).
Part 4.
Civil and
Revenue
Departments
(Supple-
mentary),
1961-62.

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CLASS V—<i>continued</i>		
Vote		
5. For the provision of national health services for England and Wales and other services connected therewith, including payments to Northern Ireland and the Isle of Man, medical services for pensioners, &c., disabled as a result of war, or of service in the Armed Forces after the 2nd day of September 1939, certain training arrangements including certain grants in aid, the purchase of appliances, equipment, stores, &c., necessary for the services, and certain expenses in connection with civil defence - - - -	16,546,000	*—250,000
6. For a grant in aid of the Medical Research Council - - - - -	47,500	—
10. For the provision of national health services for Scotland and other services connected therewith, including medical services for pensioners, &c., disabled as a result of war, or of service in the Armed Forces after the 2nd day of September 1939, certain training arrangements, the purchase of appliances, equipment, stores, &c. necessary for the services, certain expenses in connection with civil defence, and sundry other services - - - -	2,372,000	*—196,000
CLASS VI		
1. For the salaries and expenses of the office of the Committee of Privy Council for Trade and subordinate departments, the Monopolies Commission, and the Performing Right Tribunal - - - -	377,200	91,450
4. For the promotion of local employment -	3,989,500	*—70,000
8. For the salaries and expenses of the Ministry of Labour, including expenses in connection with employment exchanges and the inspection of factories; expenses, including grants and loans, in connection with employment services, training, transfer, rehabilitation and resettlement; a grant in aid of the Industrial Training Council Service; expenses in connection with national service; repayment of loan charges in respect of employment schemes; expenses of the Industrial Court; a subscription to the International Labour Organisation; and sundry other services - - - -	230,000	*—263,440

* Deficit

SCHED. (B).
Part 4.
Civil and
Revenue
Departments
(Supple-
mentary),
1961-62.

SCHEDULE (B).—PART 4—continued

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CLASS VI—continued		
Vote		
9. For the salaries and expenses of the Ministry of Aviation for the administration of supply (including research and development, production, inspection, storage, disposal and capital and ancillary services related thereto); for administrative services in connection with civil aviation (including the salaries and expenses of the Air Transport Licensing Board and the Air Transport Advisory Council) and the aircraft, light metals and electronics industries; and for miscellaneous services, including a grant in aid - - - - -	12,400,000	4,000,000
10. For the construction, maintenance and operation of aerodromes and other services in connection with civil aviation, including a subscription to an international organisation and certain grants and subsidies - - - - -	10	949,990
CLASS VII		
1. For the salaries and expenses of the Ministry of Works - - - - -	680,000	*—300,000
3. For expenditure in respect of sundry public buildings in the United Kingdom, including a grant in aid, and sundry other services - - - - -	700,000	*—675,000
3B. To defray the cost of a memorial to the memory of the late Viscount Trenchard	367	—
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 certain public buildings occupied in part, on repayment, by non-Exchequer bodies; 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 - - - - -	360,000	377,000
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 - - - - -	2,416,010	1,617,000
10. For the salaries and expenses of the Central Office of Information - - - - -	425,000	*—155,950

* Deficit

SCHEDULE (B).—PART 4—*continued*

SCHED. (B).
Part 4.
Civil and
Revenue
Departments
(Supple-
mentary),
1961-62.

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
CLASS VIII		
Vote	£	£
1. For the salaries and expenses of the Ministry of Agriculture, Fisheries and Food; of the Agricultural Land Commission; of the Royal Botanic Gardens, Kew; and of the White Fish Authority and the Scottish Committee thereof -	558,300	31,700
2. For the Ministry of Agriculture, Fisheries and Food for grants and subsidies to farmers and others for the encouragement of food production and the improvement of agriculture; for payments and services in implementation of agricultural price guarantees; and for certain other services including a payment to the Exchequer of Northern Ireland - -	65,209,000	—
3. For the Ministry of Agriculture, Fisheries and Food for grants, grants in aid and expenses in connection with agricultural and food services; including land drainage and rehabilitation of land damaged by flood and tempest; purchase, development and management of land, including land settlement and provision of smallholdings; services in connection with livestock, and compensation for slaughter of diseased animals; provision and operation of machinery; training and supplementary labour schemes; control of pests; education, research and advisory services; marketing; agricultural credits; horticulture; certain trading services; subscriptions to international organisations; and sundry other services including certain expenses in connection with civil defence - - - -	3,259,473	247,000
7. For a grant in aid of the Agricultural Research Fund - - - -	32,000	—
10. For a grant in aid of the Forestry Fund -	620,000	—
11. For the salaries and expenses of the Department of Agriculture and Fisheries for Scotland, the Crofters Commission and the Red Deer Commission, for grants and subsidies to farmers and others for the encouragement of food production and the improvement of agriculture; for certain payments in implementation of agricultural price guarantees; and for grants, grants in		

SCHED. (B).
Part 4.
Civil and
Revenue
Departments
(Supple-
mentary),
1961-62.

SCHEDULE (B).—PART 4—*continued*

Vote	CLASS VIII— <i>continued</i>	Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
	aid and expenses in connection with services to agriculture; including land drainage and flood services; purchase, improvement and management of land; land settlement; marine works in the congested districts; services in connection with livestock and compensation for slaughter of diseased animals; provision and operation of machinery; training and labour schemes; control of pests; agricultural education, research and advisory services; marketing; agricultural credits; expenses including subsidies in connection with certain transport services; and sundry other services - - - - -	12,953,500	*—9,000
12.	For Scottish fisheries and the United Kingdom herring industry: including the salaries and expenses of the fisheries staff of the Department of Agriculture and Fisheries for Scotland, and of the Herring Industry Board and Advisory Council; grants, loans and expenses in connection with assistance to fishermen, fishery protection, research and development relating to fisheries and fish marketing, and the construction, improvement, maintenance and repair of harbours and fishing facilities; Outer Hebrides fisheries training scheme; and a grant in aid of the Herring Marketing Fund - - - - -	98,000	*—3,000
	CLASS IX		
	1. For the salaries and expenses of the Ministry of Transport, including the salaries and expenses of the Coastguard, the Transport Tribunal, and the Inland Waterways Redevelopment Committee, subscriptions to international organisations, and sundry other services - - -	435,930	9,260
	3. For the expenditure of the Ministry of Transport in grant to the British Transport Commission in respect of the Commission's net deficits on revenue account	23,000,000	—
	7. For the salaries and expenses of the Office of the Minister for Science - - - - -	2,970	*—430

* Deficit

SCHEDULE (B).—PART 4—continued

SCHED. (B).
Part 4.
Civil and
Revenue
Departments
(Supple-
mentary)
1961-62

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CLASS X		
Vote		
2. For the salaries and expenses of the Ministry of Pensions and National Insurance, including certain expenses in connection with national insurance, industrial injuries insurance, family allowances, workmen's compensation, war pensions, a subscription to an international organisation and sundry other services - - - - -	263,000	912,000
REVENUE DEPARTMENTS		
1. For the salaries and expenses of the Customs and Excise Department, including a subscription to an international organisation - - - - -	365,000	203,000
2. For the salaries and expenses of the Inland Revenue Department - - - - -	792,000	253,000
TOTAL, CIVIL AND REVENUE DEPARTMENTS (SUPPLEMENTARY), 1961-62 £	173,881,422	7,110,533

SCHED. (B).
Part 5.
Ministry of
Defence,
1962-63.

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 1963, 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, including international subscriptions; and certain grants in aid - - - - -	18,420,000	4,702,000

SCHEDULE (B).—PART 6

SCHED. (B).
Part 6.
Navy,
1962-63.

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 1963, including provision for officers, seamen, juniors and Royal Marines, and members of the Women's Royal Naval Service and Queen Alexandra's Royal Naval Nursing Service, to a number not exceeding 100,000, in addition to reserve forces, viz. :—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the pay, &c., of the Royal Navy and Royal Marines (including a Supplementary sum of £2,974,000) - - -	72,107,000	1,390,000
2. For victualling and clothing for the Navy, including the cost of victualling establishments at home and abroad (including a Supplementary sum of £13,000) -	15,049,000	2,825,000
3. For medical services, including the cost of medical establishments at home and abroad (including a Supplementary sum of £55,000) - - - - -	1,566,000	36,000
4. For civilians employed on fleet services (including a Supplementary sum of £207,000) - - - - -	8,777,000	32,000
5. For educational services (including a Supplementary sum of £22,000) - -	1,952,000	173,000
6. For scientific services, including a grant in aid to the National Institute of Oceanography, and a subscription to the International Hydrographic Bureau (including a Supplementary sum of £206,000)	24,206,000	2,430,000
7. For the Royal Naval Reserve and the Royal Fleet Reserve, &c. (including a Supplementary sum of £28,000) - - -	1,252,000	500
8. Section I.—For the personnel for ship-building, repairs, maintenance, &c., including the cost of establishments of dockyards and naval yards at home and abroad (including a Supplementary sum of £643,000) - - - - -	48,906,000	246,000
8. Section II.—For the matériel for ship-building, repairs, maintenance, &c., including the cost of establishments of dockyards and naval yards at home and abroad (including a Supplementary sum of £2,000) - - - - -	71,273,000	16,703,000

SCHED. (B)
Part 6.
Navy,
1962-63.

SCHEDULE (B).—PART 6—*continued*

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
<i>NAVY—continued</i>		
8. Section III.—For contract work on ship-building, repairs, maintenance, &c. (including a Supplementary sum of £105,000) - - - - -	91,627,000	6,580,000
9. For naval armaments (including a Supplementary sum of £157,000) - - - - -	25,553,000	5,100,000
10. For works, buildings, machinery and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants and other charges connected therewith (including a Supplementary sum of £155,000) - - - - -	21,385,000	4,475,000
11. For various miscellaneous effective services (including a Supplementary sum of £3,000)- - - - -	12,770,900	3,000,000
12. For the Admiralty Office (including a Supplementary sum of £337,000) - - - - -	11,073,000	40,000
13. For non-effective services (including a Supplementary sum of £181,000) - - - - -	19,864,000	62,000
14. For certain additional married quarters at home - - - - -	100	1,300,000
TOTAL, NAVY SERVICES - - - - -	£ 427,361,000	44,392,500

SCHEDULE (B).—PART 7

SCHED. (B).
Part 7.
Army,
1962-63.

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 1963, including provision for Land Forces to a number not exceeding 252,000, all ranks, in addition to the Reserve Forces, Territorial Army, Cadet Forces and Malta Territorial Force, viz.:—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote		
1. For the pay, &c., of the Army (including a Supplementary sum of £5,350,000) -	138,430,000	7,080,000
2. For the Reserve Forces (to a number not exceeding 240,000 all ranks, including a number not exceeding 233,000 other ranks), Territorial Army (to a number not exceeding 225,000 all ranks), Cadet Forces and Malta Territorial Force -	19,990,000	1,640,000
3. For the salaries, wages, &c., of the civilian staff of the War Office (including a Supplementary sum of £230,000) - -	7,120,000	50,000
4. For civilians (including a Supplementary sum of £2,170,000) - - - -	120,850,000	1,475,000
5. For movements - - - - -	27,890,000	1,330,000
6. For supplies, &c. - - - - -	41,360,000	8,230,000
7. For stores (including stores for research, design and development projects and inspection, disposal and certain capital and ancillary services relating thereto)	78,500,000	19,500,000
8. For works, buildings and lands - -	48,300,000	12,980,000
9. For miscellaneous effective services, including grants in aid - - - -	9,930,000	4,870,000
10. For non-effective services (including a Supplementary sum of £250,000) - -	34,350,000	295,000
11. For certain additional married quarters -	100	3,400,000
TOTAL, ARMY SERVICES - - - -	£526,720,100	60,850,000
Army, War Office Purchasing (Repayment) Services.		
For expenditure incurred by the War Office on the supply of munitions, common-user and other articles for the Government service, and on miscellaneous supply - - - - -	100	—
Army, Royal Ordnance Factories.		
For the expense of operating the Royal Ordnance Factories - - - -	5,200,000	29,650,000

SCHED. (B).
Part 8.
Air,
1962-63.

SCHEDULE (B).—PART 8

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 1963, including provision for officers, airmen and airwomen for Air Force Service to a number not exceeding 154,000, 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 (including a Supplementary sum of £4,750,000)	123,930,000	4,510,000
2. For the reserve and auxiliary services (to a number not exceeding 87,350, all ranks, for the Royal Air Force Reserve, and 2,200, all ranks, for the Royal Auxiliary Air Force) - - - - -	679,900	225,100
3. For the salaries, wages, &c., of civilian staff of the Air Ministry (including a Supplementary sum of £210,000) - - -	6,060,000	290,000
4. For the salaries, wages, &c., of civilians at outstations and the Meteorological Office (including a Supplementary sum of £1,570,000) - - - - -	46,070,000	5,190,000
5. For movements - - - - -	14,200,000	2,420,000
6. For supplies - - - - -	64,300,000	6,870,000
7. For aircraft and stores - - - - -	242,000,000	18,500,000
8. For works and lands - - - - -	42,300,000	20,570,000
9. For miscellaneous effective services, including certain grants in aid and a subscription to the World Meteorological Organisation - - - - -	5,720,000	3,865,000
10. For non-effective services (including a Supplementary sum of £220,000) - - -	13,640,000	130,000
11. For certain additional married quarters - - -	100	1,900,000
TOTAL, AIR SERVICES - - - - -	£558,900,000	64,470,100

SCHEDULE (B).—PART 9

SCHED. (B).
Part 9.
Civil.
Class I.
1962-63.

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 1963, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the House of Lords - - - - -	267,000	23,000
2. For the salaries and expenses of the House of Commons, including certain grants in aid - - - - -	1,674,000	6,000
3. For the salaries and expenses of the Department of Her Majesty's Treasury and subordinate departments and of the Lord Privy Seal, the Chancellor of the Duchy of Lancaster and the Minister without Portfolio - - - - -	3,974,000	217,000
4. For the salaries and expenses of the Department of Her Majesty's Most Honourable Privy Council - - - - -	48,000	3,000
5. For the salaries of Post Office Ministers - - - - -	7,500	—
6. For the salaries and expenses of the Customs and Excise Department including a subscription to an international organisation - - - - -	20,833,000	1,364,000
7. For the salaries and expenses of the Inland Revenue Department - - - - -	59,298,000	1,781,000
8. For the salaries and expenses of the Department of the Comptroller and Auditor General - - - - -	638,000	140,000
9. For the salaries and expenses of the Civil Service Commission - - - - -	622,000	157,000
10. For the salaries and expenses of Royal Commissions, committees, special enquiries, shorthand reporting, &c., and for a grant in aid - - - - -	494,000	—
TOTAL, CIVIL, CLASS I - - - - -	87,855,500	3,691,000

SCHED. (B).
Part 10.
Civil.
Class II.
1962-63.

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 1963, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Foreign Affairs; for sundry services; and for certain grants in aid (including a Supplementary sum of £50,000) - - - - -	23,155,000	3,163,000
2. For sundry grants and services connected with Her Majesty's Foreign Service, including subscriptions to certain international organisations and certain grants in aid (including a Supplementary sum of £90,000) - - - - -	18,803,000	2,000
3. For a grant in aid of the British Council - - - - -	3,952,000	—
4. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Commonwealth Relations; for sundry services; and for certain grants in aid (Revised sum) (including a Supplementary sum of £245,000) - - - - -	9,725,000	149,000
5. For sundry Commonwealth services, including subscriptions to certain international organisations and certain grants in aid (including a Supplementary sum of £4,178,000) - - - - -	14,845,000	—
6. For schemes made under the Colonial Development and Welfare Act, 1959, for development in Central Africa (Revised sum) - - - - -	2,075,000	—
7. For the salaries and expenses of the Department of Her Majesty's Secretary of State for the Colonies; for sundry services; and for grants in aid (Revised sum) (including a Supplementary sum of £240,000) - - - - -	9,284,000	1,145,000
8. For sundry Colonial Services including subscriptions to certain international organisations and certain grants in aid (Revised sum) (including a Supplementary sum of £1,263,000) - - - - -	14,683,000	75,000
9. For schemes made under the Colonial Development and Welfare Act, 1959, for development in territories for which the Colonial Office is responsible (Revised sum) - - - - -	21,000,000	—

SCHEDULE (B).—PART 10—*continued*

SCHED. (B).
Part 10.
Civil.
Class II.
1962-63.

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CLASS II—<i>continued</i>		
Vote		
10. For the salaries and expenses of the Department of the Secretary for Technical Co-operation; for sundry foreign, Commonwealth and Colonial services; for a subscription to an international organisation; for certain grants in aid; and for certain expenditure on schemes made under the Colonial Development and Welfare Act - - - - -	28,398,000	2,292,000
11. For a grant in aid of the Commonwealth War Graves Commission and certain other expenses - - - - -	1,175,000	—
12. For the salaries and expenses of the Central African Office; for sundry services; a loan, and grants in aid - - - - -	1,796,000	17,000
TOTAL, CIVIL, CLASS II - - - - -£	148,891,000	6,843,000

SCHED. (B).
Part 11.
Civil.
Class III.
1962-63.

SCHEDULE (B).—PART 11

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 1963, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department; expenses and grants in connection with certain law, fire and sundry other services; and certain grants in aid - - - - -	8,642,000	2,556,000
2A. For the salaries and expenses of the Office of the Secretary of State for Scotland, and of the Scottish Home Department (Revised sum) - - - - -	149,000	—
2B. For the salaries and expenses of the Office of the Secretary of State for Scotland and of the Scottish Home and Health Department; for a grant to the Legal Aid (Scotland) Fund; for expenses in connection with fire, probation and sundry other services; and for grants in aid (Revised sum) - - - - -	1,627,000	178,000
3. For grants and expenses in connection with civil defence and certain remanet expenditure - - - - -	10,914,000	300,000
4. For grants and expenses in connection with civil defence in Scotland and certain remanet expenditure - - - - -	1,220,000	67,000
5. For grants in respect of expenditure incurred by police authorities in England and Wales, expenses in connection with the police services and a subscription to an international organisation - - - - -	67,237,000	510,000
6. For grants in respect of expenditure incurred by police authorities in Scotland, and expenses in connection with the police services - - - - -	7,057,000	16,000
7. For the salaries and expenses of the office of the Prison Commissioners and of prisons, borstal institutions, detention and remand centres in England and Wales - - - - -	21,477,000	1,685,000

SCHEDULE (B).—PART 11—*continued*

SCHED. (B).
Part 11.
Civil.
Class III.
1962-63.

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CLASS III—<i>continued</i>		
8. For salaries and expenses in connection with the administration of Scottish prisons, borstal institutions, detention and remand centres - - - -	1,965,000	252,000
9. For grants and expenses in England and Wales in respect of approved schools, remand homes and voluntary homes, and for training in child care - -	4,247,000	155,000
10. For grants and expenses in Scotland in respect of approved schools, remand homes and voluntary homes, and for training in child care - - - -	560,000	12,000
11. For such of the salaries and expenses of the Supreme Court of Judicature, Court of Criminal Appeal and Courts-Martial Appeal Court as are not charged on the Consolidated Fund; the salaries and expenses of the Judge Advocate General and Judge Advocate of the Fleet, Pensions Appeal Tribunals, the Lands Tribunal, the Restrictive Practices Court and Council on Tribunals and certain other expenses - - - -	1,000	2,713,000
12. For the salaries and expenses of the County Courts - - - - -	493,000	3,873,000
13. For a grant to the Legal Aid Fund - -	2,544,000	—
14. For the salaries and expenses of the Law Officers' Department, the Department of Her Majesty's Procurator-General and Solicitor for the Affairs of Her Majesty's Treasury and the Department of the Director of Public Prosecutions; for the costs of prosecutions and other legal proceedings and of Parliamentary Agency - - - - -	849,000	247,000
15. For the salaries and expenses of the Lord Advocate's Department, of the Courts of Law and Justice, and of the Courts, Tribunals, &c.; and for sundry services	500,000	360,000
16. 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 Appeals in Northern Ireland and certain other expenses including a grant in aid - - - -	91,000	29,000
TOTAL, CIVIL, CLASS III - - - -	129,573,000	12,953,000

SCHED. (B).
Part 12.
Civil.
Class IV.
1962-63.

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 1963, 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 and agencies - - - - -	6,459,000	3,076,000
2. For the expenditure of the Board of Trade on the promotion of trade, exports and industrial efficiency, and on trading and other services, including subscriptions to international organisations and grants in aid - - - - -	6,904,000	47,000
3. For the promotion of local employment -	41,001,000	132,000
4. For the salaries and expenses of the Export Credits Guarantee Department, including a subscription to an international organisation, and for payments under guarantees given after consultation with the Export Guarantees Advisory Council	1,000	7,182,000
5. For payments under Special Guarantees given or arising from other arrangements made by the Board of Trade in the national interest - - - - -	1,000	99,000
6. For the salaries and expenses of the Ministry of Labour including those relating to the Employment Exchange service and the inspection of factories; for expenses, grants and loans in connection with employment, training, rehabilitation, &c.; for expenses of the Industrial Court; for a subscription to the International Labour Organisation; for a grant in aid and sundry other services - - - - -	24,174,000	4,920,000
7. For the salaries and expenses of the Ministry of Aviation for the administration of supply (including research, development and inspection), and of civil aviation; for contributions to two international organisations, a grant in aid and sundry other services - -	231,900,000	36,700,000

SCHEDULE (B).—PART 12—*continued*

SCHED. (B).
Part 12.
Civil.
Class IV.
1962-63.

		Sums not exceeding	
		Supply Grants	Appropriations in Aid
CLASS IV— <i>continued</i>		£	£
Vote			
8.	For expenditure by the Ministry of Aviation on the supply of aircraft and other equipment for the Government service and on miscellaneous supply - - -	28,000,000	—
9.	For the construction, maintenance and operation of civil aerodromes, for civil air navigational services and for a subscription to Eurocontrol - - -	8,750,000	13,850,000
10.	For the salaries and expenses of the Ministry of Transport, the Coastguard, certain Tribunals and Committees and sundry other services including subscriptions to international organisations - -	4,129,000	4,784,000
11.	For expenditure, including grants and loans to highway, &c., authorities on the construction, improvement and maintenance of roads, &c., in England and Wales and sundry services connected therewith; for expenditure on the collection of motor vehicle duties, &c., and the registration of motor vehicles in Great Britain; for road research and safety; and for sundry other services - - - - -	133,550,000	4,373,000
12.†	For expenditure, including grants and loans to highway, &c., authorities, on the construction and maintenance of roads, &c., in Scotland and sundry services connected therewith; and for certain other services - - - - -	18,217,000	35,000
13.	For miscellaneous services connected with shipping, seamen, inland transport and ports, including the repair of damage by flood and tempest and certain special and other services- - - - -	1,021,000	305,000
14A.	For the expenditure of the Ministry of Transport in grant to the British Transport Commission in respect of the Commission's deficits on revenue account - - - - -	130,000,000	—
14B.	For the expenditure of the Ministry of Transport in grant to the public authorities succeeding to the British Transport Commission's railways and inland waterways functions in respect of deficits on their revenue accounts - - - -	16,125,000	—
15.	For the salaries and expenses of the Ministry of Power; for expenditure on oil storage and distribution; and for sundry other services - - - - -	3,013,000	1,804,000
TOTAL, CIVIL, CLASS IV - - - -		653,245,000	77,307,000

SCHED. (B).
Part 13.
Civil.
Class V.
1962-63.

SCHEDULE (B).—PART 13

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 1963, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the Ministry of Agriculture, Fisheries and Food; of the Agricultural Land Commission; of the Royal Botanic Gardens, Kew; and of the White Fish Authority and Scottish Committee - - -	22,252,000	383,000
2. For the salaries and expenses of the Department of Agriculture and Fisheries for Scotland; for expenditure in connection with sundry agricultural, food and transport and harbour services, including grants and grants in aid- - -	7,976,000	1,062,000
3. For expenditure by the Ministry of Agriculture, Fisheries and Food on grants and subsidies for the encouragement of food production and the improvement of agriculture and for sundry other services -	93,683,000	6,000
4. For expenditure by the Department of Agriculture and Fisheries for Scotland on grants and subsidies for the encouragement of food production and the improvement of agriculture - - -	13,581,000	—
5. For expenditure by the Ministry of Agriculture, Fisheries and Food in implementation of agricultural price guarantees and for sundry other services	197,524,000	6,000
6. For expenditure by the Department of Agriculture and Fisheries for Scotland in implementation of agricultural price guarantees - - - - -	28,173,000	—
7. For expenditure by the Ministry of Agriculture, Fisheries and Food on expenditure in connection with sundry agricultural and food services including grants, grants in aid and certain subscriptions to international organisations	14,836,000	7,594,000

SCHEDULE (B).—PART 13—*continued*

SCHED. (B).
Part 13.
Civil.
Class V.
1962-63.

CLASS V— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
Vote	£	£
8. For expenditure by the Ministry of Agriculture, Fisheries and Food in connection with the procurement and maintenance of strategic reserves - -	2,274,000	11,700,000
9. For grants, loans and expenses in connection with assistance to fishermen; grants and loans to the White Fish Authority; expenditure on research and development relating to fisheries and fish marketing and on the construction, improvement and maintenance of harbours and fishing facilities; subscriptions to certain international organisations and a grant in aid of the White Fish Marketing Fund- - -	6,394,000	6,000
10. In connection with Scottish fisheries and the United Kingdom herring industry for grants, loans and expenses in connection with assistance to fishermen, fishery protection, research and development relating to fisheries and fish marketing and the construction, improvement and maintenance of harbours and fishing facilities; and a grant in aid of the Herring Marketing Fund - - -	2,642,000	23,000
11. For a grant in aid of the Forestry Fund -	11,465,000	—
TOTAL, CIVIL, CLASS V - - -	400,800,000	20,780,000

SCHED. (B).
Part 14.
Civil.
Class VI.
1962-63.

SCHEDULE (B).—PART 14

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 1963, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the offices of the Minister of Housing and Local Government and Minister for Welsh Affairs and of the Minister of State for Welsh Affairs; grants and expenses in connection with water supply, sewerage, coast protection, flood emergency, abating the pollution of the air, planning and redevelopment, new towns, national parks and sundry other services and a grant in aid - - - - -	16,331,000	833,000
2. For grants and other payments relating to the provision, improvement and repair of permanent and temporary housing accommodation, and to emergency housing services in England and Wales -	72,639,000	1,715,000
3. For grants and other payments relating to the provision, improvement and repair of permanent and temporary housing accommodation, and to emergency housing services, in Scotland - -	18,375,000	350,000
4. For general grants to local authorities in England and Wales (including a Supplementary sum of £5,457,000) - - -	521,571,000	—
5. For general grants to local authorities in Scotland - - - - -	62,585,000	—
6. For rate deficiency and exchequer equalisation grants to local authorities in England and Wales - - - - -	116,250,000	—
7. For equalisation and transitional grants to local authorities in Scotland - - -	20,230,000	—
8. For the salaries and expenses of the Ministry of Education; for grants and grants in aid in connection with education, &c., for sundry services; and for subscriptions to certain international organisations - - - - -	114,481,000	55,000
9. For the salaries and expenses of the Scottish Education Department; for grants and grants in aid in connection with education, &c.; and for sundry services (including a Supplementary sum of £1,075,000) - - - - -	21,047,000	18,000

SCHEDULE (B).—PART 14—continued

SCHED. (B).
Part 14.
Civil.
Class VI.
1962-63.

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
<i>CLASS VI—continued</i>		
10. For expenditure by the Ministry of Education on superannuation allowances and gratuities, &c., in respect of teachers -	1,000	36,232,000
11. For expenditure by the Scottish Education Department on superannuation allowances and gratuities, &c., in respect of teachers - - - - -	1,000	5,349,000
12. For the salaries and expenses of the Ministry of Health; for the expenses of certain committees, &c.; and for sundry services - - - - -	3,758,000	2,513,000
13A. For the salaries and expenses of the Department of Health for Scotland, and of the General Board of Control for Scotland (Revised sum) - - -	220,000	—
13B. For the salaries and expenses of the Scottish Development Department; for grants and expenses in connection with planning and redevelopment, water and sewerage, coast protection and sundry other services, including a grant in aid (Revised sum) - - - - -	2,510,000	7,000
14. For the provision of hospitals, &c., services under the national health services in England and Wales - - - - -	405,461,000	109,749,000
15. For the provision of Executive Councils' services under the national health services in England and Wales - - -	170,227,000	44,805,000
16. For the provision of certain miscellaneous services under the national health services, in England and Wales, including a subscription to the World Health Organisation and certain grants in aid	38,607,000	1,882,000
17. For expenditure by the Ministry of Health on pensions, allowances, gratuities, &c., payable under Section 6 (6) of the National Health Service Act, 1946, or under Regulations made under Section 67 of that Act; and certain payments to the National Insurance Fund - - -	1,000	17,074,000
18. For the provision of national health services in Scotland and other health and welfare services - - - - -	77,956,000	17,417,000
19. For expenditure by the Department of Health for Scotland on pensions, allowances and gratuities, &c., payable under Section 6 (8) of the National Health Service (Scotland) Act, 1947, or under Regulations under Section 66 of that Act; and certain payments to the National Insurance Fund - - -	1,000	1,854,000

SCHED. (B).
Part 14.
Civil.
Class VI.
1962-63.

SCHEDULE (B).—PART 14—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CLASS VI—<i>continued</i>		
Vote		
20. For the salaries and expenses of the Ministry of Pensions and National Insurance, including appellate, advisory and sundry other services and a subscription to an international organisation	7,546,000	38,687,000
21. For sums payable by the Exchequer to the National Insurance Fund and the Industrial Injuries Fund - - - -	201,600,000	—
22. For payments in respect of family allowances - - - - -	135,227,000	23,000
23. For the salaries and expenses of the Department of the National Assistance Board and of certain Appeal Tribunals; assistance grants, &c.; non-contributory old age pensions, including pensions to blind persons; and sundry other services	187,614,000	3,600,000
24. For payments in respect of pensions, gratuities and allowances for disablement or death arising out of war, or service in the Armed Forces after the 2nd day of September 1939, and for sundry other services, including national service grants	102,512,000	659,000
TOTAL, CIVIL, CLASS VI-	-£2,296,751,000	282,822,000

SCHEDULE (B).—PART 15

SCHED. (B).
Part 15.
Civil.
Class VII.
1962-63.

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 1963, viz.:—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
Vote	£	£
1. For grants in aid and a grant towards the expenses of, and for loans to, universities, colleges, &c., and for certain post-graduate studentships (including a Supplementary sum of £5,819,000) - - -	84,323,000	—
2. For the salaries and expenses of the Office of the Minister for Science (including a Supplementary sum of £28,000) - - -	134,000	2,250
3. For payments towards meeting the expenses of the United Kingdom Atomic Energy Authority, and for subscriptions to international organisations - - -	68,113,000	40,248,000
4. For the salaries and expenses of the Department of Scientific and Industrial Research, including certain subscriptions to international organisations - - -	18,100,000	2,119,000
5. For a grant in aid of the Medical Research Council - - - - -	5,842,000	—
6. For a grant in aid of the Agricultural Research Council - - - - -	6,495,000	—
7. For a grant in aid of the Nature Conservancy - - - - -	590,000	—
8. For grants in aid of certain institutions and bodies concerned with science and for services connected therewith - - -	289,000	750
TOTAL CIVIL, CLASS VII - - -£	183,886,000	42,370,000

SCHED. (B).
Part 16.
Civil.
Class VIII.
1962-63.

SCHEDULE (B).—PART 16

CIVIL.—CLASS VIII

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1963, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the British Museum, including a purchase grant in aid - - - - -	908,000	245,000
2. For the salaries and expenses of the British Museum (Natural History), including a purchase grant in aid - - - - -	603,000	21,000
3. For the salaries and expenses of the Science Museum, including a purchase grant in aid - - - - -	345,000	2,000
4. For the salaries and expenses of the Victoria and Albert Museum, including grants in aid - - - - -	573,000	9,000
5. For the salaries and expenses of the Imperial War Museum, including a purchase grant in aid - - - - -	65,000	6,000
6. For the salaries and expenses of the London Museum, including a purchase grant in aid - - - - -	54,000	500
7. For the salaries and expenses of the National Gallery, including a purchase grant in aid - - - - -	290,000	1,600
8. For the salaries and expenses of the National Maritime Museum, including a purchase grant in aid - - - - -	99,000	350
9. For the salaries and expenses of the National Portrait Gallery, including purchase grants in aid - - - - -	46,000	3,500
10. For the salaries and expenses of the Tate Gallery, including a purchase grant in aid - - - - -	102,000	1,200
11. For the salaries and expenses of the Wallace Collection - - - - -	49,000	5,000
12. For the salaries and expenses of the Royal Scottish Museum, including certain grants in aid - - - - -	115,000	
13. For the salaries and expenses of the National Gallery of Scotland, the Scottish National Gallery of Modern Art and the Scottish National Portrait Gallery, including purchase grants in aid (including a Supplementary sum of £14,000) - - - - -	97,000	4,000

SCHEDULE (B).—PART 16—*continued*

SCHED. (B).
Part 16.
Civil.
Class VIII.
1962-63.

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CLASS VIII—<i>continued</i>		
Vote		
14. For the salaries and expenses of the National Library of Scotland, including a purchase grant in aid - - -	106,000	5,500
15. For the salaries and expenses of the National Museum of Antiquities of Scotland, including a purchase grant in aid - - -	27,000	150
16. For grants in aid of certain institutions and bodies connected with the arts - -	2,953,000	—
TOTAL, CIVIL, CLASS VIII - -£	6,372,000	304,800

SCHED. (B).
Part 17.
Civil.
Class IX.
1962-63.

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 1963, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the Ministry of Works - - - -	7,356,000	4,700,000
2. For expenditure on public buildings in the United Kingdom, including a purchase grant in aid, and sundry other services -	34,380,000	6,160,000
3. For expenditure on public buildings overseas - - - - -	4,318,000	325,000
4. For expenditure on Houses of Parliament buildings - - - - -	376,000	2,000
5. For expenditure on the Royal Palaces, including a grant in aid - - - -	800,000	51,000
6. For expenditure on Royal Parks and pleasure gardens - - - - -	1,135,000	121,000
7. For grants and expenses in connection with historic buildings and ancient monuments, including a grant in aid - -	1,273,000	202,000
8. For the salaries and expenses of the Rating of Government Property Department, and for rates and contributions in lieu of rates for property occupied by the Crown and premises occupied by representatives of foreign and Commonwealth countries - - - - -	20,520,000	6,483,000
9. For the salaries and expenses of the Stationery Office; for stationery, printing, books, office equipment, &c.; for official publications; and for sundry services -	18,699,000	12,240,000
10. For the salaries and expenses of the Central Office of Information - - - - -	5,574,000	1,436,000
11. For the salaries and expenses of the Department of the Government Actuary -	43,000	34,000
12. For a grant in aid of the Government Hospitality Fund - - - - -	130,000	—
13. For civil superannuation and other pensions and non-recurrent payments; and for certain other expenditure in connection therewith - - - - -	38,250,000	2,013,000
14. For non-effective annual allowances, gratuities and certain expenses in connection with superannuation in respect of Post Office employment - - - - -	1,000	26,499,000
TOTAL, CIVIL, CLASS IX - - - - -	132,855,000	60,266,000

SCHEDULE (B).—PART 18

CIVIL.—CLASS X

SCHED. (B).
Part 18.
Civil.
Class X.
1962-63.

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 1963, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the Charity Commission for England and Wales -	234,000	10
2. For the salaries and expenses of the Crown Estate Office - - - - -	169,000	—
3. For the salaries and expenses of the Registry of Friendly Societies - - - - -	123,000	8,000
4. For the salaries and expenses of the Royal Mint in the production of coins, medals, badges, dies, seals, &c., and for the withdrawal of coin - - - - -	1,000	4,483,000
5. For the salaries and expenses of the National Debt Office and Pensions Commutation Board - - - - -	1,000	66,000
6. For the salaries and expenses of the establishment under the Public Works Loan Commission and the expenses of the Commission - - - - -	1,000	46,000
7. For the salaries and expenses of the office of the Public Trustee - - - - -	1,000	581,000
8. For the salaries and expenses of the Land Registry - - - - -	1,000	2,048,000
9. For the salaries and expenses of the War Damage Commission - - - - -	298,000	3,400
10. For the salaries and expenses of the Office of the Registrar of Restrictive Trading Agreements - - - - -	159,000	—
11. For the survey of Great Britain and other mapping services - - - - -	3,633,000	1,015,000
12. For the salaries and expenses of the Public Record Office - - - - -	165,000	25,000
13. For the salaries and expenses of the Scottish Record Office - - - - -	53,000	19,000
14. For the salaries and expenses of the Office of the Registrar General - - - - -	827,000	416,000
15. For the salaries and expenses of the Department of the Registrar General of Births, Deaths and Marriages in Scotland -	93,000	16,000
16. For the salaries and expenses of the Department of the Registers of Scotland	1,000	237,000
17. For the salaries and expenses, including publicity, of the National Savings Committee - - - - -	1,371,000	—
TOTAL, CIVIL, CLASS X - - - - -	7,131,000	8,963,410

SCHED. (B).
Part 19.
Civil.
Class XI.
1962-63.

SCHEDULE (B).—PART 19

CIVIL.—CLASS XI

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 1963, viz.:—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
Vote	£	£
1. For grants to, and grants in aid of, the British Broadcasting Corporation and for payments to the Postmaster General	48,133,000	324,000
2. For the salaries and expenses of the Carlisle State Management District - - -	1,000	2,389,000
3. For the salaries and expenses of the State Management Districts in Scotland -	1,000	534,000
4. For pensions and allowances to certain members of the former Indian and Burma Services and their dependants and to certain judges, including payments for the commutation of pensions; for certain payments to the Governments of India and Pakistan connected with pensions; and for sundry expenses -	6,874,000	1,000
5. For pensions and compensation allowances awarded to retired and disbanded members of the Royal Irish Constabulary and to their widows, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances - - - - -	1,040,000	—
6. For charges in connection with land purchase in Northern Ireland, and the expenses of management of guaranteed stocks and bonds issued for the purpose of Irish land purchase - - - -	1,145,000	100
7. For a grant in aid of the Development Fund	1,406,000	—
8. For Her Majesty's foreign and other secret services - - - - -	7,000,000	—
9. For certain miscellaneous expenses, a subscription to an international organisation and grants in aid - - - -	546,000	2,200
10. To repay to the Civil Contingencies Fund certain miscellaneous advances - -	147,000	—
TOTAL, CIVIL, CLASS XI- - - - -	66,293,000	3,250,300

SCHEDULE (C).—PART 1

SCHED. (C).
Part 1.
Navy Services,
1960–61.
Section 5.

Navy Services, 1960–61, Votes	DEFICITS		SURPLUSES					
	Excesses of actual over estimated gross expenditure	Deficiencies of actual as compared with estimated receipts	Surpluses of estimated over actual gross expenditure		Surpluses of actual as compared with estimated receipts			
	£	s. d.	£	s. d.	£	s. d.		
1. Pay, &c., of the Royal Navy and Royal Marines	—	—	—	—	796,263	18 6	32,421	11 1
2. Victualling and Cloth- ing for the Navy ...	—	—	—	—	505,204	8 10	201,526	2 4
3. Medical Establish- ments and Services...	151,297	19 10	—	—	—	—	5,299	9 5
4. Civilians employed on Fleet Services ...	308,080	1 9	2,920	5 0	—	—	—	—
5. Educational Services...	39,883	4 5	14,664	13 4	—	—	—	—
6. Scientific Services ...	1,367,525	0 10	—	—	—	—	364,395	12 1
7. Royal Naval Reserves	109,046	0 3	—	—	—	—	106	6 5
8. Shipbuilding, Repairs, Maintenance, &c.: Section I.—Personnel	1,312,996	0 7	—	—	—	—	9,152	5 7
Section II.—Matériel	221,158	0 2	2,560,666	17 10	—	—	—	—
Section III.— Contract Work ...	—	—	732,390	7 11*	7,797,103	13 8	—	—
9. Naval Armaments ...	—	—	774,282	7 2*	2,220,649	16 1	—	—
10. Works, Buildings, Machinery and Repairs at Home and Abroad	145,124	13 9	871,274	4 9	—	—	—	—
11. Miscellaneous Effective Services	847,588	3 4	—	—	—	—	44,210	15 1
12. Admiralty Office ...	812,919	4 4	8,701	17 3	—	—	—	—
13. Non-effective Services	1,204,661	1 1	1,644	7 0	—	—	—	—
15. Additional Married Quarters	—	—	182,414	11 3*	182,414	11 3	—	—
Balances Irrecoverable and Claims Abandoned ...	8,940	8 0	—	—	—	—	—	—

* These deficiencies of receipts were wholly offset by surpluses of estimated over actual gross expenditure.

SCHED. (C).
Part 2.
Army Services,
1960-61.
Section 5.

SCHEDULE (C).—PART 2

Army Services, 1960-61, Votes	DEFICITS		SURPLUSES	
	Excesses of actual over estimated gross expenditure	Deficiencies of actual as compared with estimated receipts	Surpluses of estimated over actual gross expenditure	Surpluses of actual as compared with estimated receipts
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Pay, &c., of the Army	1,769,023 15 8	20,926 18 7	—	—
2. Reserve Forces, Terri- torial Army and Cadet Forces ...	—	56,613 6 3*	414,700 17 3	—
3. War Office	431,425 11 5	2,744 7 1	—	—
4. Civilians	806,036 13 6	—	—	92,812 19 11
5. Movements	—	23,171 13 11*	262,123 3 4	—
6. Supplies, &c.	396,190 7 10	456,294 13 4	—	—
7. Stores	—	—	1,425,401 16 1	1,713,071 9 0
8. Works, Buildings and Lands	—	620,916 18 2*	898,955 16 6	—
9. Miscellaneous Effective Services	—	—	71,904 1 8	84,729 10 6
10. Non-effective Services	—	38,947 4 7*	708,450 6 7	—
11. Additional Married Quarters	—	845,964 0 2*	254,209 4 7	—
Balances Irrecoverable and Claims Abandoned ...	200,704 2 7	—	—	—

* These deficiencies of receipts were wholly or partially offset by surpluses of estimated over actual gross expenditure.

SCHEDULE (C).—PART 3

SCHED. (C).
Part 3.
Air Services,
1960-61.
Section 5.

Air Services, 1960-61, Votes	DEFICITS		SURPLUSES	
	Excesses of actual over estimated gross expenditure	Deficiencies of actual as compared with estimated receipts	Surpluses of estimated over actual gross expenditure	Surpluses of actual as compared with estimated receipts
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Pay, &c., of the Air Force	145,560 4 10	—	—	57,584 9 5
2. Reserve and Auxiliary Services	—	—	50,817 0 5	1,431 1 7
3. Air Ministry	—	—	25,325 2 4	17,483 7 5
4. Civilians at Out-stations	—	—	188,913 1 2	63,485 18 8
5. Movements	—	46,182 2 4*	331,205 15 1	—
6. Supplies	69,350 12 11	275,179 13 5	—	—
7. Aircraft and Stores	—	—	800,874 19 5	63,381 18 8
8. Works and Lands	—	—	253,630 7 11	27,023 0 3
9. Miscellaneous Effective Services	—	135,174 5 0*	236,371 4 4	—
10. Non-effective Services	—	—	212,989 15 6	45,824 9 8
11. Additional Married Quarters	—	116,546 16 4*	116,546 16 4	—
Balances Irrecoverable and Claims Abandoned ...	7,784 10 1	—	—	—

* These deficiencies of receipts were wholly offset by surpluses of estimated over actual gross expenditure

CHAPTER 46

Transport Act, 1962

ARRANGEMENT OF SECTIONS

PART I

THE BOARDS AND THE HOLDING COMPANY

Preliminary

Section

1. The four Boards.
2. The Regional Railway Boards.

The Railways Board

3. Duty and powers of Railways Board.
4. Railways Board's road services.
5. Railways Board's shipping services and power to provide air services.
6. Railways Board's power to provide hotels.

The London Board

7. Duty and powers of London Board.
8. London Board's road services outside London.

The Docks Board

9. Duty and powers of Docks Board.

The British Waterways Board

10. Duty and powers of British Waterways Board.

Provisions concerning all the Boards

11. Development of land.
12. Pipe-lines.
13. The Boards' powers of manufacture and production.
14. Supplemental provisions relating to the Boards' powers.
15. Compulsory purchase of land.
16. Working agreements involving the delegation of special statutory powers.
17. Power to promote and oppose Bills.

Financial provisions

18. Financial duty of Boards.
19. Borrowing powers of Boards.
20. Exchequer loans.
21. Treasury guarantees.
22. Special provision for Railways Board.
23. Special provision for British Waterways Board.
24. Accounts.

Supplemental provisions relating to the Boards

25. The Boards' subsidiaries.
26. Stamp duty on transfers between Boards and their subsidiaries.
27. Powers of Minister in relation to Boards.
28. Powers exercisable subject to Minister's consent.

The Transport Holding Company

Section

29. The Transport Holding Company.

Status of Boards and the Holding Company

30. Status of Boards and the Holding Company.

PART II

DIVISION OF COMMISSION'S UNDERTAKING

Property and functions

31. Distribution of Commission's assets.
32. Distribution of Commission's statutory functions.
33. The Commission's hotel property.
34. Transfer of staff.
35. Supplementary provisions relating to distribution of Commission's undertaking.

Capital debts and other financial provisions

36. Treasury to take over liability for Transport Stock.
37. Transfer of redemption funds.
38. Extinction of liability of the Commission for certain Exchequer advances.
39. Commencing capital debts of the new bodies.
40. Railways Board's suspended debt.

Miscellaneous

41. Exemptions from stamp duty.
42. Income tax: provisions for determining capital allowances for the Boards.

PART III

TRANSPORT CHARGES AND FACILITIES

General

43. Charges and facilities: general provisions.

Passenger fares in London

44. Application of current passenger charges scheme in London.
45. Transport Tribunal's power to make orders.
46. Applications for orders.
47. Review of London fares.
48. Special procedure for temporary authorisation of increased charges.
49. Transitional provisions.

Charges and conditions at harbours

50. Port charges and conditions at harbours.
51. Revision of harbour dues.

Miscellaneous

52. Independent railway and inland waterway undertakings.
53. Coastal shipping.
54. Advance information about railway and shipping closures.

PART IV

MISCELLANEOUS AND GENERAL

*The Nationalised Transport Advisory Council, the
Consultative Committees and the Transport
Tribunal*

Section

- 55. The Nationalised Transport Advisory Council
- 56. The Transport Consultative Committees.
- 57. The Transport Tribunal.

Provisions relating to the Boards

- 58. Restrictions on carriage by road in London.
- 59. Special restrictions on grant to London Board of road service licences.
- 60. Carriers' licences for vehicles operated by subsidiaries of the Boards and other bodies.
- 61. Amendment of enactments relating to inland waterways.
- 62. Local enactments relating to the supply of water for canals.
- 63. Abstraction of water by British Waterways Board.
- 64. Temporary suspension of liability to maintain inland waterways.
- 65. The railway savings banks.
- 66. Liability of Boards to rates.
- 67. Bylaws for railways and railway shipping services.
- 68. Custody of lost property on London Board's transport system.
- 69. Organisation of transport police.
- 70. Transport police constables.
- 71. Terms and conditions of employment of transport police.
- 72. General provisions as to terms and conditions of employment of staff.
- 73. The powers of the Boards and the Holding Company as regards pensions and pension schemes.
- 74. Minister's power to make orders about pensions.
- 75. Transitional provisions relating to pensions.

Transitory provisions concerning the Commission

- 76. Power to make grants to Commission.
- 77. Commission's power to develop land.
- 78. The Commission's subsidiaries.
- 79. Power to make special payments on the termination of the appointment of members of the Commission or Executive.
- 80. Dissolution of Commission.

Compensation to officers and servants of the Commission

- 81. Compensation to officers and servants of the Commission.

Miscellaneous provisions

- 82. Modification of enactments relating to Wages Councils.
- 83. Abandonment of independent railways.
- 84. Minor amendments relating to railways.
- 85. Disqualifications for membership of House of Commons.
- 86. Application of Town and Country Planning Acts.
- 87. Temporary provision as to development of land in London.
- 88. Application of Tribunals and Inquiries Act, 1958.

Supplemental

- 89. Duty to give effect to Minister's directions.
- 90. Inquiries.
- 91. Repeal of local enactments.
- 92. Interpretation.
- 93. Application to Northern Ireland.
- 94. Minister's expenses.
- 95. Repeal and savings.
- 96. Short title and commencement.

SCHEDULES:

- First Schedule—The Boards, the Regional Railway Boards and the Holding Company.
 Second Schedule—Transfer of Commission's statutory functions.
 Third Schedule—Distribution of Commission's harbours.
 Fourth Schedule—Distribution of Commission's securities.
 Fifth Schedule—Miscellaneous items in the distribution of the Commission's assets.
 Sixth Schedule—Distribution of Commission's undertaking.
 Seventh Schedule—Transitional provisions.
 Eighth Schedule—Transport charges and facilities—enactments ceasing to have effect.
 Ninth Schedule—Port charges.
 Tenth Schedule—Constitution, powers and proceedings of the Transport Tribunal.
 Eleventh Schedule—Application to Northern Ireland.
 Twelfth Schedule—Repeals.

An Act to provide for the re-organisation of the nationalised transport undertakings now carried on under the Transport Act, 1947, and for that purpose to provide for the establishment of public authorities as successors to the British Transport Commission, and for the transfer to them of undertakings, parts of undertakings, property, rights, obligations and liabilities; to repeal certain enactments relating to transport charges and facilities and to amend in other respects the law relating to transport, inland waterways, harbours and port facilities; and for purposes connected with the matters aforesaid. [1st August, 1962]

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

PART I

THE BOARDS AND THE HOLDING COMPANY

Preliminary

1.—(1) For the purposes of this Act there shall be four public authorities to be called— The four Boards.

the British Railways Board (in this Act referred to as the "Railways Board");

the London Transport Board (in this Act referred to as the "London Board");

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the British Transport Docks Board (in this Act referred to as the "Docks Board"); and

the British Waterways Board,

among whom the functions and (subject to the provisions of this Act relating to the Holding Company) the property of the British Transport Commission (hereinafter referred to as "the Commission") shall be divided in accordance with this Act.

(2) The chairman of each Board shall be appointed by the Minister, and the other members of each Board (including any vice chairman) shall be appointed by the Minister after consultation with the chairman of that Board.

(3) The British Railways Board shall consist of a chairman, a vice chairman, or two vice chairmen, and not more than sixteen nor less than ten other members; the chairmen and other members of the Board shall be appointed from among persons who appear to the Minister to have had wide experience of, and to have shown capacity in, transport, industrial, commercial or financial matters, administration, applied science, or the organisation of workers, and the Minister in appointing them shall have regard to the desirability of having members who are familiar with the special requirements and circumstances of particular regions and areas served by the Board.

(4) The London Transport Board shall consist of a chairman, a vice chairman and not more than nine nor less than four other members; the chairmen and other members of the Board shall be appointed from among persons who appear to the Minister to have had wide experience of, and to have shown capacity in, urban transport, industrial, commercial or financial matters, administration, applied science, or the organisation of workers.

(5) The British Transport Docks Board shall consist of a chairman, a vice chairman and not more than nine nor less than four other members; the chairmen and other members of the Board shall be appointed from among persons who appear to the Minister to have had wide experience of, and to have shown capacity in, the operation, management or administration of docks, or transport, industrial, commercial or financial matters, administration, applied science, or the organisation of workers, and the Minister in appointing them shall have regard to the desirability of having members who are familiar with the special requirements and circumstances of particular regions and areas served by the Board.

(6) The British Waterways Board shall consist of a chairman, a vice chairman and not more than nine nor less than four other members; the chairmen and other members of the Board shall be appointed from among persons who appear to

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the Minister to have had wide experience of, and to have shown capacity in, the operation, management or administration of inland navigations or related matters or who appear to him to have special knowledge relating to some important aspect of the Board's work or to have had wide experience of, and to have shown capacity in, transport, industrial, commercial or financial matters, administration, applied science or the organisation of workers, and the Minister in appointing them shall have regard to the desirability of having members who are familiar with the special requirements and circumstances of particular regions and areas served by the Board.

(7) Part I of the First Schedule to this Act shall have effect as regards the constitution and proceedings of the Boards, and as regards their members.

2.—(1) The Railways Board shall set up Boards (hereafter in this Act referred to as "Regional Railway Boards") which shall, in accordance with the provisions of this section, share between them responsibility for all parts of the national railway system.

(2) In the first instance there shall be six Regional Railway Boards to be known as—

the Eastern Railway Board,
 the London Midland Railway Board,
 the North Eastern Railway Board,
 the Scottish Railway Board,
 the Southern Railway Board,
 the Western Railway Board,

but the Minister may, after consulting the Railways Board, by order alter the number of Regional Railway Boards or give them names or new names.

An order made under this subsection may vary a previous order so made and shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Part II of the First Schedule to this Act shall have effect as regards the constitution and proceedings of Regional Railway Boards, and as regards their members.

(4) Each Regional Railway Board shall, on behalf of the Railways Board, exercise such functions of the Railways Board as respects the part of the national railway system for the management of which that Regional Railway Board is to be responsible as are for the time being delegated to them by the Railways

PART I Board ; and the Railways Board shall, in determining what functions are to be so delegated by them, act on lines settled from time to time with the approval of the Minister.

(5) The Railways Board shall from time to time determine the parts of the national railway system for the management of which the Regional Railway Boards are to be responsible.

The Railways Board shall publish in the London and Edinburgh Gazettes notice of any determination made by them under this subsection, stating the places at which copies of the maps, plans and other documents which implement the determination may be inspected by the public, and shall at all times afford reasonable facilities in appropriate places for inspection by the public of such maps, plans and other documents authenticated by a certificate in writing by the Railways Board.

The Railways Board

Duty and powers of Railways Board.

3.—(1) It shall be the duty of the Railways Board in the exercise of their powers under this Act to provide railway services in Great Britain and, in connection with the provision of railway services, to provide such other services and facilities as appear to the Board to be expedient, and to have due regard, as respects all those railway and other services and facilities, to efficiency, economy and safety of operation.

(2) The Railways Board shall co-operate with the London Board for the purpose of ensuring that the railway services provided by the Railways Board in the London Passenger Transport Area are properly co-ordinated with the services provided by the London Board, and shall afford to the London Board such information of proposed changes in their railway services in the said Area, and such opportunities for consultation, as the London Board may reasonably require for that purpose.

(3) Subject to this Act, the Railways Board shall have power—

- (a) to carry goods and passengers by rail within Great Britain,
- (b) in the circumstances specified in the next following section, to carry goods and passengers by road,
- (c) to operate the harbours owned or managed by the Railways Board, and to provide port facilities at those harbours,
- (d) to consign goods on behalf of other persons from any place in Great Britain, or from any place to which the Railways Board have themselves carried the goods in question to any other place, whether in Great Britain or elsewhere,

(e) to store within Great Britain goods which have been or are to be carried by the Railways Board, and, so far as any premises provided for the purposes of that or any other part of their business are not required for those purposes, to use them to provide facilities for the storage of other goods,

(f) to enter into and carry out agreements—

(i) with carriers outside Great Britain for the through carriage of goods and passengers under one contract or at a through charge or in the same vehicles or containers, and

(ii) with any person engaged in coastal shipping for co-ordinating the activities of that person with those of the Board, and in particular for facilitating the through carriage of goods, for the quoting of through rates and for the pooling of receipts or expenses.

(4) Subsections (1) and (2) of this section shall not be construed as imposing, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Board would not otherwise be subject.

4.—(1) Subject to this section, the Railways Board shall have power—

Railways Board's road services.

(a) to provide transport services by road—

(i) for the carriage of goods which have been or are to be carried by rail or water by the Railways Board, and

(ii) for the carriage of goods where a railway service has been temporarily interrupted, and

(iii) for the carriage of passengers where a railway service has been temporarily interrupted, or has been discontinued,

and to carry goods and passengers by those services ;

(b) to exercise the powers conferred by the Railway Road Transport Acts of 1928 (which relate to the provision of road transport services).

(2) The Railways Board shall not in exercise of the powers conferred by the said Acts of 1928 without the consent of the Minister—

(a) enter into any agreement for the provision of services for the carriage of passengers by road, whether or not by way of varying an existing agreement, or

(b) except in pursuance of an agreement under the said Acts (whether entered into before or after the passing of this Act) provide any service for the carriage of passengers by road which was not being provided by

PART I

the Commission immediately before the vesting date,
or

(c) carry any goods by road for hire or reward.

(3) The foregoing provisions of this section shall not empower the Railways Board to run any public service vehicle as a contract carriage, but the Board shall have power to use any public service vehicle as a contract carriage to carry a pleasure party consisting of persons employed by the Board, with or without their families or friends.

(4) Notwithstanding the last foregoing subsection, the Railways Board may carry any party by contract carriage on a journey which begins or ends within the city of Sheffield, the county borough of Halifax, the county borough of Huddersfield or the borough of Todmorden.

(5) Nothing in this section shall authorise the Railways Board to carry passengers by road in a hackney carriage adapted to carry less than eight passengers and used in plying or standing for hire in the street.

(6) Except as provided by this section the Railways Board shall not have power to provide services for the transport of goods or passengers by road.

(7) In this section "the Railway Road Transport Acts of 1928" has the meaning assigned by paragraph 1 of Part II of the Second Schedule to this Act.

Railways Board's shipping services and power to provide air services.

5.—(1) The Railways Board shall have the powers conferred by the Railway Shipping Acts but shall not without the consent of the Minister exercise those powers to provide any regular shipping service for the carriage of passengers or goods to or from a port or place outside Great Britain which is not a service which was being provided by the Commission or by one of the bodies listed in Part I of the Fourth Schedule to this Act in the period from the first day of June, nineteen hundred and sixty, to the vesting date, or in some part of that period.

(2) The Railways Board shall have the powers conferred by the Railway Air Transport Acts of 1929 but shall not exercise those powers without the consent of the Minister.

(3) Except as provided by this section the Railways Board shall not have power to provide—

(a) shipping services for the carriage of goods or passengers to or from any port or place outside Great Britain,
or

(b) air transport services.

(4) In this section "the Railway Shipping Acts" and "the Railway Air Transport Acts of 1929" have the meanings assigned by paragraphs 2 and 3 of Part II of the Second Schedule to this Act.

PART I

6. The Railways Board shall have power to provide hotels in places where those using the railway services provided by the Board may require them, for use both by those and other persons, and shall have power to manage hotels, but the Board shall not exercise their power of managing hotels without the consent of the Minister.

Railways Board's power to provide hotels.

The London Board

7.—(1) It shall be the duty of the London Board in the exercise of their powers under this Act to provide or secure the provision of an adequate and properly co-ordinated system of passenger transport for the London Passenger Transport Area, and to have due regard to efficiency, economy and safety of operation as respects the services and facilities provided by them.

Duty and powers of London Board.

(2) The London Board shall co-operate with the Railways Board for the purpose of ensuring that the services provided by the London Board are properly co-ordinated with the railway services of the Railways Board in the London Passenger Transport Area, and shall afford to the Railways Board such information of proposed changes in their services, and such opportunities for consultation, as the Railways Board may reasonably require for that purpose.

(3) Subject to this Act, the London Board shall have power to carry passengers by rail and road inside the London Passenger Transport Area and, in the circumstances specified in the next following section, to carry passengers by road outside that Area.

(4) The London Board shall have the powers conferred by section twenty-six of the London Passenger Transport Act, 1933 (which relates to the carriage of goods on public service vehicles), and, as respects each of the railways vesting in the London Board under Part II of this Act, the powers of carrying goods on that railway conferred by any local enactment in force immediately before the vesting date.

(5) Subject to the next following subsection, the London Board shall have power to let motor vehicles on hire to other persons who hold public service vehicle licences under Part III of the Road Traffic Act, 1960, for use by them for the carriage of passengers.

PART I

(6) The London Board shall not keep for operation as public service vehicles more vehicles than are in their opinion required for the purpose of providing such transport services as they have power to provide under subsection (3) of this section and under the next following section and, accordingly, they shall not keep for operation as public service vehicles more vehicles than they would keep if they did not possess the power conferred by the last foregoing subsection.

(7) The London Board shall not have power to let motor vehicles on hire to other persons for use by them for the carriage of goods.

(8) The London Board shall not have power to carry passengers by road in a hackney carriage adapted to carry less than eight passengers and used in plying or standing for hire in the street.

(9) Subsections (1) and (2) of this section shall not be construed as imposing, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Board would not otherwise be subject.

London Board's road services outside London.

8.—(1) The London Board shall have power to carry passengers outside the London Passenger Transport Area by stage or express carriage—

- (a) on roads within a radius of ten miles, or in the county of Kent five miles, from any point on the boundary of the London Passenger Transport Area, and
- (b) on the London Transport Executive's routes (so far as they extend beyond the limits specified in paragraph (a) of this subsection), and
- (c) with the consent of the Minister, by any service beyond the limits specified in paragraphs (a) and (b) of this subsection.

The Minister shall not give his consent under paragraph (c) of this subsection unless he is satisfied that there are exceptional circumstances which make it desirable that the Board should carry passengers on a particular route outside the said limits.

(2) The London Board shall have power to carry passengers outside the London Passenger Transport Area by contract carriage—

- (a) on roads within a radius of ten miles, or in the county of Kent five miles, from any point on the boundary of the London Passenger Transport Area, and
- (b) where the passengers consist of a pleasure party of persons employed by the Board, with or without their families or friends, on roads within a radius of one hundred miles from Charing Cross.

(3) Nothing in this section shall be taken as exempting the London Board from any of the requirements of Part III of the Road Traffic Act, 1960, or of those requirements as extended by Part IV of this Act.

(4) Except as provided by this section the Board shall not have power to carry passengers by road outside the London Passenger Transport Area.

(5) In this section the expression "the London Transport Executive's routes" means such routes as the Minister may by order contained in a statutory instrument certify to be the routes on which the London Transport Executive had, at any time in the period of twelve months ending on the second day of November, nineteen hundred and sixty-one, power to carry passengers by stage or express carriage.

For the purposes of this subsection any power to carry passengers in accordance with a working agreement which was made in pursuance of section eighteen of the London Passenger Transport Act, 1933, and to which the Commission became a party by virtue of Part II of the Transport Act, 1947, shall be left out of account.

(6) Any order under the last foregoing subsection shall be made not later than the vesting date.

The Docks Board

9.—(1) It shall be the duty of the Docks Board in the exercise of their powers under this Act to provide, to such extent as they may think expedient, port facilities at the harbours owned or managed by the Board, and to have due regard to efficiency, economy and safety of operation as respects the services and facilities provided by them. Duty and powers of Docks Board.

(2) Subject to this Act, the Docks Board shall have power—

- (a) to operate the harbours owned or managed by the Board and to provide port facilities at those harbours,
- (b) to consign goods on behalf of other persons to or from, or on routes through, the harbours owned or managed by the Board,
- (c) to store goods which have been or are to be loaded or unloaded in or carried through any harbour owned or managed by the Board and, so far as any premises provided for the purposes of that or any other part of their business are not required for those purposes, to use them to provide facilities for the storage of other goods.

(3) Subsection (1) of this section shall not be construed as imposing, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Board would not otherwise be subject.

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The British Waterways Board

Duty and powers of British Waterways Board.

10.—(1) It shall be the duty of the British Waterways Board in the exercise of their powers under this Act to provide to such extent as they may think expedient—

- (a) services and facilities on the inland waterways owned or managed by them, and
- (b) port facilities at any harbour owned or managed by them,

and to have due regard to efficiency, economy and safety of operation as respects the services and facilities provided by them.

(2) It shall also be the duty of the Board to review the manner in which the inland waterways owned or managed by them, so far as not required for the discharge of their duty under subsection (1) of this section, may be put to the best use, to formulate proposals with the object of putting them to the best use and to take all steps open to them to achieve that object whether by developing or converting any inland waterway themselves or by selling or leasing to other persons.

(3) Subject to this Act, the British Waterways Board shall have power—

- (a) to carry goods and passengers by inland waterway and to provide facilities for traffic on the inland waterways owned or managed by them,
- (b) to operate the harbours owned or managed by them and to provide port facilities at those harbours,
- (c) to provide transport services by road—
 - (i) for the carriage of goods which have been or are to be carried by the Board by inland waterway, and
 - (ii) for the carriage of goods where the use of an inland waterway owned or managed by the Board has been temporarily interrupted,
 and to carry goods by those services,
- (d) to abstract and sell untreated water from any inland waterway owned or managed by the Board for any purpose,
- (e) to consign goods on behalf of other persons on routes wholly or partly over any of the inland waterways owned or managed by them or to or from, or on routes through, any of the harbours owned or managed by them,

(f) to store goods which have been or are to be carried on any of the inland waterways owned or managed by the Board, or which have been or are to be loaded or unloaded in or carried through any of the harbours owned or managed by them, and, so far as any premises provided for the purposes of that or any other part of their business are not required for those purposes, to use them to provide facilities for the storage of other goods,

(g) to enter into and carry out agreements—

(i) with carriers outside Great Britain for the through carriage of goods and passengers under one contract or at a through rate or in the same vessels or containers, and

(ii) with any person engaged in coastal shipping for co-ordinating the activities of that person with those of the Board and, in particular, for facilitating the through carriage of goods, for the quoting of through rates and for the pooling of receipts or expenses.

(4) Subsections (1) and (2) of this section shall not be construed as imposing, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Board would not otherwise be subject.

Provisions concerning all the Boards

11.—(1) Subject to this section, each Board shall have power to develop their land in such manner as they may think fit. Development of land.

(2) Each Board may, in particular, and subject to this section,—

(a) retain any part of their land which is not required for the purposes of their business and develop it for use by other persons, and

(b) where the use of their land for the purposes of their business can be combined with its use for other purposes, develop the land by constructing or adapting buildings thereon for use wholly or partly by other persons,

with a view to selling or otherwise disposing of any right or interest in the land or, as the case may be, the buildings or any part of the buildings, after the development is carried out.

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(3) A Board shall not incur any substantial item of expenditure in developing their land for use for purposes which are not the purposes of their business without the consent of the Minister, and the Minister may from time to time give directions to the Boards indicating what is to be treated for the purposes of this section as a substantial item of expenditure.

(4) Where a Board propose under this section to develop any land for use otherwise than for the purposes of their business they shall have power, with the consent of the Minister, to acquire by agreement adjoining land for the purpose of developing it together with the other land, but the Minister shall not give his consent under this subsection unless it appears to him that the other land cannot be satisfactorily developed unless the adjoining land is acquired by the Board.

Except as provided by the foregoing provisions of this subsection, a Board shall not have power to acquire land for purposes which are not related to any of the activities of the Board other than the development of land.

Pipe-lines.

12.—(1) Subject to this section, the Boards shall have power—

- (a) to construct and operate pipe-lines in Great Britain, and
- (b) to enter into transactions with other persons for the construction or operation by those other persons of pipe-lines on land in Great Britain belonging to the Boards.

(2) The Boards shall not have power to acquire land for the purpose of constructing pipe-lines except—

- (a) where the pipe-line is or is to be mainly on land belonging to the Boards and acquired for other purposes, or
- (b) where the pipe-line is required for the purposes of the business of the Board other than the operation of pipe-lines.

(3) A Board shall not without the consent of the Minister construct any pipe-line unless the pipe-line is required for the purposes of the business of the Board other than the operation of pipe-lines.

(4) In this section the expression “pipe-line” means any main or pipe for the transmission of any substance, together with any works provided in connection with the operation of such a main or pipe.

13.—(1) Each of the Boards shall have power to construct, manufacture, produce, purchase, maintain and repair anything required for the purposes of the business—

(a) of that Board,

(b) of any other Board, or

(c) of a subsidiary of any of the Boards or of a subsidiary of the Holding Company,

PART I
The Boards' powers of manufacture and production.

and, subject to section eleven of this Act and to the following provisions of this section, the Boards shall not have power to construct, manufacture, produce, purchase, maintain or repair anything not required for any of those purposes.

(2) The British Waterways Board shall have power to construct, manufacture or produce any plant or equipment of a kind ordinarily made for use in connection with the operation of an inland waterway with a view to its sale for use in that connection, and to repair plant or equipment of such a kind:

Provided that this subsection shall not apply to barges or any other description of vessels.

(3) Subsection (1) of this section shall not affect the powers conferred by section forty-three of the British Transport Commission Act, 1950 (which relates to the supply of railway equipment to the Ulster Transport Authority, and which will under this Act apply to the Railways Board), or section sixty-seven of the British Transport Commission Act, 1957 (which relates to the supply of heat to the Royal Naval College at Greenwich, and which will under this Act apply to the London Board).

(4) Each of the Boards shall from time to time submit to the Minister proposals as to the manner in which their powers of construction, manufacture and production under the foregoing provisions of this section are to be exercised, and shall exercise those powers in accordance with those proposals as approved by the Minister with or without modification; but the Minister may, after consultation with a Board, direct that Board to discontinue any of the activities which they are carrying on in accordance with proposals so approved.

(5) Without prejudice to so much of subsection (1) of this section as restricts the Boards' powers, a Board shall not have power to manufacture, otherwise than for purposes of research or development, road vehicles, bodies or chassis for road vehicles or major components of road vehicles.

This subsection shall not come into force as respects the Railways Board until the expiration of the period of three years from the vesting date, so, however, that if it appears to the Minister that that Board can properly terminate the activities

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restricted by this subsection before then, he may direct that for the period of three years there shall be substituted such shorter period as may be specified in the direction.

(6) Without prejudice to so much of subsection (1) of this section as restricts the Boards' powers, a Board shall not have power—

- (a) to purchase any road vehicle for the purpose of sale to any person other than another Board or a subsidiary of any of the Boards or of the Holding Company,
- (b) to trade in spare parts for or accessories to road vehicles, or in petrol or oil for road vehicles, except by way of sale to any of the other Boards, or a subsidiary of any of the Boards or of the Holding Company, or
- (c) to engage in the maintenance or repair of road vehicles or spare parts for or accessories to road vehicles, other than vehicles, spare parts or accessories used by any of the Boards, or any subsidiary of any of the Boards or of the Holding Company, for the purposes of their business.

(7) The Boards shall not have power to engage in the building of ships, except lighters, barges or like vessels of a gross tonnage not exceeding one hundred and seventy-five tons, but this subsection—

- (a) shall not apply to the conversion by the British Waterways Board of a ship from one type to another, and
- (b) shall not be taken as preventing any of the Boards from manufacturing furnishings or fittings for ships to be operated by them or any of their subsidiaries.

(8) For the purposes of this section—

“body”, in relation to a vehicle in which the framework to which the major components are attached forms an integral whole with the body-structure, includes that framework ;

“chassis” means—

(a) in relation to a vehicle in which the framework to which the major components are attached is distinct from the body-structure, that framework together with the complement of major components required in order to construct a road vehicle on that framework, or

(b) in relation to a vehicle in which the framework to which the major components are attached forms an integral whole with the body-structure, the complement of major components required in order to complete that body-structure, when new, as a road vehicle ;

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“major component” means the complete power unit, complete transmission system, complete suspension system, complete steering gear, complete braking system or complete axle of a vehicle ;

“manufacture”, in relation to the body of a road vehicle, and in relation to the chassis of a road vehicle where the framework to which the major components are attached is distinct from the body-structure, includes the assembly of the parts of the body or, as the case may be, of the parts of the chassis for the purpose of constructing a new body or, as the case may be, a new chassis ;

“road vehicle” includes any vehicle designed to be used both as railway rolling stock and on roads.

- 14.—(1) Subject to this Act, the Boards shall have power—
- Supplemental provisions relating to the Boards' powers.
- (a) to enter into and carry out agreements with any person for the carrying on by that person, whether as agent for the Board or otherwise, of any of the activities which the Board may themselves carry on,
 - (b) without prejudice to the foregoing paragraph, to enter into agreements with the other Boards and with any subsidiary of any of the Boards or of the Holding Company, for the management, working and use by one party to the agreement of works, land or other property belonging to the other party, and with respect to the rendering of services and the pooling of receipts or expenses,
 - (c) to acquire land for the purposes of their business,
 - (d) in places where those using the services and facilities provided by the Board may require them, to provide both for them and for other persons facilities for the purchase and consumption of food and drink, places for refreshment and such other amenities and facilities as it may appear to the Board requisite or expedient to provide,
 - (e) to dispose (whether absolutely or for a term of years) of any part of the undertaking of the Board or any property which in their opinion is not required by them for the purposes of their business, and, in particular, to dispose of an interest in, or right over, any property, which, subject to the interest or right, is retained by the Board,
 - (f) to do anything for the purposes of advancing the skill of persons employed by the Board or the efficiency of the equipment of the Board or of the manner in which that equipment is operated, including the provision by

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the Board, and the assistance of the provision by others, of facilities for training, education and research,

- (g) to provide houses, hostels and other like accommodation for persons employed by the Board,
- (h) to make housing loans to persons employed by the Board to assist them to acquire housing accommodation and to guarantee loans made by building societies and other bodies to such persons for housing purposes,
- (j) to invest any sums which are not immediately required by the Board for the purposes of their business,
- (k) to turn their resources to account so far as not required for the purposes of their business, and
- (l) to do all other things which in the opinion of the Board are necessary to facilitate the proper carrying on of their business.

(2) The Boards shall have power to acquire any undertaking or part of an undertaking if the assets comprised in the undertaking or the part of the undertaking are wholly or mainly assets which the Board require for the purposes of their business.

(3) Each of the Boards shall have power with the consent of the Minister, and for the purposes of their business, to lend money to, or give a guarantee for the benefit of, any person for the purposes of an undertaking carried on by him, or, where that person is a body corporate, any undertaking carried on by a subsidiary of that body corporate.

(4) Each of the Boards shall have power with the consent of the Minister, and for the purposes of their business, to subscribe for or acquire any securities of a body corporate.

(5) Subsections (3) and (4) of this section shall not affect the power of a Board—

- (a) to lend money by way of investment or to subscribe for or acquire securities by way of investment, or
- (b) to leave outstanding any loan made or guarantee given, or to retain any securities acquired, by the Commission before the vesting date.

(6) Each of the powers conferred on any Board by the foregoing provisions of this Act shall be deemed to be in addition to, and not in derogation of, any other powers so conferred; and it is hereby declared that those provisions relate only to the capacity of the Boards as statutory corporations, and nothing in those provisions shall be construed as authorising the disregard by any of the Boards of any enactment or rule of law.

15.—(1) Subject to this section, the Minister may authorise any Board to purchase compulsorily any land in Great Britain which they require for the purposes of their business and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply as if each Board were a local authority within the meaning of that Act and as if this Act had been in force immediately before the commencement of that Act:

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Compulsory purchase of land.

Provided that this subsection shall not be taken as authorising a Board to purchase compulsorily land which they have power to acquire by agreement under subsection (4) of section eleven of this Act.

(2) The Minister shall not under this section authorise a Board to purchase land for the purpose of constructing a pipe-line if the construction of that pipe-line requires the consent of the Minister under subsection (3) of section twelve of this Act.

(3) The power of purchasing land compulsorily in this section shall include power to acquire an easement or other right over land by the creation of a new right:

Provided that this subsection shall not apply to an easement or other right over any land which would for the purposes of the Acquisition of Land (Authorisation Procedure) Act, 1946, form part of a common, open space or fuel or field garden allotment.

(4) In the application of this section to Scotland, there shall be substituted, for any reference to the Acquisition of Land (Authorisation Procedure) Act, 1946, a reference to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, and, for any reference to an easement, a reference to a servitude; and the reference in the last foregoing subsection to a fuel or field garden allotment shall be omitted.

16.—(1) A Board may enter into any working agreement to which this section applies notwithstanding that it involves the delegation of the functions of the Board under any enactment relating to any part of their undertaking.

Working agreements involving the delegation of special statutory powers.

(2) In the foregoing subsection the reference to a working agreement to which this section applies is a reference to an agreement of one of the kinds described in paragraph (f) of subsection (3) of section three or paragraph (g) of subsection (3) of section ten or paragraph (b) of subsection (1) of section fourteen of this Act.

17.—(1) Each Board may, with the consent of the Minister, promote Bills in Parliament and may oppose any Bill in Parliament.

Power to promote and oppose Bills.

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(2) The power conferred by subsection (1) of this section shall be in lieu of any power to promote or oppose Bills which a Board might otherwise possess under the provisions of this Act as successors to the persons carrying on any undertaking, and, in particular, the persons carrying on any undertaking transferred to the Commission by the Transport Act, 1947, but nothing in this section shall be construed as prejudicing any power exercisable by any Board as successors to apply for orders, and oppose applications for orders, including orders subject to special parliamentary procedure.

(3) In the application of this section to Scotland, "Bill in Parliament" includes an order under the Private Legislation Procedure (Scotland) Act, 1936.

Financial provisions

Financial
duty of
Boards.

18.—(1) Each of the Boards shall so conduct their business as to secure that their revenue is not less than sufficient for making provision for the meeting of charges properly chargeable to revenue, taking one year with another.

(2) Each Board shall charge to revenue in every year all charges which are proper to be made to revenue, including, in particular, proper provision for the depreciation or renewal of assets and proper allocations to general reserve, and the reference in subsection (1) of this section and other references in this Act to charges properly chargeable to revenue shall be construed accordingly.

(3) Without prejudice to the Board's powers to establish specific reserves, each Board shall establish and maintain a general reserve.

(4) The management by each Board of their general reserve, the sums to be carried from time to time to the credit thereof, and the application of the moneys comprised therein shall be as the Board may determine:

Provided that—

(a) no part of the moneys comprised in the general reserve shall be applied otherwise than for the purposes of the Board; and

(b) the Minister may, with the approval of the Treasury, give to the Board directions as to any matter relating to the establishment or management of the general reserve or the carrying of sums to the credit thereof, or the application thereof.

(5) Each of the Boards may, with the consent of the Minister given with the approval of the Treasury, make charges to capital account representing interest on expenditure of a capital nature

(including expenditure of a capital nature incurred by the Commission before the vesting date), being interest for any period which ends on or before the end of the accounting period in which the project or scheme to which the expenditure relates is in the opinion of the Minister completed.

(6) This section shall have effect subject to the following provisions of this Part of this Act relating to the Railways Board and the British Waterways Board.

19.—(1) Subject to the limit in subsection (3) of this section, each of the Boards may borrow temporarily, by way of overdraft or otherwise, either from the Minister or, with the consent of the Minister, from any other person, such sums as the Board may require for meeting their obligations or discharging their functions under this Act, but the aggregate of the amounts outstanding in respect of any temporary loans raised by a Board under this subsection shall not exceed such limit as the Minister may for the time being have imposed on that Board for the purposes of this subsection by a direction given to the Board.

Borrowing powers of Boards.

(2) Subject to the limit in subsection (3) of this section, each of the Boards may borrow (otherwise than by way of temporary loan) from the Minister such sums as the Board may require for all or any of the following purposes—

- (a) for meeting any expenses properly chargeable to capital, being expenses incurred in connection with the provision or improvement of assets in connection with the business of the Board,
- (b) for the provision of working capital,
- (c) for acquiring an undertaking or part of an undertaking,
- (d) for lending money to, or meeting a guarantee given for the benefit of, any person for the purpose of an undertaking carried on by him, or where that person is a body corporate, an undertaking carried on by a subsidiary of that body corporate,
- (e) for subscribing for or acquiring securities of a body corporate, otherwise than by way of investment,
- (f) for the payment of interest charged to capital account under subsection (5) of the last foregoing section,
- (g) to pay off—
 - (i) any part of the commencing capital debt of the Board,
 - (ii) any money borrowed by the Board,
 - (iii) any liability transferred to the Board from the Commission under or in pursuance of this Act,
- (h) for any purpose for which capital moneys are properly applicable (whether or not specified in the foregoing paragraphs).

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(3) The aggregate amount outstanding in respect of—

- (a) the principal of any money borrowed by a Board under this section, and
- (b) the Board's commencing capital debt, as defined in Part II of this Act but excluding, in the case of the Railways Board, the Railways Board's suspended debt as so defined,

taken together shall not exceed—

- (i) for the Railways Board, eleven hundred million pounds or such greater sum not exceeding fourteen hundred million pounds as the Minister may from time to time by order specify ;
- (ii) for the London Board, two hundred million pounds or such greater sum not exceeding two hundred and seventy million pounds as the Minister may from time to time by order specify ;
- (iii) for the Docks Board one hundred and twenty million pounds ; and
- (iv) for the British Waterways Board thirty million pounds.

An order under this subsection shall be made by statutory instrument, and no such order shall be made unless a draft of the order has been approved by a resolution of the Commons House of Parliament.

(4) A Board shall not have power to borrow money except in accordance with this section.

(5) References in this section to borrowing do not include—

- (a) borrowing by a Board from a body corporate which is a subsidiary of that Board ; or
- (b) the receipt of money by a Board in the course of the carrying on of a savings bank operated by the Board or the use by the Board of money so received, or
- (c) the receipt or use by a Board of money of a pension fund established for the purposes of a pension scheme in which employees of the Board or of a subsidiary of the Board participate.

(6) This section shall have effect subject to the following provisions of this Part of this Act relating to the Railways Board and the British Waterways Board.

Exchequer
loans.

20.—(1) Subject to this Act the Minister may with the approval of the Treasury lend to a Board any sums which that Board have power to borrow under subsection (1) or subsection (2) of the last foregoing section.

(2) Any loans which the Minister makes under this section shall be repaid to him at such times and by such methods, and

interest thereon shall be paid to him at such rates and at such times, as he may with the approval of the Treasury from time to time direct.

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(3) The Treasury may issue out of the Consolidated Fund to the Minister such sums as are necessary to enable him to make loans under subsection (1) of this section.

(4) For the purpose of providing sums to be issued under the last foregoing subsection, or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(5) Any sums received by the Minister under subsection (2) of this section shall be paid into the Exchequer and shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say—

- (a) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit, and
- (b) so much thereof as represents interest shall be applied towards meeting such part of the annual charges for the National Debt as represents interest.

(6) The Minister shall, as respects each financial year, prepare in such form and manner as the Treasury may direct an account of sums issued to him under this section and of the sums to be paid into the Exchequer under subsection (5) of this section and of the disposal by him of those sums respectively, and send it to the Comptroller and Auditor General not later than the end of November following the year; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

21.—(1) The Treasury may guarantee, in such manner and on such conditions as they may think fit, the repayment of the principal of, and the payment of interest on, any sums which a Board borrow from a person other than the Minister in exercise of their powers under subsection (1) of section nineteen of this Act. Treasury guarantees.

(2) Immediately after any guarantee is given under this section the Treasury shall lay a statement of the guarantee before each House of Parliament, and where any sum is issued for fulfilling such a guarantee the Treasury shall, as soon as possible after the end of each financial year, beginning with that in which

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the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before each House of Parliament a statement relating to that sum.

(3) Any sums required by the Treasury for fulfilling any guarantee under this section shall be charged on and issued out of the Consolidated Fund.

(4) If any sums are issued in fulfilment of any guarantee given under this section in favour of a Board, that Board shall make to the Treasury, at such times and in such manner as the Treasury may from time to time direct, payments of such amounts as the Treasury may so direct in or towards repayment of the sums so issued, and payments of interest on what is outstanding for the time being in respect of sums so issued at such rate as the Treasury may so direct.

(5) Any sums received by the Treasury under the last foregoing subsection shall be paid into the Exchequer.

Special
provision for
Railways
Board.

22.—(1) The Minister may, with the approval of the Treasury, out of money provided by Parliament make grants to the Railways Board to meet any deficit on their revenue account arising during the period of five years beginning with the vesting date.

(2) No loan shall be made by the Minister under subsection (1) of section twenty of this Act to the Railways Board to meet any deficit on their revenue account arising more than five years after the vesting date.

(3) The aggregate of any grants made under this section to the Railways Board, together with any loans made by the Minister under subsection (1) of section twenty of this Act to that Board to meet any deficit on their revenue account, shall not exceed four hundred and fifty million pounds, and both the power conferred by subsection (1) of this section and the power of the Minister to make loans under subsection (1) of the said section twenty shall be limited accordingly.

(4) During the period of five years beginning with the vesting date subsection (1) of section eighteen of this Act shall not apply to the Railways Board, but the Railways Board shall so conduct their business as to place themselves at the earliest possible date in such a position that their revenue will be, and continue to be, not less than sufficient for making provision for the meeting of charges properly chargeable to revenue, taking one year with another.

(5) For the purposes of the last foregoing subsection and, after the expiration of the said period of five years beginning with the vesting date, for the purposes of subsection (1) of section eighteen of this Act as it applies to the Railways Board, the

Railways Board shall take into consideration deficits on revenue account arising at any time after the vesting date, except so far as the Minister has, under subsection (1) of this section, made a grant to meet any such deficit.

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(6) Notwithstanding the provisions of subsection (3) of section eighteen of this Act, the Railways Board need not establish a general reserve until they have fulfilled their duty under subsection (4) of this section.

(7) Nothing in this section shall be taken as imposing any duty or obligation on the Minister to advance money by way of grant or loan to the Railways Board.

23.—(1) The Minister may, with the approval of the Treasury, out of money provided by Parliament make grants to the British Waterways Board to meet any deficit on their revenue account arising during the period of five years beginning with the vesting date. Special provision for British Waterways Board.

(2) No loan shall be made by the Minister under subsection (1) of section twenty of this Act to the British Waterways Board to meet any deficit on their revenue account arising more than five years after the vesting date.

(3) The aggregate of any grants made under this section to the British Waterways Board, together with any loans made by the Minister under subsection (1) of section twenty of this Act to that Board to meet any deficit on their revenue account, shall not exceed ten million pounds, and both the power conferred by subsection (1) of this section and the power of the Minister to make loans under subsection (1) of the said section twenty shall be limited accordingly.

(4) During the period of five years beginning with the vesting date subsection (1) of section eighteen of this Act shall not apply to the British Waterways Board, but the British Waterways Board shall so conduct their business as to keep the deficits incurred on their revenue account at the lowest possible level.

(5) Notwithstanding the provisions of subsection (3) of section eighteen of this Act, the British Waterways Board need not establish a general reserve so long as deficits are being incurred on their revenue account.

(6) Nothing in this section shall be taken as imposing any duty or obligation on the Minister to advance money by way of grant or loan to the British Waterways Board.

24.—(1) Each Board—

Accounts.

(a) shall cause proper accounts and other records in relation thereto to be kept, and

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(b) shall prepare an annual statement of accounts in such form and containing such particulars, compiled in such manner, as the Minister may from time to time direct with the approval of the Treasury.

(2) The accounts of each Board shall be audited by an auditor or auditors to be appointed annually by the Minister and a person shall not be qualified to be so appointed unless he is a member of one or more of the following bodies—

The Institute of Chartered Accountants in England and Wales ;

The Institute of Chartered Accountants of Scotland ;

The Association of Certified and Corporate Accountants ;

The Institute of Chartered Accountants in Ireland ;

Any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of paragraph (a) of subsection (1) of section one hundred and sixty-one of the Companies Act, 1948, by the Board of Trade.

(3) So soon as the accounts of a Board have been audited as aforesaid, they shall send a copy of the statement of accounts referred to in paragraph (b) of subsection (1) of this section to the Minister, together with a copy of the report made by the auditor or auditors on that statement, and a copy of that statement and of any such report shall be included in the report which is under this Act to be laid by the Minister annually before each House of Parliament.

(4) Section thirty-nine of the Railway and Canal Traffic Act, 1888, and the Railway Companies (Accounts and Returns) Act, 1911 (which relate to the making of returns and the keeping of statistics by railway and canal companies), and, except so far as the Minister may by order made by statutory instrument otherwise provide, so much of any statutory provision as relates to the accounts, statistics and returns to be kept or made by the owners of undertakings which were by the Transport Act, 1947, transferred to the Commission, or as relates to the audit or publication of any such accounts, shall not apply to any of the Boards.

Supplemental provisions relating to the Boards

The Boards' subsidiaries.

25.—(1) It shall be the duty of a Board which has a subsidiary to exercise its control over the subsidiary so as to ensure that the subsidiary—

(a) does not engage in activities in which the Board has no power to engage (including activities in which the

Board has no power to engage because the consent of the Minister has not been obtained), and

PART I

- (b) does not do anything which the Minister has directed the Board not to do, and
- (c) does not, except with the consent of the Minister, borrow money from any person other than the Board, and
- (d) does not, except with the consent of the Minister, raise money by the issue of shares or stock to any person other than the Board.

(2) The Minister may give to a Board such directions as appear to him appropriate for ensuring that the Board carry out the duty imposed on them by the foregoing subsection.

(3) Paragraph (a) of subsection (1) of this section shall not apply to the power of managing hotels exercisable by the Hotel Company, but, without prejudice to that paragraph as it applies in relation to any subsidiary of the Railways Board, the Railways Board shall in exercise of their control of their subsidiaries take such steps as are open to them to ensure that nothing is done which will result in the Board having a subsidiary, other than the Hotel Company, which owns or manages a hotel.

(4) Paragraph (a) of subsection (1) of this section shall not apply to the provision of any shipping service by the Caledonian Steam Packet Company Limited in the River or Firth of Clyde or in the lochs, bays, channels or inlets connecting therewith.

26. For the purpose of section forty-two of the Finance Act, 1930 (which relates to stamp duty on transfers between associated companies), each of the Boards shall be deemed to be a company with limited liability.

Stamp duty on transfers between Boards and their subsidiaries.

27.—(1) The Minister may, after consultation with any Board, give to that Board directions of a general character as to the exercise and performance by the Board of their functions in relation to matters which appear to him to affect the national interest.

Powers of Minister in relation to Boards.

(2) A Board, in framing and carrying out proposals involving substantial outlay on capital account by the Board or by a subsidiary of the Board, shall act on lines settled from time to time with the approval of the Minister.

(3) In the exercise and performance of their functions as to training, education and research, each Board shall act on lines settled as aforesaid.

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(4) Without prejudice to the foregoing provisions of this section, the Minister may, after consultation with any Board, direct the Board to discontinue any of their activities, dispose of any part of their undertaking, dispose of any assets held by them, call in any loan made by them or exercise any power they may possess to revoke any guarantees given by them :

Provided that the Minister shall not give any such directions unless he is satisfied that the carrying on of the activities or the retention of the part of the undertaking or the assets or the continuance of the loan or guarantee, as the case may be, is unnecessary for the proper discharge of the duties of the Board under this Act.

(5) The Minister may, after consultation with any Board, direct the Board to exercise their control over a subsidiary of the Board so as to require the subsidiary to discontinue any of their activities, dispose of any part of their undertaking, dispose of any assets held by them, call in any loan made by them or exercise any power they may possess to revoke any guarantees given by them.

(6) If it appears to the Minister that there is anything which a Board ought in the interests of national defence to have power to do, or which a Board ought in the interests of national defence to be required to do, and that it would be consistent with the duties imposed on that Board by this Act, he may authorise or direct the Board to do that thing ; and no limitation on the powers of the Board contained in this Act or in any local enactment shall prevent the Board from acting in accordance with the authorisation or direction.

(7) Each Board shall furnish the Minister with such returns, accounts and other information with respect to their property and activities, and the property and activities of any company which is their subsidiary, as he may from time to time require.

(8) Without prejudice to the provisions of the last foregoing subsection, each Board shall, as soon as possible after the end of each accounting year of the Board, make to the Minister a report on the exercise and performance by them of their functions during that year and on their policy and programme, and the Minister shall lay a copy of every such report before each House of Parliament.

The report for any year shall set out any direction given by the Minister under this Act to the Board during that year, unless the Minister has notified to the Board his opinion that it is against the interests of national security to do so, and shall include a statement of the salaries or fees and of the emoluments of each of the members of the Board during that year.

28.—(1) Any consent which the Minister is authorised to give under the foregoing provisions of this Act may be given for any case or description of cases specified in the consent, or may be general, and may be given subject to conditions.

PART I
Powers
exercisable
subject to
Minister's
consent.

(2) Nothing done by a Board shall be unlawful on the ground that it was done without the consent of the Minister and that under the foregoing provisions of this Act it required the consent of the Minister.

(3) If it appears to the Minister that a Board propose to do anything, or have done anything, without the consent of the Minister which in his opinion requires his consent under this Act, he shall, after consultation with the Board, give to the Board such directions as appear to the Minister to be appropriate.

(4) The directions which the Minister may give under the last foregoing subsection in a case where a Board have already done anything without the Minister's consent may in particular require the Board to discontinue any activity or to dispose of any assets, and directions may be so given notwithstanding that they make it necessary for the Board to dispose of assets at a loss.

The Transport Holding Company

29.—(1) For the purposes of this Act there shall be a body corporate with perpetual succession which shall be called the Transport Holding Company and which is in this Act referred to as "the Holding Company".

(2) There shall be a chairman and not more than twelve other directors of the Holding Company who shall be the members thereof and who shall be appointed by the Minister.

(3) The chairman and other directors of the Holding Company shall be appointed from among persons who appear to the Minister to have had wide experience of, and to have shown capacity in, transport, industrial, commercial or financial matters, administration, the practice of the law, applied science, or the organisation of workers, and the Minister in appointing them shall have regard to the desirability of including among them persons who are directors of, or concerned in the management of, the principal subsidiaries of the Holding Company.

(4) The Holding Company shall in the conduct of their business act in accordance with such directions as may from time to time be given to them by the Minister.

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(5) Part III of the First Schedule to this Act shall have effect as regards the directors of the Holding Company and their proceedings.

(6) Subject to subsection (9) of this section, the objects of the Holding Company shall be—

(a) to hold and manage the securities vested in them by virtue of this Act, and

(b) to exercise the rights attached to those securities,

as if the Holding Company were a company engaged in a commercial enterprise, and the Holding Company shall have power for those objects—

(i) to form, promote and assist companies,

(ii) to subscribe for, take, acquire and hold, exchange and sell securities of companies,

and generally to carry on any business usually carried on by a holding company and to do all such other things as are incidental or conducive to the attainment of those objects.

(7) It shall be the duty of the Holding Company to exercise its control over any wholly-owned subsidiary of the Holding Company so as to secure that the subsidiary does not engage in manufacture or production except the manufacture or production of things for use in their own business or for supply to a Board, or a wholly-owned subsidiary of any of the Boards or of the Holding Company, for use in their business.

(8) The Holding Company shall have power with the consent of the Minister to sell or otherwise dispose of any of the securities vested in them by virtue of this Act, and in particular to transfer any of those securities to a subsidiary of the Holding Company in exchange for securities issued by that subsidiary.

(9) The Minister may by order extend or vary the objects and powers of the Holding Company under this section but he shall not make such an order unless the draft of the order has been laid before Parliament and approved by resolution of each House.

The power of making orders under this subsection shall include power to vary or revoke a previous order and shall be exercised by statutory instrument.

(10) The Holding Company's surpluses may with the consent of the Minister, given with the approval of the Treasury, be retained for the purposes of the conduct of their business, and, except so far as they are so retained, shall be paid over to the

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Minister and be paid by him into the Exchequer ; and so much of the sums so paid into the Exchequer as is of a capital nature shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury in redeeming or paying off debt of such description as the Treasury think fit.

(11) The Holding Company shall not borrow money, otherwise than by way of temporary loan, from any person other than the Minister or a subsidiary of the Holding Company, and the aggregate principal amount outstanding in respect of money borrowed by the Holding Company otherwise than from a subsidiary of the Holding Company shall not at any time exceed thirty million pounds.

(12) The Minister may with the approval of the Treasury lend money to the Holding Company ; and subsections (2) to (6) of section twenty of this Act shall apply in relation to sums lent under this section as they apply in relation to sums lent under that section.

(13) The Treasury may guarantee, in such manner and on such conditions as they may think fit, the repayment of the principal of, and the payment of interest on, any sums temporarily borrowed by the Holding Company from a person other than the Minister ; and subsections (2) to (5) of section twenty-one of this Act shall apply in relation to guarantees under this subsection as they apply in relation to guarantees under that section.

(14) The Holding Company shall furnish the Minister with such returns, accounts and other information with respect to their property and activities, and the property and activities of any company which is their subsidiary, as he may from time to time require.

(15) Subsections (1) to (3) of section twenty-four of this Act shall apply to the Holding Company as they apply to the Boards.

(16) The Holding Company shall, as soon as possible after the end of each of their accounting years, make to the Minister a report on the manner in which they have carried on their business and exercised their powers during that year, and on their policy and programme, and the Minister shall lay a copy of every such report before each House of Parliament.

The report for any year shall set out any direction given by the Minister under this section to the Holding Company during that year and shall include a statement of the salaries or fees and of the emoluments of each of the directors of the Holding Company during that year.

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(17) For the purpose of section forty-two of the Finance Act, 1930 (which relates to stamp duty on transfers between associated companies), the Holding Company shall be deemed to be a company with limited liability.

(18) Nothing in subsection (11) or subsection (12) of this section shall be taken as applying in relation to the commencing capital debt of the Holding Company.

(19) It is hereby declared that the provisions of this section concerning the powers of the Holding Company relate only to its capacity as a statutory corporation and do not authorise the Holding Company to infringe the rights of any other person.

Status of the Boards and the Holding Company

Status of
Boards and
the Holding
Company.

30. It is hereby declared that neither any of the Boards nor the Holding Company are to be regarded as the servant or agent of the Crown, or as enjoying any status, immunity or privilege of the Crown, or (subject to the express provisions of this Act relating to stamp duty and income tax) as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and that their property is not to be regarded as property of, or property held on behalf of, the Crown.

PART II

DIVISION OF COMMISSION'S UNDERTAKING

Property and functions

Distribution of
Commission's
assets.

31.—(1) Subject to this Act, on such date as the Minister may by order contained in a statutory instrument appoint (in this Act referred to as "the vesting date") all the property, rights and liabilities of the Commission shall by virtue of this Act be transferred to and vest in the Boards and the Holding Company in accordance with this Part of this Act; and the property, rights and liabilities so transferred shall by virtue of this Act vest in those bodies respectively.

(2) There shall be transferred to the Railways Board the property, rights and liabilities comprised in the part of the Commission's undertaking which constitutes—

- (a) the Commission's railway system, except for so much of it as is carried on through or managed by the London Transport Executive or is within any of the harbours listed in Part II or Part III of the Third Schedule to this Act,
- (b) the shipping services provided by the Commission in exercise of the powers conferred on them by the Railway Shipping Acts as defined in paragraph 2 of Part II of the Second Schedule to this Act,

- (c) the harbours listed or described in Part I of the Third Schedule to this Act,
- (d) the road passenger services provided by the Commission, except those carried on through or managed by the London Transport Executive,
- (e) the British Transport Commission Police Force, and
- (f) the Commission's Historical Records Department, the department for which their Curator of Historical Relics is responsible and their Films Service,

and any property, rights and liabilities not falling to be transferred under any other provision in this Act.

(3) There shall be transferred to the London Board the property, rights and liabilities comprised in the part of the Commission's undertaking which is carried on through, or managed by, the London Transport Executive.

(4) There shall be transferred to the Docks Board the property, rights and liabilities comprised in the part of the Commission's undertaking constituted by the harbours listed in Part II of the Third Schedule to this Act.

(5) There shall be transferred to the British Waterways Board the property, rights and liabilities comprised in the part of the Commission's undertaking constituted by—

- (a) their inland waterways (other than the Lower Ouse Improvement, which under the last foregoing subsection vests in the Docks Board), and
- (b) the harbours listed in Part III of the Third Schedule to this Act.

(6) Notwithstanding anything in the foregoing provisions of this section, there shall be transferred to—

- the Railways Board,
- the Docks Board,
- the British Waterways Board, and
- the Holding Company,

the securities of the bodies listed in Parts I, II, III and IV of the Fourth Schedule to this Act respectively (so far as beneficially owned by the Commission), and the rights and liabilities specified in Part V of that Schedule so, however, that where such securities are beneficially owned by the Commission, but held by a nominee, this subsection shall operate only to transfer the beneficial interest in the securities.

The references in this subsection to Parts I, II, III and IV of the Fourth Schedule to this Act shall have effect subject to Part VI of that Schedule.

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(7) Notwithstanding anything in the foregoing provisions of this section, there shall be transferred to the Boards and the Holding Company the property, rights and liabilities of the Commission specified for them respectively in the Fifth Schedule to this Act.

(8) Any property, rights or liabilities held or subsisting partly for the purpose of a part of the Commission's undertaking which is under this Part of this Act transferred to one Board, and partly for the purpose of a part which is transferred to another Board, shall—

(a) where the nature of the property, right or liability permits, be divided or apportioned between those Boards in such proportions as may be just, and

(b) in any other case, be transferred to those Boards jointly, and, where any estate or interest in land falls to be so divided, any rent payable under a lease in respect of that estate or interest, and any rent charged on that estate or interest, shall be correspondingly apportioned or divided so that the one part is payable in respect of, or charged on, only the one part of the estate or interest and the other part is payable in respect of, or charged on, only the other part of the estate or interest.

(9) The last foregoing subsection shall apply, with any necessary modifications, in relation to any feuduty payable in respect of an estate or interest in land in Scotland, as it applies in relation to any rent charged on an estate or interest in land.

Distribution of
Commission's
statutory
functions.

32.—(1) The provisions of the Second Schedule to this Act shall as from the vesting date have effect with respect to the distribution among the Boards of the Commission's functions under the enactments there mentioned.

(2) Subject to that Schedule, and to any other provision in this Act, the functions of the Commission under any statutory provision, other than the Transport Act, 1947, the Transport Act, 1953, and this Act, shall be transferred to the Board or Boards specified in the following provisions of this section.

(3) If and so far as the statutory provision relates to an undertaking, or a part of an undertaking, or property transferred to a Board by this Part of this Act, the functions of the Commission under that statutory provision shall be transferred to that Board.

(4) If and so far as the statutory provision authorises the carrying out of works designed to be used in connection with an undertaking or part of an undertaking transferred to a Board, or the acquisition of land for the purpose of carrying out such works, the functions of the Commission under that statutory provision shall be transferred to that Board.

(5) If the statutory provision authorises the Commission to appoint, nominate, or concur in or approve the appointment or nomination of, a member of some body or the holder of some other office,—

- (a) this Act shall not affect the tenure of office of any person appointed or nominated under the statutory provision before the vesting date, and
- (b) subject to that, the functions of the Commission under the statutory provision shall be transferred to such Board as the Minister may direct by order contained in a statutory instrument.

An order under this subsection may provide for the function so transferred being exercised jointly by two or more Boards or separately by two or more Boards.

(6) Subject to the foregoing provisions of this section, the functions of the Commission under any statutory provision, other than the Transport Act, 1947, the Transport Act, 1953, and this Act, shall be transferred to the Railways Board.

(7) In this section references to the Commission include references to any Executive of the Commission, and references to statutory provisions include those passed or made between the passing of this Act and the vesting date.

33.—(1) The Commission shall as soon as practicable after the passing of this Act arrange for the Commission's hotels to be transferred to a subsidiary of the Commission, that is to say— The Commission's hotel property.

- (a) for the necessary steps to be taken under the Companies Act, 1948, for the formation of a company limited by shares which will be a subsidiary of the Commission and the objects of which will include the acquisition of the part of the Commission's undertaking constituted by their hotels, and
- (b) for the transfer by the Commission, in consideration of the issue of shares in the company to the Commission, of that part of their undertaking to the company.

(2) The arrangements shall provide for the company taking either a freehold interest or leasehold interest in any hotel as may be appropriate, and the Commission shall endeavour to complete the arrangements under this section so far as practicable before the vesting date.

(3) The Minister may give to the Commission directions as to what is to be included in the property and interests to be transferred to the subsidiary (which is in this Act referred to as "the Hotel Company") and the Commission shall before

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concluding the arrangements give to the Minister particulars of the property and interests which they propose to transfer under the arrangements.

(4) On the vesting date there shall be transferred to and vest in the Railways Board by virtue of this Act—

- (a) the shares issued by the Hotel Company and owned by the Commission (so, however, that as respects securities beneficially owned by the Commission, but held by a nominee, this subsection shall operate only to transfer the beneficial interest in the securities), and
- (b) any land which is subject to a lease granted by the Commission to the Hotel Company, and
- (c) all rights and liabilities of the Commission enforceable against the Hotel Company, or by the Hotel Company, and in particular, all the rights and liabilities of the Commission under any contract for sale or lease to the Hotel Company, and
- (d) the property, rights and liabilities of the Commission in the part of the undertaking to be transferred under this section to the Hotel Company so far as the transfer has not taken effect before the vesting date,

and it shall be the duty of the Railways Board after the vesting date to complete the arrangements made by the Commission with the Hotel Company in pursuance of this section.

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

- (a) in subsection (2), for the words “either a freehold interest or leasehold interest” there shall be substituted the words “either the Commission’s whole interest or the interest of the vassal under a feu granted by the Commission or the interest of the lessee under a lease granted by the Commission”; and
- (b) paragraphs (b) and (c) of subsection (4) shall apply in relation to a feu, or an agreement to feu, granted by the Commission to the Hotel Company as they apply in relation to a lease so granted.

Transfer of staff.

34.—(1) The foregoing provisions of this Part of this Act shall not apply to rights and liabilities under an agreement for the rendering of personal services by any person (hereinafter referred to as “an employee”).

(2) The rights and liabilities of the Commission under any such agreement with an employee who immediately before the vesting date is employed exclusively for the purposes of any part of the Commission’s undertaking transferred to the Railways Board, the Docks Board, or the British Waterways Board shall be transferred to that Board.

(3) The rights and liabilities of the Commission under such an agreement with an employee who immediately before the vesting date is by virtue of paragraph (b) of subsection (9) of section five of the Transport Act, 1947, treated as being in the employment of the London Transport Executive shall be transferred to the London Board.

(4) The rights and liabilities of the Commission under any agreement with an employee who immediately before the vesting date is employed exclusively for the purposes of the part of the Commission's undertaking passing to the Hotel Company shall be transferred to the Hotel Company.

(5) The rights and liabilities of the Commission under any agreement with an employee who immediately before the vesting date is employed wholly or mainly for the purposes of the business of any of the bodies listed in Part IV of the Fourth Schedule to this Act shall be transferred to the Holding Company.

The reference in this subsection to Part IV of the Fourth Schedule to this Act shall have effect subject to Part VI of that Schedule.

(6) The rights and liabilities of the Commission under any other such agreement shall be transferred to the Railways Board.

(7) The Boards may before the vesting date enter into any arrangements with the Commission and any employee of the Commission for the determination of the employee's agreement on or before the vesting date and for the conclusion of a new agreement between the Board and the employee for the rendering of services to the Board, and the Commission may become a party to any arrangements between any of the Boards, or any other employer, and any of the Commission's employees for the transfer of those employees from the Commission to the new employer on or before the vesting date.

(8) Any right to services transferred by this section shall have effect on and after the vesting date as a right not only to the service to which the agreement relates but also to any reasonably comparable service under the Board or company, to be selected by that body.

Any dispute between a Board or company and the other party to a service agreement as to what are reasonably comparable services for the purposes of this subsection may be reported to the Minister of Labour by the Board or company or the other party to the agreement and, if a dispute so reported is not otherwise disposed of, that Minister shall refer it for determination by the industrial court.

(9) Any of the Boards and the said companies, and any person who is a party to any agreement which is modified by this section, may apply to the Minister to determine to which of the Boards

PART II or companies the rights and liabilities under any such agreement are transferred and the Minister's decision on the application shall be final.

Supplementary provisions relating to distribution of Commission's undertaking.

35.—(1) The Sixth Schedule to this Act (which contains further provisions regarding the distribution of the Commission's undertaking) shall have effect for the purposes of this Act.

(2) In the said Schedule the expression "the principal sections" means the foregoing sections of this Part of this Act, and references to those sections include references to any Schedule to this Act referred to in those sections.

Capital debts and other financial provisions

Treasury to take over liability for Transport Stock.

36.—(1) Subject to this section, all the rights and liabilities which, under the terms of issue of the stock created and issued under section eighty-nine of the Transport Act, 1947, were immediately before the vesting date rights and liabilities of the Commission shall, as from the vesting date, be rights and liabilities of the Treasury and as from the vesting date the said stock (which consists of the issues set out in the first column of the following Table and which is in this and the next following section referred to as "the Stock") shall be renamed as shown in the second column of that Table.

TABLE

<i>Old name</i>	<i>New name</i>
British Transport 3% Guaranteed Stock, 1967-72.	British Transport 3% Stock, 1967-72.
British Transport 3% Guaranteed Stock, 1968-73.	British Transport 3% Stock, 1968-73.
British Transport 4% Guaranteed Stock, 1972-77.	British Transport 4% Stock, 1972-77.
British Transport 3% Guaranteed Stock, 1978-88.	British Transport 3% Stock, 1978-88.

(2) Notwithstanding anything in this section, the Stock shall be regarded on and after the vesting date as the same stock and held in the same right and on the same trusts and subject to the same powers, privileges, charges, restraints and liabilities as before, and any provision of any deed, will, disposition or other instrument which immediately before the vesting date was applicable to any such Stock shall continue to be applicable to the same Stock as re-named under this section.

(3) As from the vesting date the Stock shall, subject to this section, be deemed for all purposes to have been created and issued under the National Loans Act, 1939, and that Act and any other enactment, regulation or rule relating to securities issued under that Act shall apply accordingly to the Stock.

(4) Not later than the vesting date the Commission shall pay to the Treasury an amount equal to the interest (without any deduction for income tax) which has accrued on the Stock in the period from the date when the last instalment of interest became payable on the Stock down to the vesting date (making separate calculations for any issues of the Stock with different interest dates), and that amount shall be paid into the Exchequer and shall be issued out of the Consolidated Fund at such times as the Treasury may direct and shall be applied towards meeting such part of the annual charges for the National Debt as represents interest.

Any question arising between the Commission and the Treasury as to the manner in which interest accrued on the Stock is to be calculated shall be determined by the Treasury.

(5) Not later than the vesting date the Commission shall pay to the Bank of England a sum equal to the amounts accrued due in respect of unclaimed interest on British Transport Guaranteed Stock before the vesting date (after deduction of income tax), including amounts applied under paragraph (2) of regulation 20 of the British Transport Stock Regulations, 1947, but excluding any amounts represented by money in the hands of the Bank of England.

The Bank of England shall deal with the money so paid to them, and with the money already in their hands which represents such unclaimed interest, as money entrusted to them for payment to holders of the Stock and section five of the Miscellaneous Financial Provisions Act, 1955 (which relates to unclaimed dividends on Government Stock), shall apply accordingly.

(6) Any unclaimed Stock which is held by the Commission immediately before the vesting date on behalf of persons who became entitled thereto in substitution for securities of the bodies whose undertakings were transferred to the Commission by the Transport Act, 1947, shall be held on and after that date on behalf of those persons by the National Debt Commissioners; and each of the Boards shall give to the Commissioners such information and such assistance as the Commissioners may reasonably require in connection with any claim to that Stock.

(7) The transitional provisions set out in Part I of the Seventh Schedule to this Act shall apply in relation to the Stock.

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(8) On the vesting date section eighty-nine of the Transport Act, 1947, and the regulations made under that section shall cease to have effect, but this subsection shall not affect the rights and liabilities transferred to the Treasury under subsection (1) of this section.

Transfer of redemption funds.

37.—(1) Subsection (1) of the last foregoing section shall not impose on the Treasury any liability to establish or maintain any redemption fund, and—

- (a) the cash and investments which immediately before the vesting date represent the Redemption Fund established under the British Transport Stock Regulations, 1947, and
- (b) the right to receive any interest or dividends which are payable in respect of any such investments but which have not been received by the Commission before the vesting date,

shall vest by virtue of this subsection in the Treasury or in such nominees as the Treasury may appoint.

(2) Not later than the vesting date the Treasury shall pay to the Commission out of the Consolidated Fund an amount equal to the interest or dividends (without any deduction of income tax) which have accrued on the investments transferred under the foregoing subsection in the period from the date when the last instalment of interest became payable on those investments respectively down to the vesting date (making separate calculations for different investments).

Any question arising between the Commission and the Treasury as to the manner in which accrued interest or dividends are to be calculated shall be determined by the Treasury.

(3) Such of the investments transferred from the Commission under subsection (1) of this section as are securities the principal of and interest on which are charged on the Consolidated Fund shall be cancelled, and the remainder of those investments shall be sold.

(4) The net proceeds of the sale, and all other sums received by the Treasury or their nominees by virtue of this section shall be paid into the Exchequer and shall be issued out of the Consolidated Fund at such times as the Treasury may direct and applied by the Treasury in redeeming or paying off debt of such description as the Treasury see fit.

Extinction of liability of the Commission for certain Exchequer advances.

38. On the vesting date all the liabilities of the Commission in respect of advances made to them by the Minister under section forty-two of the Finance Act, 1956, and under section two of the Transport (Railway Finances) Act, 1957, shall be extinguished.

39.—(1) Each of the Boards, and the Holding Company, shall severally assume, on the transfer to them by this Act of their part of the property, rights and liabilities of the Commission, a debt due to the Minister on such terms as may be imposed under this section.

PART II
Commencing
capital debts
of the new
bodies.

The said debts are in this Act referred to as the “commencing capital debts”.

(2) The amount of the commencing capital debts taken together shall be equal to—

- (a) the nominal value of all the stock to which subsection (1) of section thirty-six of this Act applies, and
- (b) the amount of the liability extinguished by the last foregoing section, and
- (c) the amount of the Capital Redemption Accounts as shown in the final accounts of the Commission,

with the deduction to be made under the next following subsection.

(3) The amount to be deducted under the last foregoing subsection shall be—

- (a) the total shown in the special account under section three of the Transport (Railway Finances) Act, 1957, as included in the final accounts of the Commission, and
- (b) the amount shown in the final accounts of the Commission in respect of the total discounts on the issue of British Transport Guaranteed Stock, less premiums on issue and less amounts written off, and
- (c) the amount shown in the final accounts of the Commission in respect of the book value of the cash and investments which are under paragraph (a) of subsection (1) of section thirty-seven of this Act to be transferred to the Treasury,

after deducting from the total of the amounts under paragraph (a), paragraph (b) and paragraph (c) of this subsection—

- (i) the amount shown in the final accounts of the Commission in respect of the net surplus on revenue account for the Commission’s activities, excluding British Railways, for the period from the beginning of the year nineteen hundred and fifty-six to the end of the period for which the final accounts of the Commission are made up, and
- (ii) the sums paid by the Minister to the Commission by way of grant to meet deficits on revenue account, being sums paid out of money provided by Parliament since the beginning of April, nineteen hundred and sixty (and including sums so paid under Part IV of this Act).

PART II

(4) The commencing capital debt of each of the said bodies shall be such part of the total ascertained under subsection (2) of this section as the Minister may prescribe having regard to the manner in which the Commission's property, rights and liabilities are by this Act divided among those bodies.

(5) The Minister's power of prescribing the amount mentioned in the last foregoing subsection shall be exercisable by order, and he shall make such an order as soon as may be after the vesting date but may from time to time, but not more than five years after the vesting date, vary an order under this subsection by a further order, where that appears to him expedient to take account of some change in the manner in which the Commission's property, rights and liabilities are so divided (whether in consequence of an order under the Sixth Schedule to this Act or otherwise), and any such order may contain such transitional provisions as appear to him expedient to take account of any interest underpaid or overpaid on the commencing capital debt of any of the said bodies.

The Minister's power of making orders under this section shall be subject to the approval of the Treasury and shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the Commons House of Parliament.

(6) Subject to the next following section, the rate of interest payable on the commencing capital debt of each of the said bodies, the time when the principal is to be paid off and the other terms of the debt shall be such as the Minister may with the approval of the Treasury from time to time direct.

(7) The Minister may, in the period before the first order is made under subsection (5) of this section, estimate what the commencing capital debt of the Boards and of the Holding Company will be, and require those bodies to make to him provisional payments by way of interest on those estimated amounts; and those provisional payments shall be on account of the payments of interest becoming due under subsection (6) of this section.

(8) Any sums received by the Minister by way of interest on, or repayment of, the commencing capital debt of any of the Boards or of the Holding Company shall be paid into the Exchequer and shall be issued out of the Consolidated Fund at such times as the Treasury may direct and applied by the Treasury as follows, that is to say—

- (a) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury see fit, and
- (b) so much thereof as represents interest shall be applied towards meeting such part of the annual charges for the National Debt as represents interest.

40.—(1) Part of the commencing capital debt of the Railways Board shall be called the suspended debt, and shall not carry any interest, and shall not be required to be paid off at a fixed time unless and until the Minister otherwise directs. PART II
Railways Board's suspended debt.

The Minister may give a direction under this subsection either as regards the whole of the suspended debt, or as regards a part of the suspended debt, and where he gives a direction as regards a part of the suspended debt he may from time to time vary the direction so as to increase the part of the suspended debt which is repayable and carries interest.

(2) The amount of the suspended debt shall be that part of the commencing capital debt which, in the opinion of the Minister, is not represented by the written-down book value of the assets which have been created by the Commission since the end of the year nineteen hundred and fifty-five and which vest in the Railways Board under this Part of this Act, and the Minister shall direct what that amount shall be :

Provided that the Minister may vary a direction under this subsection by a further direction, where that appears to him expedient to take account of any order under subsection (5) of the last foregoing section which varies the commencing capital debt of the Railways Board.

(3) For the purposes of the last foregoing subsection any securities which vest in the Railways Board under this Part of this Act shall be treated as if they were assets created by the Commission since the end of the year nineteen hundred and fifty-five.

(4) If at any time the Railways Board satisfy the Minister—

- (a) that an amount equal to the whole or any part of the net book value of an asset which is transferred to the Railways Board under or in pursuance of this Part of this Act could have been properly written off by the Commission, and that the Board have at any time properly taken account of that fact in their accounts, or
- (b) that at any time after the vesting date an asset which is so transferred to the Railways Board has gone out of use and that the Board have properly taken account of that fact by writing off an amount not exceeding the net book value of that asset in their books, and by adjusting their accounts accordingly,

the Minister may, if he thinks fit, direct that a specified amount of the suspended debt, not exceeding the amount mentioned in paragraph (a) or paragraph (b) of this subsection as the case may be, shall be extinguished.

(5) Any direction under this section shall be given by the Minister by an order made with the approval of the Treasury by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

PART II

Miscellaneous

Exemptions
from stamp
duty.

41.—(1) Nothing in section twelve of the Finance Act, 1895 (which requires Acts to be stamped as conveyances on sale in certain cases), or in section fifty-two of the Finance Act, 1946 (which exempts from stamp duty certain documents connected with nationalisation schemes), shall be taken as applying to this Act.

(2) Stamp duty shall not be chargeable under section one hundred and twelve of the Stamp Act, 1891, in respect of—

- (a) the amount which is to form the nominal share capital of the Hotel Company, or
- (b) any increase in the nominal share capital of that company.

to the extent to which it is certified to the Commissioners of Inland Revenue by the Commission or the Railways Board that the said capital, or, in the case of any increase, the said capital as so increased, does not exceed the total value of the assets less liabilities to be transferred to that company in pursuance of section thirty-three of this Act.

(3) Stamp duty shall not be chargeable on any instrument which is certified to the Commissioners of Inland Revenue by the Commission or any of the Boards as having been made or executed in pursuance of section thirty-three of this Act or paragraph 1 of the Sixth Schedule to this Act:

Provided that no such instrument shall be deemed to be duly stamped unless either it is stamped with the duty to which it would but for this subsection be liable or it has, in accordance with the provisions of section twelve of the Stamp Act, 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.

(4) If before the vesting date the Commission cause any company limited by shares to be formed under the Companies Act, 1948, and any assets to be transferred to that company, for the purpose of facilitating the transfers to be effected by this Part of this Act—

- (a) stamp duty shall not be chargeable under section one hundred and twelve of the Stamp Act, 1891, in respect of the amount which is to form the nominal share capital of the company, if it is certified to the Commissioners of Inland Revenue by the Commission that the company is formed for the purpose mentioned in this subsection and that the said amount does not exceed the total value of the assets less liabilities to be transferred to the company; and

- (b) stamp duty shall not be chargeable on any instrument which is certified to the Commissioners of Inland Revenue by the Commission as having been made for effecting any transfer of assets for the purpose mentioned in this subsection:

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Provided that no such instrument as is mentioned in paragraph (b) of this subsection shall be deemed to be duly stamped unless it is stamped with the duty to which it would but for this subsection be liable or it has, in accordance with the provisions of section twelve of the Stamp Act, 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.

42.—(1) Subject to this section, Part X and Part XI of the Income Tax Act, 1952 (which confer relief from income tax in respect of certain capital expenditure), shall apply as if—

Income tax: provisions for determining capital allowances for the Boards.

- (a) all the assets which under and in pursuance of this Part of this Act are respectively transferred to the Boards had been sold to them by the Commission on the vesting date in the open market at prices equal to the net book values of those assets (that is to say the values after deducting any provision for maintenance equalisation and for any form of depreciation) as shown in the books by reference to which the final accounts of the Commission are made up, and
- (b) on the vesting date the trade carried on by the Commission had been permanently discontinued and the Boards had set up new trades.

(2) If at any time the Minister directs under subsection (4) of section forty of this Act, and by reference to paragraph (a) of that subsection, that a part of the Railways Board's suspended debt shall be extinguished, this section shall apply, and shall be deemed always to have applied, as if the net values of the assets which under or in pursuance of this Part of this Act are transferred to the Railways Board were the amount determined under subsection (1) of this section after deducting from that amount a sum equal to the part of the Railways Board's suspended debt so extinguished.

There shall be made all such adjustments, whether by way of additional assessment or otherwise, as may be necessary to give effect to this subsection, and notwithstanding anything in the Income Tax Act, 1952, any adjustment to give effect to this subsection as respects any year of assessment may be made at any time not more than six years after the end of the year of assessment in which the Minister gives his direction under the said subsection (4).

PART II

(3) In subsection (1) of this section the reference to Parts X and XI of the Income Tax Act, 1952, shall not include a reference to section seventeen of the Finance Act, 1956 (capital allowances on expenditure on dredging), notwithstanding that that section is by virtue of subsection (12) thereof to be treated as contained in the said Part X; and the said section seventeen shall apply as if the trade carried on by the Commission was not permanently discontinued on the vesting date and was continued in part by the Railways Board, in part by the Docks Board, and in part by the British Waterways Board.

(4) The expression "statutory provision" in section four hundred and eighty-two of the Income Tax Act, 1952 (which relates to capital allowances where undertakings are absorbed in nationalisation schemes), shall not include this Act.

PART III

TRANSPORT CHARGES AND FACILITIES

General

Charges and facilities: general provisions.

43.—(1) Subject to this Act,—

(a) all charges schemes under Part V of the Transport Act, 1947, shall cease to have effect, and

(b) no local enactment passed or made with respect to any particular undertaking so far as it limits the discretion of the persons carrying on that undertaking as to the charges to be made by them—

(i) for the carriage of passengers or goods,

(ii) for the use of any railway, or of any inland waterway by any ship or boat,

(iii) for services and facilities connected with the carriage of passengers or goods, or with the use of any railway, or of any inland waterway by any ship or boat, or

(iv) for services and facilities in or connected with a harbour,

(whether by specifying, or providing for specifying, the charges to be made, or fixing, or providing for fixing, maximum charges, or otherwise) shall apply to the charges of the Boards.

(2) Paragraph (b) of the foregoing subsection shall not be read as exempting the Boards from any local enactment so far as it expressly provides for freedom from charges or otherwise prohibits the making of any charge.

(3) Subject to this Act and to any such enactment as is mentioned in the last foregoing subsection, the Boards shall have power to demand, take and recover such charges for their services and facilities, and to make the use of those services and facilities subject to such terms and conditions, as they think fit.

(4) The Boards shall not be subject to the enactments listed in the Eighth Schedule to this Act (which—

- (a) impose a duty to afford reasonable services and facilities, and
- (b) regulate liability for negligence in the carriage of goods, and
- (c) authorise the revision of railway freight charges on complaint by competitors or traders).

(5) No local enactment passed or made with respect to any particular undertaking so far as it imposes on the persons carrying on that undertaking—

- (a) a duty to connect, or afford facilities for the connection of, any siding to a railway, or
- (b) a duty to permit privately owned railway wagons to be used on a railway owned or operated by them, or
- (c) a duty (otherwise than to a named person, or to the successors of a named person, or for the benefit of specified lands) to provide or maintain any other railway services or facilities (including the provision of stations, sidings or carriages and of any services, facilities or amenities connected therewith),

or so far as it otherwise makes provision corresponding to any of the enactments listed in the Eighth Schedule to this Act, shall apply to any of the Boards.

(6) None of the Boards shall be regarded as common carriers by rail or inland waterway.

(7) The Boards shall not carry passengers by rail on terms or conditions which—

- (a) purport, whether directly or indirectly, to exclude or limit their liability in respect of the death of, or bodily injury to, any passenger other than a passenger travelling on a free pass, or
- (b) purport, whether directly or indirectly, to prescribe the time within which or the manner in which any such liability may be enforced,

and any such terms or conditions shall be void and of no effect.

PART III

(8) The services and facilities referred to in subsection (3) of this section include, in the case of the British Waterways Board, the use of any inland waterway owned or managed by them by any ship or boat.

(9) Before the vesting date references in this section and in the following provisions of this Part of this Act to the Boards or to any of the Boards shall be construed, except so far as the context otherwise requires, as references to the Commission.

Passenger fares in London

Application of current passenger charges scheme in London.

44. The Minister shall by order contained in a statutory instrument make such amendments in the charges scheme relating to passengers which is in operation under Part V of the Transport Act, 1947, immediately before the date on which this section comes into force as appear to him to be necessary for the purpose of limiting the application of the scheme—

(a) to charges for the carriage of passengers by railway on journeys wholly within the London Passenger Transport Area, and

(b) to charges for the carriage of passengers by road on routes wholly or partly within the London special area,

including in each case any provision of the scheme as to the luggage which a passenger is entitled to take with him and the charges, if any, to be made in respect of that luggage; and that scheme, as so amended, shall continue in force on and after that date and apply to the London Board and the Railways Board.

Transport Tribunal's power to make orders.

45.—(1) The Transport Tribunal shall, subject to and in accordance with the provisions of this Part of this Act, have power to make orders as respects the following charges of the London Board and the Railways Board, that is to say—

(a) charges for the carriage of passengers by railway on journeys wholly within the London Passenger Transport Area, and

(b) charges for the carriage of passengers by road on routes wholly or partly within the London special area except—

(i) charges for any service or part of a service which is the subject of a road service licence, and

(ii) charges for carriage in contract carriages,

and any such order may include provisions as to the luggage which a passenger is entitled to take with him and as to the charges, if any, to be made in respect of that luggage.

PART III

(2) An order under this section may vary or revoke the charges scheme continued in force by the last foregoing section or any previous order under this section, and the said scheme and any orders for the time being in force under this section are hereinafter referred to as "the London fares orders".

(3) Any order under this section shall comply with the following requirements, that is to say—

- (a) it shall fix maximum charges except in cases where it appears not to be reasonably practicable or to be undesirable so to do ;
- (b) in cases in which no maximum charge is fixed it shall authorise the making of such charges as may be reasonable and provide for any questions as to the reasonableness of any such charge being determined, on the application either of the Board making the charge or of the person liable to be charged, by the Transport Tribunal, to the exclusion of any other court ;
- (c) it shall, save as aforesaid and subject to the provisions of this Act, secure that the charges to be made are left to the discretion of the Board concerned and that no limitations are imposed on that discretion ;
- (d) it shall secure that the Board concerned have to publish maximum charges but do not have to publish any other charges.

(4) In exercising their power to make orders under this section, the tribunal shall do nothing which will in the opinion of the tribunal prevent the London Board and the Railways Board from levying charges which make a proper contribution to the discharge of their financial duty, taking into account their present circumstances and future prospects and any directions given to them by the Minister under this Act.

In this subsection "financial duty" means the duty imposed by subsection (1) of section eighteen of this Act and includes, in the case of the Railways Board, the duty imposed by subsection (4) of section twenty-two of this Act.

(5) Where the tribunal make, or decline to make, an order under this section, they shall furnish a written statement of the reasons for their decision to the applicant and to every other person entitled to be heard on the application.

(6) It shall be the duty of the said two Boards to give to the tribunal all such assistance as is necessary or as the tribunal may require for the purpose of exercising their power to make orders under this section.

PART III
Applications
for orders.

46.—(1) An application for an order under the last foregoing section may be made to the Transport Tribunal—

- (a) by the London Board or by the Railways Board, or
- (b) by any representative body,

and shall be accompanied by a written case in support of the application.

(2) The London Board and the Railways Board may make a joint application under this section.

(3) The Transport Tribunal shall not entertain any application under this section by a representative body where in their opinion the application relates to a matter—

- (a) which has been the subject of consideration by the tribunal within the twelve months preceding the making of the application, or
- (b) which is of such magnitude that it should not be dealt with except as the result of such a review as is provided for by the next following section.

(4) The London Board and the Railways Board shall make such applications under this section as appear to them to be necessary in order to secure that their charges subject to the London fares orders make a proper contribution to the discharge of their financial duty, taking into account their present circumstances and future prospects and any directions given to them by the Minister under this Act.

In this subsection “financial duty” has the same meaning as in subsection (4) of the last foregoing section.

(5) Where an application is made under this section (not being an application which the tribunal refuse to entertain) the person making the application shall publish it in such manner as the tribunal may direct together with a notice stating where copies of the written case submitted in support of the application are available and specifying the time and manner (which shall be determined by the tribunal) in which objections to the application and other representations with respect thereto may be lodged with the tribunal by either of the Boards or by any representative body.

(6) As soon as may be after the time for lodging objections and representations has elapsed, the tribunal shall hold a public inquiry and shall at that inquiry hear the applicant and (where they are not the applicant) the Boards, and any representative body which has duly lodged with the tribunal an objection or other representation with respect to the application.

(7) The Transport Tribunal shall not vary any charge other than those to which the application relates unless the tribunal is satisfied that the Board concerned and such other persons as appear to the tribunal to have a substantial interest have had an opportunity of being heard thereon but, subject to that, the tribunal may on the application make such order, if any, as they think fit, and particulars of the order shall, unless the tribunal determine that in all the circumstances publication is unnecessary, be published in such manner as the tribunal may specify.

(8) In this and the next following section the expression "representative body" means any body representative of, or of any section of, passengers travelling on journeys or routes the charges for which are subject to the London fares orders, and—

- (a) the London County Council, the council of any metropolitan borough and the Common Council of the City of London, and
- (b) the council of any county or county borough outside the county of London but wholly or partly within the London Passenger Transport Area, and
- (c) the council of any non-county borough or urban district wholly or partly within that Area and having a population of not less than fifty thousand according to the last census for the time being.

47.—(1) The Minister may at any time require the Transport Tribunal to review the operation of the London fares orders. Review of
London fares

(2) The tribunal shall give notice of any such requirement to the London Board and the Railways Board, and shall require the London Board to publish notice thereof in such manner as the tribunal may specify, together with a notice specifying the time and manner (which shall be determined by the tribunal) in which representations may be lodged with the tribunal by any representative body.

(3) As soon as may be after the time for lodging representations has elapsed, the tribunal shall hold a public inquiry and shall at that inquiry hear both the Boards and any representative body which has duly lodged a representation for the purposes of the review.

(4) The tribunal may then under section forty-five of this Act make such order, if any, as they think fit and particulars of the order shall, unless the tribunal determine that in all the circumstances publication is unnecessary, be published in such manner as the tribunal may determine.

PART III
Special
procedure for
temporary
authorisation
of increased
charges.

48.—(1) If it appears to the London Board or the Railways Board that there has been or will be an increase in costs or a fall in revenue which will seriously affect their financial position unless met quickly by an increase in their charges subject to the London fares orders, they may by notice published in the London Gazette and in such other manner as may appear to them best adapted for informing persons affected, declare that all or any of their maximum charges fixed under the London fares orders are to be treated, as from a date specified in the notice, as increased by such amounts as may be so specified in relation to those maximum charges respectively; and the notice shall have effect notwithstanding anything contained in, or having effect under, the foregoing provisions of this Part of this Act.

(2) A notice under this section shall contain a brief statement of the grounds on which it is given.

(3) Neither of the Boards shall, by means of a notice or notices having effect at any one time under this section, make increases in charges which appear to them to bring about an increase in their revenue from charges subject to the London fares orders exceeding ten per cent.

(4) Within one month, or such longer period as the Minister may allow, from the publication of a notice under this section in the London Gazette, the Board by whom the notice was given shall apply under section forty-six of this Act to the tribunal for the alteration of all or any of their fares subject to the London fares orders (whether or not all or any of those specified in the application were the fares affected by the notice).

(5) The written case submitted in support of the application shall also set out the grounds on which the Board gave the notice.

(6) The London Board and the Railways Board may give a joint notice under subsection (1) of this section.

(7) When the Transport Tribunal determine any application in pursuance of this section they shall by order fix a date for the termination of the relevant notice under this section.

**Transitional
provisions.**

49. The transitional provisions in Part II of the Seventh Schedule to this Act shall have effect for the purposes of the foregoing provisions of this Part of this Act relating to passenger fares in London.

Charges and conditions at harbours

PART III

50.—(1) The provisions of the Ninth Schedule to this Act shall have effect as regards the powers of the Boards to make port charges at the harbours specified in that Schedule. Port charges and conditions at harbours.

(2) Subsection (3) of section forty-three of this Act shall not authorise the Boards to make the use of their services and facilities at the said harbours subject to any term or condition which the Boards would not be able to impose apart from that subsection.

(3) In this and the next following section, and in the Ninth Schedule to this Act—

“port charges” in relation to a harbour means ship, passenger and merchandise dues, and charges for any other services and facilities provided in, or in connection with, a harbour but does not include charges for the carriage of merchandise or passengers on any railway, charges for the use of any railway or charges in respect of railway wagons ;

“ship, passenger and merchandise dues” means charges for—

- (a) any ship entering, using or leaving a harbour,
- (b) any passengers embarking or disembarking at a harbour, and
- (c) merchandise shipped or unshipped into or from a ship entering, using or leaving any harbour ;

“charges for any ship entering, using or leaving a harbour” includes charges made on any such ship in respect of marking and lighting the harbour ;

“merchandise” includes goods, fish, livestock and animals of all descriptions, and minerals.

51.—(1) An application may be made to the Minister— Revision of harbour dues.

(a) by the Docks Board, the Railways Board or the British Waterways Board, or

(b) by any person, or any body representative of persons, appearing to the Minister to have a substantial interest,

for the revision of any of the limitations on ship, passenger and merchandise dues imposed in respect of any harbour by paragraph 1, paragraph 2 and sub-paragraph (2) of paragraph 3 of the Ninth Schedule to this Act.

(2) On an application relating to dues at a harbour to which paragraph 3 of the said Schedule applies the Minister may take into review and regulate by order under this section any ship, passenger and merchandise dues which are subject to the limitation imposed by sub-paragraph (3) of that paragraph.

PART III

(3) The Minister shall not under this section vary any charge other than those to which the application relates except after consultation with the Board concerned and such other persons, or such bodies representative of such other persons, appearing to him to have a substantial interest as may appear to him appropriate.

(4) On an application under this section the applicant and, where the application is not made by the Board concerned, the Board shall furnish the Minister with such information and particulars, certified in such manner, as the Minister may require, and the applicant shall publish in such newspapers as the Minister may require a notice stating—

(a) the general effect of the application ; and

(b) that within a period of forty-two days from the date of the first publication of the notice any person having a substantial interest may object to the application by giving notice to the Minister accompanied by the grounds of his objection with a copy to the applicant.

(5) Before making an order on an application under this section, the Minister may, if he thinks fit, cause an inquiry to be held and shall do so if required by the applicant or by any person who has objected to the application and has not withdrawn his objection or, where the order would vary any charge other than those to which the application relates, by any person or body with whom he has consulted in pursuance of subsection (3) of this section.

(6) If on an application under this section the Minister is satisfied that in the circumstances then existing it is proper so to do, he may, subject to the provisions of this section, make an order revising in such manner as he may think fit, with effect from such date as may be specified in the order, all or any of the ship, passenger and merchandise dues at the harbour in question, whether or not the subject-matter of the application, including any classification by reference to which the amount of any of those dues is to be determined.

(7) In making any order on an application under this section, the Minister shall have regard to the financial position and future prospects of the Board concerned in respect of the harbour in question and shall not make any revision of the charges which, in his opinion, would be likely to result in the Board receiving an annual revenue from that harbour either substantially less or substantially more than adequate to meet the expenses and charges of the Board in respect of the harbour which are properly chargeable to revenue :

Provided that the Minister may make an order which results in the Board receiving an annual revenue from the harbour which

is substantially less than adequate to meet those expenses and charges if he is satisfied that, in view of the financial position of the Board with respect to the harbour during such period immediately preceding the application as may appear to him to be appropriate, there are special circumstances affecting the harbour.

PART III

(8) Any order made under this section shall be made by statutory instrument and may vary or revoke any previous order so made.

(9) The Minister may refuse to entertain an application under this section where the application relates to a matter which has been the subject of consideration by him under this section within the twelve months preceding the making of the application.

(10) Subject to the last foregoing subsection an application may be made under this section at any time.

(11) For the purposes of the promotion by any of the Boards of a Bill, or of the making of a Provisional Order, being a Bill or Order containing a provision revising any of the dues authorised for any harbour under this Act, it shall be deemed, notwithstanding this section, that the objects of that provision cannot be attained except with new authority from Parliament.

Miscellaneous

52.—(1) Sections three and four of the Transport Charges, &c. (Miscellaneous Provisions) Act, 1954 (under which charges schemes under the Transport Act, 1947, may be applied to independent undertakings), together with any orders under those sections, shall cease to have effect, and the enactments listed in the Eighth Schedule to this Act shall cease to have effect not only as regards the Boards but also as regards any other, undertakings. Independent railway and inland waterway undertakings.

(2) Paragraph (b) of subsection (1), and subsections (2), (3), (5) and (6) of section forty-three of this Act shall apply to any independent railway undertaking or independent inland waterway undertaking, subsection (7) of that section shall apply to any independent railway undertaking, and subsection (8) of that section shall apply to any independent inland waterway undertaking, as those subsections apply to the Boards.

(3) Paragraph (b) of subsection (1) of section six of the Transport Charges &c. (Miscellaneous Provisions) Act, 1954 (which relates to the revision of charges), shall not apply to any inland waterway undertaking which is an independent inland waterway undertaking within the meaning of this section.

PART III

(4) In this section—

“ independent railway undertaking ” means a railway undertaking not forming part of the undertaking of any of the Boards, being an undertaking the carrying on of which is authorised by, or by an order made under, an Act of Parliament ;

“ independent inland waterway undertaking ” means an undertaking not forming part of the undertaking of any of the Boards, being an undertaking engaged in conserving, maintaining, improving or working a canal or other inland navigation or the navigation of a tidal water, but does not include—

(a) an undertaking none of the charges of which has been the subject of a Provisional Order made, and confirmed by Parliament, in pursuance of sections twenty-four and thirty-six of the Railway and Canal Traffic Act, 1888, or

(b) an undertaking forming part of a harbour undertaking if the inland waterway is situated wholly within the limits of the harbour, or

(c) an undertaking all or any of the charges of which are, under the statutory provisions relating to that undertaking, subject to revision by the Minister and some other Minister acting together ;

“ railway ” does not include—

(a) a light railway laid wholly or mainly along a public carriageway and used wholly or mainly for the carriage of passengers, or

(b) a railway which, under the statutory provisions relating thereto, is to be treated as forming part of a tramway, or

(c) a railway laid wholly or mainly over a beach or wholly along a pier, or

(d) a railway of the nature of a lift providing communication between the top and bottom of a cliff ;

“ undertaking ” means an undertaking carried on in Great Britain.

(5) This section shall apply to an independent railway undertaking or independent inland waterway undertaking whether or not the undertaking is also engaged in other activities, but shall not apply in respect of any such other activities.

Coastal
shipping.

53.—(1) If at any time a complaint is made to the Minister by any body appearing to him to be representative of the interests of persons engaged in coastal shipping as to—

(a) the charges for the carriage of goods by rail made by the Railways Board in competition with coastal shipping, or

(b) the charges made by the Railways Board for the carriage by rail to or from any harbour of goods which are to be or have been carried by coastal shipping, the Minister may give directions to the Board with regard to the charges which are the subject of the complaint.

(2) The Minister shall not give a direction under this section with regard to any such charges as are mentioned in paragraph (a) of the foregoing subsection unless it appears to him—

- (a) that the charges in question are inadequate having regard to the full cost of affording the service or services in respect of which they are made, and
- (b) that a grant out of money provided by Parliament has been or is likely to be made under this Act to the Railways Board to meet a deficit on revenue account for the year in which those charges are made.

(3) The Minister shall not give a direction under this section with regard to any such charges as are mentioned in paragraph (b) of subsection (1) of this section unless it appears to him—

- (a) that the charges in question are excessive having regard to the full cost of affording the service or services in respect of which they are made, and
- (b) that the goods in question cannot reasonably be carried by coastal shipping unless they are carried by rail to or from the harbour specified in the complaint.

(4) If it appears to the Minister that a body making a complaint under subsection (1) of this section has a reasonable case to make in support of the complaint, he shall refer the complaint for investigation to a person appearing to him to have suitable qualifications for that purpose, and the Minister shall consider the report of that person before giving a direction upon the complaint under this section :

Provided that this subsection shall not apply to a complaint if it appears to the Minister that he has no power to give a direction upon the complaint by reason of paragraph (b) of subsection (2), or paragraph (b) of subsection (3), of this section.

(5) If it appears to the Minister on a complaint by any such body as is mentioned in subsection (1) of this section—

- (a) that the Railways Board have refused to quote a charge for the carriage by rail to or from any harbour of goods which are to be or have been carried by coastal shipping, and

PART III

(b) that the goods in question cannot reasonably be carried by coastal shipping unless they are carried by rail to or from the harbour specified in the complaint,

the Minister may give directions to the Board requiring them to quote a charge for the carriage in question.

(6) The procedure on any complaint under this section (including any reference of the complaint for investigation) shall be such as the Minister may determine.

(7) In this section, references to a charge made by the Railways Board for the carriage of any goods include references to a charge at which the Board hold themselves out as willing to carry any goods.

(8) The Coastal Shipping Advisory Committee established under section seventy-one of the Transport Act, 1947, is hereby abolished.

Advance information about railway and shipping closures.

54.—(1) With a view to giving the public advance notice of plans for the discontinuance of—

(a) railway passenger or goods services provided by the Railways Board or the London Board, and

(b) shipping services provided by the Railways Board, the Railways Board or the London Board, as the case may be, shall from time to time publish in such manner and in such places in the United Kingdom as the Minister may direct such information as to their plans as the Minister may determine.

(2) For the purposes of this section, any shipping service provided by the Caledonian Steam Packet Company Limited or the Caledonian Steam Packet Company (Irish Services) Limited shall, so long as the company providing the service is a subsidiary of the Railways Board, be deemed to be a service provided by that Board.

PART IV

MISCELLANEOUS AND GENERAL

The Nationalised Transport Advisory Council, the Consultative Committees and the Transport Tribunal

The Nationalised Transport Advisory Council.

55.—(1) There shall be established in accordance with this section a Nationalised Transport Advisory Council for the purpose of advising the Minister on questions relating to the co-ordination, or any other aspect, of the nationalised transport undertakings.

(2) The Council shall consist of—

- (a) a chairman, a vice chairman and not more than five other members who shall be appointed by the Minister from among persons appearing to him to have had wide experience of, and to have shown capacity in, industrial, commercial, financial or economic matters, applied science or administration ;
- (b) the chairmen of the Boards and the Holding Company ; and
- (c) until the vesting date, the chairman of the Commission.

(3) The Minister may, if he thinks fit, appoint any other person (who shall not be a member of the Council) to assist the Council in its work.

(4) Notwithstanding subsection (2) of this section, the Minister may, instead of appointing a chairman of the Council, preside over the Council himself, and may in any case preside over it on any particular occasion.

(5) The persons appointed under subsection (2) of this section shall hold and vacate office in accordance with their terms of appointment and shall, on ceasing to hold office, be eligible for re-appointment :

Provided that any such person may at any time by notice in writing to the Minister resign his office.

(6) Any person whom the Minister proposes to appoint under subsection (2) of this section shall, when requested by the Minister so to do, furnish to him such information as the Minister may consider necessary for the purpose of satisfying the Minister that that person will have no such financial or other interest as is likely to affect prejudicially the discharge by him of his functions under this section.

(7) The Minister may pay out of money provided by Parliament to the persons appointed by him under this section such remuneration and such travelling allowances and allowances in respect of out-of-pocket expenses as the Minister may with the approval of the Treasury determine, and the Minister shall provide the Council with such officers and servants, and such accommodation, as appear to him to be requisite for the proper discharge of the Council's functions.

(8) In this section " the nationalised transport undertakings " means, before the vesting date, the undertakings of the Commission and of the bodies which are subsidiaries of the Commission, and, after that date, the undertakings of the Boards, the activities of the Holding Company and the undertakings of the bodies which are subsidiaries of any of the Boards or the Holding Company.

PART IV
The Transport
Consultative
Committees.

56.—(1) There shall be established in accordance with this section—

- (a) a Central Transport Consultative Committee for Great Britain (hereinafter referred to as the “Central Committee”), and
- (b) Area Transport Users Consultative Committees (hereinafter referred to as “Area Committees”) for such areas of Great Britain as the Minister may from time to time direct, but so that there is no part of Great Britain which is not within the area of an Area Committee and so that there is at all times an Area Committee for Scotland and an Area Committee for Wales and Monmouthshire.

(2) The Central Committee shall consist of a chairman appointed by the Minister, the chairmen of the Area Committees and such other members (not exceeding six) as the Minister may appoint after consultation with such bodies as appear to him to be representative of the interests of persons likely to be concerned with matters within the competence of the committee; and each Area Committee shall consist of a chairman appointed by the Minister, such other members as the Minister may appoint after consultation with such bodies as appear to him to be representative of the interests of persons likely to be concerned with matters within the competence of the committee and such other members (not exceeding two) as the Minister may appoint without such consultation.

The chairman of any Area Committee may appoint another member of that committee to attend a meeting of the Central Committee in his stead.

(3) The persons appointed to be members of any committee under this section shall hold and vacate office in accordance with the terms of their respective appointments and shall, on ceasing to be members of the committee, be eligible for re-appointment:

Provided that any such person may at any time by notice in writing to the Minister resign his office.

(4) Subject to the following provisions of this section, it shall be the duty of the Central Committee and of each Area Committee to consider and, where it appears to them to be desirable, make recommendations with respect to any matter affecting the services and facilities provided by any of the Boards—

- (a) which has been the subject of representations (other than representations appearing to the committee to be frivolous) made to the committee by or on behalf of users of those services or facilities, or

- (b) which has been referred to the committee by the Minister or by a Board, or
- (c) which appears to the committee to be a matter to which consideration ought to be given;

and copies of the minutes, conclusions and recommendations of each committee shall be sent to the Board concerned and—

- (i) in the case of any Area Committee, to the Central Committee; and
- (ii) in the case of the Central Committee and the Area Committees for Scotland and for Wales and Monmouthshire, to the Minister.

(5) Nothing in the last foregoing subsection shall entitle any committee to consider the charges made for any service or facility, or to consider any question relating to the discontinuance or reduction of railway services except as provided in the following provisions of this section; and the Central Committee shall not be obliged to consider any representation which appears to them to be more suitable for consideration by an Area Committee or which has been previously considered by an Area Committee.

(6) Where the Minister receives a recommendation under subsection (4) of this section he may give to the Board concerned such directions as he thinks fit with respect to the matters dealt with in the recommendation.

(7) Where the Railways Board or London Board propose to discontinue all railway passenger services from any station or on any line (hereinafter referred to as a closure), they shall, not less than six weeks before carrying their proposal into effect, publish in two successive weeks in two local newspapers circulating in the area affected, and in such other manner as appears to them appropriate, a notice—

- (a) giving the date and particulars of the proposed closure, and particulars of any alternative services which it appears to the Board will be available and of any proposals of the Board for providing or augmenting such services; and
- (b) stating that objections to the proposed closure may be lodged in accordance with this section within six weeks of a date specified in the notice (being the date on which the notice is last published in a local newspaper as required by this section);

and copies of the notice shall be sent to the appropriate Area Committee.

For the purposes of this and the next following subsection the appropriate Area Committee is the committee for the area in which the station or the line, or any part of the line, affected by the proposed closure is situated.

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(8) Where a notice has been published under the last foregoing subsection any user of any service affected and any body representing such users may within the period specified in the notice lodge with the appropriate Area Committee an objection in writing; and where such an objection is lodged the committee shall forthwith inform the Minister and the Board concerned and the closure shall not be proceeded with until the committee has reported to the Minister and the Minister has given his consent.

(9) A committee with whom an objection has been lodged under the last foregoing subsection shall consider the objection and any representations made by the Board concerned and report to the Minister as soon as possible on the hardship, if any, which they consider will be caused by the proposed closure, and the report may contain proposals for alleviating that hardship.

Where objections with respect to any proposed closure have been lodged with more than one Area Committee, the committees in question—

(a) may report to the Minister jointly, or

(b) may agree that the consideration of objections and representations relating to the closure and the making of a report to the Minister shall be delegated to any of those committees appearing to them to be principally concerned;

and copies of every report under this and the next following subsection shall be sent to the Central Committee and to the Board concerned.

(10) The Minister may require an Area Committee to make a further report; and if in any case the Minister considers that a report or further report has been unreasonably delayed he may, after consulting the committee concerned and making such enquiries as he thinks fit, consent to the proposed closure without awaiting the report or further report.

(11) In any case in which a closure requires the consent of the Minister under this section, the Minister may give his consent subject to such conditions as he thinks fit and may from time to time vary those conditions; and the Minister may in connection with the closure from time to time give such directions to the Board concerned as he thinks fit.

Where a condition attached to a consent, or a direction, requires the Board to provide or assist in the provision of alternative services, the Minister may refer to an Area Committee any matter relating to those services, and the committee shall consider and report to the Minister on that matter.

(12) Every committee established under this section shall meet when convened by the chairman thereof, but in no case less frequently than twice a year, and, without prejudice to the discretion of the chairman to call a meeting whenever he thinks fit, he shall call a meeting when required so to do by any three members of the committee, and minutes shall be kept of the proceedings at every meeting.

(13) Where for the purposes of subsection (9) of this section a committee decide to hear an objector orally, or to hear oral representations made on behalf of a Board, they shall hear the objector and the representations in public.

(14) Subject to subsections (12) and (13) of this section, every committee established under this section shall determine its own procedure including the quorum at meetings of the committee; and the Central Committee may from time to time make general recommendations to the Area Committees with respect to any matter affecting the procedure or functions of those committees.

(15) The Central Committee and the Area Committees for Scotland and for Wales and Monmouthshire shall make an annual report to the Minister, and the Minister shall lay a copy of those reports before each House of Parliament.

(16) The Boards shall provide every committee established under this section with such officers and servants, and such office accommodation, as appear to the Boards to be requisite for the proper discharge of the committees' functions or as may be directed by the Minister; and the Boards may pay to the members of any such committee allowances in respect of loss of remunerative time in accordance with a scale approved by the Minister with the consent of the Treasury and such travelling allowances and allowances in respect of out-of-pocket expenses as the Boards may determine.

The Boards shall contribute to the expenses incurred by them under this subsection in such proportions as they may agree or as the Minister may in default of agreement direct.

(17) The transitional provisions in Part III of the Seventh Schedule to this Act shall have effect for the purposes of this section.

(18) For the purposes of subsection (4) of this section, any shipping service provided by the Caledonian Steam Packet Company Limited or the Caledonian Steam Packet Company (Irish Services) Limited shall, so long as the company providing the service is a subsidiary of the Railways Board, be deemed to be a service provided by that Board.

(19) Before the vesting date references in this section to the Boards or to any Board shall be construed, except so far as the context otherwise requires, as references to the Commission.

PART IV
The Transport
Tribunal.

57.—(1) The number of members of the Transport Tribunal shall be increased from three to five, and of the members appointed by virtue of this section—

- (a) one shall be a person of experience in transport business, and**
- (b) one shall be a person of experience in financial matters or economics.**

(2) As from the date on which this section comes into force, the tribunal shall sit in two divisions to be known as the London Fares and Miscellaneous Charges Division and the Road Haulage Appeals Division.

(3) The London Fares and Miscellaneous Charges Division shall exercise the jurisdiction of the tribunal under—

- (a) Part III of this Act, and**
- (b) the Post Office Act, 1953, and section twenty-four of the Transport Act, 1953 (which relate to charges for the carriage of mail and of the armed forces and police),**

and shall consist of the president of the tribunal and two members of the tribunal having respectively the qualifications mentioned in subsection (1) of this section.

(4) The Road Haulage Appeals Division shall exercise the jurisdiction of the tribunal under Part IV of the Road Traffic Act, 1960 (which relates to road carriers' licences), and shall consist of the president of the tribunal and two members of the tribunal of whom one shall be a person of experience in transport business and the other a person of experience in commercial affairs.

(5) Notwithstanding the last foregoing subsection, for the purpose of any proceedings coming before the tribunal under Part IV of the Road Traffic Act, 1960, the president of the tribunal may, if he thinks fit, appoint one or more persons from a special panel (constituted in accordance with paragraph 6 of the Tenth Schedule to this Act) to hear and determine those proceedings, whether alone or with a member or members of the Road Haulage Appeals Division; and where the president does not himself sit in any such proceedings he shall direct which person is to preside.

(6) The jurisdiction of the tribunal under any enactment other than those mentioned in the foregoing provisions of this section is hereby abolished.

(7) Any objection or application which, before the date on which this section comes into force, was referable to the tribunal under the Railway Employment (Prevention of Accidents) Act, 1900 (which relates to safety rules), shall be referred instead to

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a referee appointed (either generally or for the purpose of a particular case) by the Minister; and the said Act shall have effect with the necessary modifications.

Any objection or application under the said Act which is pending before the tribunal on that date shall be proceeded with before a referee appointed under this subsection in such manner as the Minister may direct.

(8) There shall be transferred to the High Court the jurisdiction which before the date on which this section comes into force was vested in the tribunal under subsection (2) of section sixteen of the Railway and Canal Traffic Act, 1888 (which relates to the apportionment of expenses in certain cases), and any proceedings by virtue of that jurisdiction which are pending before the tribunal on that date shall be proceeded with in the High Court in such manner as the court may direct.

(9) Any local enactment which makes provision corresponding to Part III of the Railways Clauses Act, 1863 (which relates to the approval by the tribunal of working agreements), shall cease to have effect; and where before the date on which this section comes into force any jurisdiction was vested in the tribunal under any other local enactment (except an enactment ceasing to apply by virtue of Part III of this Act) that jurisdiction shall be transferred to the High Court, and any proceedings by virtue of that jurisdiction which are pending before the tribunal on that date shall be proceeded with in the High Court in such manner as the court may direct.

(10) In the application of the two last foregoing subsections to Scotland, references to the High Court shall be construed as references to the Court of Session.

(11) The general panel and the transport panel constituted under section twenty-four of the Railways Act, 1921, and the shipping panel constituted under section thirty-nine of the Road and Rail Traffic Act, 1933, are hereby abolished.

(12) The provisions of the Tenth Schedule to this Act (which reproduce the existing law with minor modifications and the modifications consequent on this section) shall have effect with respect to the constitution, powers and proceedings of the tribunal.

Provisions relating to the Boards

58.—(1) On and after the vesting date, in section sixteen and subsection (2) of section seventeen of the London Passenger Transport Act, 1933 (under which those carrying passengers by road in the London area must obtain the consent of the Commission in certain circumstances), for references to the Commission there shall be substituted references to the London Board.

Restrictions on carriage by road in London.

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(2) If the London Board, on an application for their consent under either of the said sections made at any time after the vesting date, refuse to give the consent in the terms of the application, the applicant may within one month from receipt of notice of their refusal apply to the metropolitan traffic commissioner, and if the metropolitan traffic commissioner is of the opinion that the refusal is unreasonable, he may give the consent either in the terms of the application or in such other terms as appear to him to be appropriate, and that consent shall have effect as if given by the London Board.

(3) If within a period of one month beginning with the date of the application, or within such extended period as may at any time be agreed in writing between the applicant and the London Board, the London Board do not notify the applicant of their decision on the application, subsection (2) of this section shall apply in relation to the application as if the London Board had refused to give consent in the terms of the application and had notified the applicant of their decision at the end of the said period.

(4) The applicant or the London Board may appeal to the Minister against the decision of the metropolitan traffic commissioner on an application under subsection (2) of this section, and on such an appeal the Minister may confirm, vary or annul the decision.

(5) The right of appeal to the Minister conferred by the last foregoing subsection shall be conditional on the appeal being made within the time, and in the manner, prescribed by regulations made under the following provisions of this section.

(6) The Minister may by statutory instrument make regulations as to the procedure on any application under this section, and on any appeal to the Minister from such an application, and the regulations may make provision as to—

- (a) the particulars to be furnished and the persons to whom notices are to be given, and the manner in which notices are to be published or served ;
- (b) the manner in which objections or other representations with respect to applications are to be made ;
- (c) the time within which and the manner in which any appeal to the Minister is to be made.

(7) In this section “the metropolitan traffic commissioner” means the traffic commissioner for the Metropolitan Traffic Area.

Special restrictions on grant to London Board of road service licences.

59.—(1) The traffic commissioners shall not under Part III of the Road Traffic Act, 1960, grant to the London Board a road service licence (whether or not in substitution for another licence) to provide a road service over a route which is not within the London Passenger Transport Area unless they are

satisfied that any person who is providing transport facilities along or near any part of the route, and whose interest will in their opinion be substantially affected if the licence is granted,—

- (a) has, whether as one of the terms of a working agreement made with the London Board or otherwise, consented to the making of an application for the licence, or
- (b) has unreasonably refused or withheld his consent.

(2) The traffic commissioners shall not under subsection (5) of section one hundred and thirty-five of the Road Traffic Act, 1960, on the application of the London Board vary the conditions attached to a road service licence granted by them to the London Board, being a licence to provide a road service over a route which is not within the London Passenger Transport Area, unless they are satisfied that any person who is providing transport facilities along or near any part of the route, and whose interest will in their opinion be substantially affected if the variation is made,—

- (a) has consented to the making of the application, or
- (b) has unreasonably refused or withheld his consent,

and they shall not vary the conditions attached to such a licence otherwise than on the application of the London Board unless they are satisfied that any such person has had an opportunity of consenting to the proposal for the variation and either has consented to the proposal or has unreasonably refused or withheld his consent.

(3) Subsections (1) and (2) of this section shall not apply—

- (a) if the route to which the licence relates is one of the London Transport Executive's routes as defined in subsection (5) of section eight of this Act, and is not a restricted route as defined in subsection (5) of this section, or
- (b) if that route is one of the London Transport Executive's routes, and is a restricted route as so defined, but the licence is, or when the conditions are varied will be, subject to a condition that the London Board shall not both pick up and set down a passenger on the route, or
- (c) if the Minister certifies to the traffic commissioners that there are exceptional circumstances which make it desirable that the relevant provisions of those subsections should not apply in relation to the proceedings specified in the certificate,

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or if part of the route falls under one of the foregoing paragraphs and part under another (but the subsections shall apply if part of the route falls outside those paragraphs).

(4) Any road service licence which is transferred on the vesting date to the London Board under Part II of this Act and which authorises the London Board to provide a road service on a restricted route shall have effect as if it contained a condition that the Board shall not both pick up and set down a passenger on the route, but any such condition may be varied subject to the provisions of this section.

(5) In the two last foregoing subsections the expression "restricted route" means a route over which the London Transport Executive had at any time in the period of twelve months ending on the second day of November, nineteen hundred and sixty-one, power to carry passengers by public service vehicles subject to a condition that they should not both pick up and set down a passenger on the route; and the Minister shall in the order made by him under subsection (5) of section eight of this Act distinguish the routes which were so restricted.

(6) Any determination of the traffic commissioners under subsection (1) of this section shall be open to review on an appeal under subsection (1) or subsection (3) of section one hundred and forty-three of the Road Traffic Act, 1960 (which relates to appeals against the refusal to grant a licence and against the granting of a licence), and any determination of the traffic commissioners under subsection (2) of this section shall be open to review on an appeal under subsection (2) or subsection (3) of the said section.

(7) This section shall apply whether or not the route to which the licence relates is partly within the London Passenger Transport Area, but for the purposes of this section the part within that Area shall be left out of account.

(8) If such part of the route as is outside the said Area is only provided to reach a terminal point or stand which is not more than half a mile, or in the county of Berkshire one mile, beyond the boundary of the said Area, this section shall not apply in relation to the route.

(9) This section shall be construed as one with Part III of the Road Traffic Act, 1960.

Carriers' licences for vehicles operated by subsidiaries of the Boards and other bodies.

60.—(1) For the purposes of the definition of "holding company" in subsection (4) of section one hundred and eighty of the Road Traffic Act, 1960 (which relates to carriers' licences for the vehicles of a subsidiary), the Boards and the Holding Company shall each be deemed to be a company and the said section one hundred and eighty shall have effect accordingly.

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(2) If on the vesting date a subsidiary of the Commission becomes a subsidiary of the Holding Company, any carriers' licence under Part IV of the Road Traffic Act, 1960, held by the Commission for a vehicle owned by the subsidiary shall thereafter have effect as if granted to the Holding Company; and for the purposes of section one hundred and eighty of the Road Traffic Act, 1960, the Holding Company shall be deemed to have made the application for the licence and to have signified to the licensing authority their desire that the section should have effect as respects the subsidiary.

(3) If as a result of a transaction effected by the Holding Company not more than twelve months after the vesting date, and at a time when the Holding Company hold carriers' licences under Part IV of the Road Traffic Act, 1960, for vehicles owned by a subsidiary, the subsidiary becomes a wholly-owned subsidiary of a company (hereinafter referred to as "the company") which is itself a wholly-owned subsidiary of the Holding Company, any such licence for a vehicle then owned by the subsidiary shall thereafter have effect as if granted to the company; and for the purposes of section one hundred and eighty of the Road Traffic Act, 1960, the company shall be deemed to have made the application for the licence and to have signified to the licensing authority their desire that the section should have effect as respects the subsidiary.

61.—(1) As from the vesting date, section seventeen of the Regulation of Railways Act, 1873 (which requires the Commission to maintain certain inland waterways), shall have effect as if—

Amendment of enactments relating to inland waterways.

- (a) the reference in that section to every railway company included a reference to the British Waterways Board, and
- (b) for the references in that section to a canal there were substituted, in relation to that Board, references to any inland waterway comprised in the undertaking of the Board which was by virtue of the Transport Act, 1947, transferred to the Commission and which has not been closed to navigation by or under any statutory provision.

(2) Sections thirty-five and thirty-six of the Transport Act, 1947 (under which the Commission may apply a licensing system to canal carriers on an inland waterway belonging to them), shall cease to have effect.

(3) In section thirty-seven of the Transport Act, 1947 (which relates to the abandonment of inland waterways by the Commission), for references to the Commission there shall as from the vesting date be substituted references to the British Waterways Board.

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(4) The definition of "statutory water undertakers" in subsection (1) of section fifty-nine of the Water Act, 1945, shall not include the British Waterways Board.

Local enactments relating to the supply of water for canals.

62.—(1) Any local enactment which authorises the British Waterways Board to take water for the purpose (whether express or implied) of using the water for a canal owned or managed by the British Waterways Board, or for purposes which include that purpose, shall have effect as if that purpose included the purpose of selling, or affording the use of, water from the canal; and the British Waterways Board may exercise their powers under Part I of this Act accordingly.

(2) The foregoing subsection shall not be taken as authorising the British Waterways Board—

- (a) to disregard any restriction, whether as regards quantity or rate or otherwise, on the water which may be taken from any source, or
- (b) to affect the level or flow of water in any part of the canal, or in any river or watercourse fed from the canal, to a degree which conflicts with any of the Board's obligations, and in particular with any statutory obligation to maintain the canal in a navigable condition.

Abstraction of water by British Waterways Board.

63.—(1) Subject to this section the British Waterways Board shall not without the consent of the Minister sell water from an inland waterway—

- (a) unless the water is abstracted at a point at which water was being abstracted before the passing of this Act, and
- (b) unless the quantity of water sold in the period of twelve months beginning with the vesting date, and in each subsequent period of twelve months, does not exceed the quantity abstracted at that point in the period of twelve months ending with the passing of this Act, and
- (c) unless the land or premises on which the water is used is the same as that on which the water was used before the passing of this Act.

(2) If on the vesting date the British Waterways Board become subject to an obligation to sell water such that the quantity they are obliged to sell is limited, whether by reference to the average rate of abstraction, or the quantity abstracted in any period, or otherwise, then, so long as the terms of the obligation are not varied, subsection (1) of this section shall not apply to the sale of water in discharge of the obligation.

(3) Subsection (1) of this section shall not apply to the sale of water under section thirty-five of the River Lee Water Act, 1855 (under which a limited quantity of water may be sold for industrial purposes), or under section thirty-five of the Lee Conservancy Act, 1900 (under which the abstraction of water may be regulated by byelaw).

(4) The British Waterways Board shall serve on the persons specified in this section notice of any application made by them for the consent of the Minister, giving sufficient particulars of their proposals and of the terms of the consent applied for, and stating that the person on whom the notice is served should submit any objections to the Minister within twenty-eight days of service of the notice and should within that time send a copy of any such objection to the Board.

(5) The British Waterways Board shall publish in one or more newspapers circulating in the area in which the point of abstraction is situated a notice of any application made by them for the consent of the Minister, giving sufficient particulars of their proposals and of the terms of consent applied for.

(6) Except in Scotland, the persons on whom the notice is to be served shall be—

- (a) the council of the borough or urban or rural district in which the point of abstraction is situated,
- (b) the River Board in whose area the point of abstraction is situated, and
- (c) the statutory water undertakers within whose limits of supply the point of abstraction is situated, and any other statutory water undertakers on whom the Minister, after consultation with the Minister of Housing and Local Government, directs the notice to be served.

(7) In Scotland the persons on whom the notice is to be served shall be—

- (a) the council of the county or burgh in which the point of abstraction is situated,
- (b) the river purification authority in whose area the point of abstraction is situated and any other river purification authority on whom the Minister after consultation with the Secretary of State directs the notice to be served,
- (c) any salmon fishery district board on whom the Minister after consultation with the Secretary of State directs the notice to be served, and
- (d) the local water authority within whose limits of supply the point of abstraction is situated and any other local water authority on whom the Minister after consultation with the Secretary of State directs the notice to be served.

(8) The British Waterways Board shall give the Minister such information as he may require to determine whether any directions should be given under the two last foregoing subsections.

(9) The Minister shall not entertain the application unless he is satisfied that all the required notices have been duly given; and the Minister shall take into consideration any objections duly made by the persons on whom they have been served.

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(10) The Minister in considering the application and the terms in which any consent ought to be given shall have regard—

- (a) to the importance of the uses to which the abstracted water will be put and to the present and future needs of statutory water undertakers, industry and agriculture, and
- (b) to the effect which the proposals may have on fisheries, land drainage or public health, or on the inland waterway directly affected or any other inland waterway or stream, and
- (c) to the extent to which the abstracted water will be returned,

and shall, before giving his consent as respects any inland waterway in Scotland, consult the Secretary of State.

(11) The Minister may give his consent either in the terms requested in the application, or in any other terms, but shall not afford terms more favourable than those requested unless he is satisfied that all the authorities concerned have had an opportunity of considering those terms and making objections.

(12) The terms of any consent given by the Minister shall be transmitted by the British Waterways Board to each of the persons on whom they are required in pursuance of this section to serve notice of their application for consent.

(13) The Commission shall before the vesting date compile for the use of the British Waterways Board a record of all cases in which, in the period of twelve months ending with the passing of this Act, they were abstracting water from inland waterways for use on any land or premises, and shall include in the record particulars of the land or premises on which the water was used, of the points of abstraction, of the total quantities abstracted in the said period, and of any contract under which they were obliged to sell the water.

The British Waterways Board shall give reasonable facilities for the inspection of the record by representatives of the authorities described in subsections (6) and (7) of this section, and shall, at the request of any such authority, give them any information as to the contents of the record.

(14) In this section—

- “local water authority” has the meaning given by section five of the Water (Scotland) Act, 1946 ;
- “river purification authority” has the same meaning as in Part III of the Rivers (Prevention of Pollution) (Scotland) Act, 1951 ;
- “salmon fishery district board” means the district board for a fishery district for the purposes of the Salmon Fisheries (Scotland) Act, 1862, and the Commissioners appointed under the Tweed Fisheries Act, 1857 ;

“statutory water undertakers” has the meaning given by subsection (1) of section fifty-nine of the Water Act, 1945 ;

“stream” includes any river or watercourse whether natural or artificial.

(15) This section shall apply to the Conservators of the River Thames and the Lee Conservancy Catchment Board as if they were River Boards and their areas were the Thames catchment area and the Lee catchment area respectively.

(16) References in this section to the sale by the British Waterways Board of water from an inland waterway include references to any arrangements whereby the Board for valuable consideration abstract, or authorise the abstraction of, the water of an inland waterway for use by some other person, whether or not the water is returned after use.

(17) The granting of consent under this section shall not be taken as authorising the British Waterways Board to do anything which they would not have power to do apart from the provisions of this section.

64.—(1) In this section “the interim period” means the period beginning with the passing of this Act and expiring at the end of the year nineteen hundred and sixty-seven.

Temporary suspension of liability to maintain inland waterways.

(2) During the interim period no action or other proceeding shall be instituted or continued for the purpose of enforcing any obligation of the Commission or the British Waterways Board (whether statutory or otherwise) to maintain any inland waterway or part of an inland waterway which was not in a navigable condition at any time in the period of six months ending on the second day of November, nineteen hundred and sixty-one ; and, in any proceedings against the Commission or the British Waterways Board which are brought for that purpose before the end of the year nineteen hundred and sixty-seven as respects an inland waterway or part of an inland waterway which was to any degree navigable in the said period of six months, the defendants shall not be required to secure its maintenance in a condition which is, in matters affecting navigation, better than it was in at any time in that period, but if there has been any deterioration since the end of that period the court may, if satisfied that it is in the interests of navigation, require the defendants to secure its maintenance in the condition in which it was at any time in the said period.

(3) No person shall be entitled to recover from the Commission or from the British Waterways Board any damages or other sum or compensation in respect of any inability to navigate any inland waterway during the interim period in consequence of it

PART IV not being in a navigable condition unless the right in respect of which he would be so entitled is a right—

- (a) which he has exercised or sought to exercise at some time in the period of six years ending with the relevant date, or
- (b) which his predecessor in title has exercised or sought to exercise at some time in the period of six years ending with the relevant date,

and unless he commences proceedings in respect thereof not later than twelve months after the end of the interim period :

Provided that this subsection shall not prevent the court from awarding any sum in respect of defects in the inland waterway if it is shown that it was without any of those defects at some time in the period of six months ending on the second day of November, nineteen hundred and sixty-one.

For the purposes of this subsection—

- (i) the expression “ the relevant date ” means in relation to the Kennet waterways the twenty-sixth day of November, nineteen hundred and fifty-five, and in relation to any other inland waterway the second day of November, nineteen hundred and sixty-one ;
- (ii) the expression “ the Kennet waterways ” has the meaning assigned to it by section fifteen of the British Transport Commission Act, 1956 ;
- (iii) the expression “ predecessor in title ” includes a person whose business or part of whose business (being a business or part of a business in connection with which that person has exercised or sought to exercise the right of navigation in question) has been acquired by the successor whether by succession, purchase, amalgamation, reconstruction or otherwise ; and
- (iv) the amount of any damage suffered by a person shall be deemed to have accrued from day to day.

(4) During the interim period any inland waterway comprised in the undertaking of the Commission or the British Waterways Board which has not been closed to navigation by or under any statutory provision shall be deemed to be a watercourse for the purposes of section two hundred and fifty-nine of the Public Health Act, 1936, and paragraph (b) of subsection (1) of section eighty-two of the Public Health (London) Act, 1936 ; and the provisions of Part III of the Public Health Act, 1936, as they apply by virtue of this subsection may be enforced by a county council as well as by a local authority as defined in that Act.

(5) For the purposes of section thirty-three of the Town and Country Planning Act, 1947 (which relates to the proper maintenance of gardens, vacant sites and other open land), any inland waterway comprised in the undertaking of the Commission or the British Waterways Board which has not been closed to navigation by or under any statutory provision shall during the interim period be deemed to be a vacant site, and any local authority within the meaning of that Act (and not only the local planning authority) shall be entitled to enforce the provisions of that section as it applies by virtue of this subsection.

(6) This section shall not affect section eighteen of the British Transport Commission Act, 1956 (which imposes certain liabilities as respects the Kennet waterways), but sections sixteen and seventeen of that Act, and so much of sections twenty and twenty-one of that Act as relates to the Kennet waterways shall cease to have effect.

(7) Nothing in this section shall be taken as preventing proceedings being taken to enforce a right other than a right of navigation.

(8) This section shall have effect as from the passing of this Act.

65.—(1) In this section—

“the railway savings banks” means the savings banks established under—

The railway savings banks.

section twenty-three of the Metropolitan Railway Act, 1873,

section forty-five of the Great Western Railway Act, 1885,

section eighteen of the Taff Vale Railway Act, 1895,

section sixty-one of the London, Midland and Scottish Railway Act, 1924,

section ninety-nine of the Southern Railway Act, 1924, and

section three of the London and North Eastern Railway Act, 1944,

and any other savings bank for which the Commission was responsible before the vesting date and which primarily served those employed by the Commission on their railways;

“the appropriate Board” means—

(a) in relation to the savings bank established under the Metropolitan Railway Act, 1873, the London Board,

(b) in relation to any other railway savings bank, the Railways Board.

PART IV

(2) Part II of this Act shall not apply to the property, rights and liabilities of the Commission so far as held and subsisting for the purposes of any railway savings bank, but all such property, rights and liabilities shall by virtue of this section be transferred on the vesting date to the appropriate Board and held and assumed by that Board subject in all respects to the duties and obligations to which the Commission were subject immediately before the vesting date.

(3) As from the vesting date, for references to the Commission in the enactments listed in subsection (1) of this section and in any other statutory provision, so far as that provision relates to a railway savings bank, there shall be substituted references to the appropriate Board, and for references in any such enactment to any officer or servant of, or person appointed by, the Commission there shall be substituted a reference to such person as the appropriate Board may appoint or, in default of appointment, in the case of references to any officer or servant of the Commission, to the officer or servant of that Board who corresponds as nearly as may be to the first-mentioned officer or servant.

(4) Subject to this section, the persons entitled to deposit money in the railway savings banks established under section forty-five of the Great Western Railway Act, 1885, section sixty-one of the London Midland and Scottish Railway Act, 1924, section ninety-nine of the Southern Railway Act, 1924, and section three of the London and North Eastern Railway Act, 1944, shall be—

- (a) existing depositors,
- (b) persons employed by the Railways Board,
- (c) persons who, owing to incapacity arising from ill health or on reaching retirement age, have retired from service with the Railways Board or the Commission or the railway company by which the savings bank was established,
- (d) members of the families of persons of any of the foregoing descriptions,
- (e) any group, society or association the members of which consist, or mainly consist, of persons of any of the foregoing descriptions.

(5) The persons entitled to make deposits in any railway savings bank other than those to which the last foregoing subsection applies shall be the persons who are depositors in that bank on the vesting date, and, where any such depositor is a man who dies leaving a widow, his widow during her widowhood.

(6) So much of the enactments listed in the definition of railway savings banks in subsection (1) of this section as relates to the charging of deposits on the undertaking or profits of any body shall cease to have effect.

66.—(1) Subject to this section, in section eighty-six of the Local Government Act, 1948 (which defines the railway and canal hereditaments which by virtue of Part V of that Act are not liable to be rated), and in subsection (6) of section nine of the Rating and Valuation (Miscellaneous Provisions) Act, 1955, and paragraph twenty-three of the Eighth Schedule to the Local Government Act, 1958 (which relate to railway or canal hereditaments partly used for other purposes), for references to the Commission there shall be substituted references to any of the Boards, other than the Docks Board. Liability of Boards to rates.

(2) In the rating year following that in which the vesting date falls, and in all subsequent rating years, the Railways Board, the London Board and the British Waterways Board shall respectively make payments for the benefit of local authorities in lieu of the rates which would, apart from the provisions of Part V of the Local Government Act, 1948, be payable to rating authorities in England or Wales in respect of railway or canal hereditaments, and the amount of those payments shall be determined by reference to the following amounts (which are hereafter in this section referred to as standard amounts and which together add up to the standard amount specified as regards the Commission in subsection (4) of section ninety-three of the Local Government Act, 1948, as amended by section two of the Rating and Valuation Act, 1957), that is to say—

	£
the Railways Board 	1,905,000
the London Board 	649,000
the British Waterways Board 	46,000

(3) In the rating year following that in which the vesting date falls, and in all subsequent rating years, the Railways Board shall make payments for the benefit of local authorities in Scotland in lieu of the rates which would, apart from the provisions of Part V of the Local Government Act, 1948, be payable to rating authorities in respect of such railway or canal lands and heritages in Scotland as are not occupied for the purposes of the British Waterways Board, and the amount of those payments shall be determined by reference to the amount arrived at by deducting from the amount specified in

PART IV the first column of the following Table the amount specified in the second column of that Table:—

TABLE

Amount to be deducted

<p>The amount certified by the Secretary of State under subsection (1) of section two of the Local Government (Financial Provisions etc.) (Scotland) Act, 1962.</p>	<p>Such amount as may be certified by the Secretary of State as the portion of the amount specified in the first column of this Table attributable to lands and heritages occupied for the purposes of the British Waterways Board.</p>
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Any reference in this section in its application to Scotland to the standard amount for the Railways Board shall be construed as a reference to the amount so arrived at.

(4) The amounts which the said Boards are to pay in each of the said rating years shall be their respective standard amounts adjusted—

- (a) by applying subsections (2) to (4) of section ninety-four of the Local Government Act, 1948, as if references in that section to the Commission were references to those Boards respectively, and references to the standard amount were references to the relevant standard amount under this section, and
- (b) by making such further adjustment for changes in the circumstances of the respective Boards as may be prescribed by order of the appropriate Minister of which a draft has been laid before Parliament and approved by a resolution of each House of Parliament.

(5) An order under paragraph (b) of the last foregoing subsection shall be made by statutory instrument and —

- (a) may provide for effecting a comparison between the circumstances of the Board in question and the circumstances (at some time before the vesting date) of the Commission as a whole, or of the part of the Commission's undertaking corresponding to that of the Board, or partly the one and partly the other, and
- (b) may be varied or revoked by a subsequent order so made,

and in that paragraph "the appropriate Minister" means, in relation to the Railways Board, the Minister of Housing and Local Government and the Secretary of State acting jointly, and in relation to the other Boards, the Minister of Housing and Local Government.

(6) In paragraph (a) of subsection (1) of section one hundred and nine of the Local Government Act, 1948 (under which orders

may be made extending or restricting the class of hereditaments to be treated as railway or canal hereditaments), for the reference to the Commission there shall be substituted a reference to any of the Boards, and, before an order is made under the said subsection (1), the Minister making the order shall consult with such of the Boards, and such associations of local authorities, as appear to him to be concerned, and with any local authority with whom consultation appears to him to be desirable.

(7) Subsection (1) of this section shall come into force at the beginning of the rating year following that in which the vesting date falls, and—

- (a) in the period between the vesting date and the coming into force of subsection (1) of this section the enactments mentioned in that subsection shall have effect as if for references to the Commission there were substituted references to any of the four Boards, and
- (b) in the rating year in which the vesting date falls the Commission shall make the payment due from them for that rating year under section ninety-three of the Local Government Act, 1948, before the vesting date.

(8) This section shall be construed as one with Part V of the Local Government Act, 1948, and—

- (a) in subsection (1) of section one hundred and paragraph (c) of subsection (1) of section one hundred and nine of that Act the references to the preceding provisions of the said Part V shall include a reference to this section,
- (b) in subsection (3) of the said section one hundred, for the reference to the Commission there shall, as respects rating years after that in which the vesting date falls, be substituted a reference to the Railways Board, and
- (c) in subsection (1) of section one hundred and two and paragraph (a) of subsection (1) of section one hundred and twenty-four of that Act, for references to the Commission there shall, as respects rating years after that in which the vesting date falls, be substituted references to the Boards.

(9) In subsection (2) of section ninety-seven of the Local Government Act, 1948, for the words from “the same adjustment” to “have effect accordingly” there shall, as respects rating years after that in which the vesting date falls, be substituted the words “made by applying subsections (2) to (4) of section ninety-four of this Act”.

(10) In this section “rating year” means a year beginning, as respects England and Wales with the first day of April, and as respects Scotland with the sixteenth day of May, in any calendar year.

PART IV

(11) Section ninety-three, subsection (1) of section ninety-four and section ninety-five of the Local Government Act, 1948, and paragraph 1 of the Second Schedule to the Local Government (Financial Provisions etc.) (Scotland) Act, 1962, shall cease to have effect at the beginning of the first rating year after that in which the vesting date falls.

(12) There shall be paid out of money provided by Parliament any increase attributable to this section in the sums payable out of such money by way of rate-deficiency grant or Exchequer equalisation grant under the enactments relating to local government in England and Wales or in Scotland.

Bylaws for
railways and
railway
shipping
services.

67.—(1) The Railways Board and the London Board may each make bylaws regulating the use and working of, and travel on, their railways, the maintenance of order on their railways and railway premises, including stations and the approaches to stations, and the conduct of all persons, including their officers and servants, while on those premises, and in particular bylaws—

- (a) with respect to tickets issued for entry on their railway premises or travel on their railways and the evasion of payment of fares and other charges,
- (b) with respect to interference or obstruction of the working of the railways,
- (c) with respect to the smoking of tobacco in railway carriages and elsewhere and the prevention of nuisances ;
- (d) with respect to the receipt and delivery of goods, and
- (e) for regulating the passage of bicycles and other vehicles on footways and other premises controlled by the Boards and intended for the use of those on foot.

(2) The Railways Board may make bylaws in relation to passengers and goods conveyed in or on ships operated by the Board, and as to their embarkation and disembarkation.

(3) Any bylaws made under this section may provide that any person contravening them shall be liable on summary conviction to a penalty not exceeding twenty-five pounds for each offence.

(4) Without prejudice to the taking of summary proceedings under the last foregoing subsection, if the contravention of any bylaw having effect under this section is attended with danger or annoyance to the public, or hindrance to a Board in the lawful use of their railway, it shall be lawful for the Board in question summarily to interfere to obviate or remove the danger, annoyance or hindrance.

(5) Bylaws under this section shall not come into operation until they have been confirmed by the Minister.

PART IV

(6) At least twenty-eight days before application for confirmation of any bylaws is made the Board in question shall publish in such manner as may be approved by the Minister a notice of their intention to apply for confirmation and of the place at which and the time during which a copy of the bylaws will be open for public inspection ; and any person affected by any of the bylaws shall be entitled to make representations thereon to the Minister within a period of not less than twenty-eight days specified in the notice.

(7) For at least twenty-four days before application for confirmation of any bylaws is made under this section, a copy of the bylaws shall be kept at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment.

(8) The Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding ten shillings as the Board shall determine.

(9) The Minister may confirm with or without modification, or may refuse to confirm, any of the bylaws submitted under this section for confirmation and, as regards any bylaws so confirmed, may fix a date on which the bylaws shall come into operation ; and if no date is so fixed the bylaws shall come into operation after the expiration of twenty-eight days after the date of confirmation.

(10) A copy of the bylaws when confirmed shall be printed and deposited at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment, and the Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding ten shillings as the Board shall determine.

(11) The production of a printed copy of bylaws confirmed under this section on which is indorsed a certificate purporting to be signed by the secretary of the Board or of some person authorised by the Board to act in his stead in that behalf, stating—

- (a) that the bylaws were made by the Board or by the Commission,
- (b) that the copy is a true copy of the bylaws,
- (c) that on a specified date the bylaws were confirmed by the Minister, and
- (d) the date when the bylaws come into operation,

shall be prima facie evidence of the facts stated in the certificate.

PART IV

(12) The power of making bylaws under this section shall include power to vary or repeal any bylaws previously made under this section.

(13) Sections one hundred and eight and one hundred and nine of the Railways Clauses Consolidation Act, 1845, sections one hundred and one and one hundred and two of the Railways Clauses Consolidation (Scotland) Act, 1845, section thirty-two of the Railways Clauses Act, 1863, and section seven of the Regulation of Railways Act, 1889, shall cease to have effect, but any bylaws under any of those enactments which were in force immediately before the vesting date and which applied in relation to any of the railways belonging to the Commission, or in relation to the ships operated by the Commission, shall continue in force and have effect as if made under this section, and subject to the provisions of Part II of this Act so far as applicable.

(14) In the bylaws made by the London Transport Executive under the Railways Clauses Consolidation Act, 1845, which were confirmed by the Minister on the thirteenth day of December, nineteen hundred and fifty-seven—

- (a) for references to the Commission or the London Transport Executive there shall be substituted references to the London Board, and
- (b) for references to the railways as there defined there shall be substituted references to the railways of the London Board.

(15) In the bylaws made by the Commission under the said Acts of 1845 which relate to the railways of the Commission other than those of the London Transport Executive which were confirmed by the Minister on the fifth day of December, nineteen hundred and fifty-seven,—

- (a) for references to the Commission there shall be substituted references to the Railways Board, the Docks Board and the British Waterways Board, and
- (b) for references to London Transport railways there shall be substituted references to the London Board's railways.

(16) Any power exercisable by the Docks Board or the British Waterways Board under any local enactment to make bylaws as regards any harbour comprised in their undertaking shall include power to make any such bylaws in relation to railways within the harbour as the Railways Board and the London Board have power to make under this section in relation to their railways.

(17) This section shall have effect as from the vesting date.

68.—(1) As from the vesting date, for references in section one hundred and six of the London Passenger Transport Act, 1933, to the London Passenger Transport Board there shall be substituted references to the London Board. PART IV
Custody of lost
property on
London
Board's
transport
system.

(2) The repeal by this Act of section one hundred and nineteen of the Transport Act, 1947, shall not affect the London Transport (Lost Property) Regulations, 1960 (which were made under that section), and as from the vesting date those regulations—

- (a) shall be treated for all purposes, and in particular for the purposes of section eighty-eight of the London Passenger Transport Act, 1935 (which relates to offences against regulations under section one hundred and six of the said Act of 1933), as if they had been made under the said section one hundred and six, and
- (b) shall have effect, subject to the necessary modifications, as if any reference therein to the Commission or the London Transport Executive were a reference to the London Board.

69.—(1) Within one year from the vesting date the Railways Board shall, after consulting the other Boards, prepare and submit to the Minister a scheme for the organisation of the transport police of the Boards. Organisation
of transport
police.

In this section, references to “transport police” are references to constables appointed under section fifty-three of the British Transport Commission Act, 1949.

(2) A scheme under this section which provides for the organisation of transport police in a joint force shall contain provisions with respect to—

- (a) the control and administration of the force by or on behalf of the Boards participating in the force,
- (b) the contributions to be made by those Boards to the expenses of the force, and
- (c) the method of settling disputes between those Boards in relation to the force.

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

- (a) for the transfer or appropriation for the purposes of the scheme of property vested in the Railways Board by paragraph (e) of subsection (2) of section thirty-one of this Act, and
- (b) for enabling the services of transport police organised in a force for any Board or Boards to be made available to another Board on such terms as may be agreed with that Board,

PART IV

and may contain such incidental and transitional provisions as may appear to the Railways Board or the Minister to be expedient.

(4) A scheme under this section may make modifications consequential on the provisions of the scheme in section fifty-three of the said Act of 1949, but nothing in the scheme shall require any Board to exercise its powers under that section.

(5) On a scheme being submitted to the Minister under this section, the Minister may by order approve the scheme with or without amendment; and the scheme, as so approved, shall come into effect on such date as may be specified therein and it shall be the duty of the Boards to comply with the scheme as so approved.

(6) The Minister shall consult the Boards before approving a scheme under this section; and the Minister shall not approve a scheme under this section which provides for the organisation of transport police in more than one force unless it appears to him, after consultation with the Boards, that there are special reasons which make it desirable that such provision should be made.

(7) If after a scheme has been approved under this section any Board apply to the Minister and satisfy him that the scheme should be amended in any respect the Minister may, after consulting the Boards, by order make such amendments of the scheme as he thinks fit.

(8) The power conferred by this section on the Minister to make orders shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(9) During the period between the vesting date and the coming into effect of a scheme under this section the Railways Board shall make police services available to the other Boards to such extent and on such terms as the Railways Board and the other Board concerned may agree or as may, in default of agreement, be determined by the Minister.

Transport
police
constables.

70.—(1) Section fifty-three of the British Transport Commission Act, 1949, shall be amended as follows:

(2) Any premises transferred or leased to the Hotel Company before the vesting date shall until the vesting date be regarded for the purpose of the section as belonging to the Commission.

(3) For the first two references in subsection (1) of the section to the Commission there shall be substituted—

(a) during the interim period, references to the Railways Board, and

(b) thereafter, references to any of the Boards acting jointly or separately in pursuance of a scheme under section sixty-nine of this Act.

(4) On and after the vesting date for references in the section to premises belonging to, leased to or worked by the Commission there shall be substituted references to premises belonging to, leased to or worked by any of the Boards or the Hotel Company, and in the proviso to paragraph (b) of subsection (1) of the section for the reference to matters in connection with or affecting the Commission or their undertaking there shall be substituted a reference to matters in connection with or affecting any of the Boards or their undertakings.

(5) On and after the vesting date a Board may dismiss a constable who is employed by them (whether or not appointed after the vesting date) and, accordingly, in paragraph (c) of subsection (1) of the section for references to the Commission there shall, as regards such a constable employed by a Board (or two or more Boards jointly), be substituted a reference to that Board (or those Boards), and for the reference at the end of the said paragraph (c) to the authority by whom a constable was dismissed or by whom a constable's resignation is accepted there shall, in the case of a constable dismissed by the Commission, or whose resignation was accepted by the Commission, be substituted—

(a) during the interim period, a reference to the Railways Board, and

(b) thereafter, a reference to any of the Boards acting jointly or separately in pursuance of a scheme under section sixty-nine of this Act.

(6) On and after the vesting date references in any statutory provision or other document to a constable appointed or employed by the Commission shall be taken as a reference to a constable employed by any of the Boards and acting under the said section fifty-three.

(7) In this section "the interim period" means the period referred to in subsection (9) of section sixty-nine of this Act.

71.—(1) If any of the Boards in pursuance of a scheme under section sixty-nine of this Act arrange to establish a joint police force consisting of constables appointed under section fifty-three of the British Transport Commission Act, 1949, they shall also arrange to establish a conference consisting of an equal number of representatives of those Boards on the one hand and of the members of the police force on the other hand, to which all questions relating to rates of pay, hours of duty and conditions of service of members of the police force shall be referred.

Terms and conditions of employment of transport police.

PART IV

(2) If and so long as any Board in pursuance of a scheme under section sixty-nine of this Act employ a separate police force consisting of constables appointed under the said section fifty-three, that Board shall arrange for the establishment of a separate conference consisting of an equal number of representatives of the Board and of the members of their police force to which all questions relating to rates of pay, hours of duty and conditions of service of members of the police force shall be referred.

(3) If and so long as there are two or more conferences established under the foregoing provisions of this section (hereinafter referred to as constituent conferences), the Boards concerned shall arrange for the establishment of a central conference which shall consist of an equal number of representatives of those Boards on the one hand, and of their police forces on the other hand, elected from the constituent conferences, and there shall be an appeal from the constituent conferences to the central conference.

(4) In the event of disagreement between the two sides of a conference established under this section (except a conference from which an appeal lies to a central conference), an independent chairman shall be appointed with power to give decisions which shall have effect as decisions of the conference, the said chairman to be chosen by mutual agreement or failing agreement to be nominated by the Minister of Labour.

(5) On the coming into force of this section any arrangements made in pursuance of section ninety-seven of the Transport Act, 1947 (which contains provisions corresponding to those of this section), shall cease to have effect.

General provisions as to terms and conditions of employment of staff.

72.—(1) It shall be the duty of each Board, except as far as they are satisfied that adequate machinery exists for achieving the purpose of this subsection, to seek consultation with any organisation appearing to the Board to be appropriate, with a view to the conclusion between the Board and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—

- (a) the settlement by negotiation of terms and conditions of employment of persons employed by the Board, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements, and
- (b) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by the Board and the discussion of other matters of mutual interest to the Board and such persons, including efficiency in the operation of the Board's services.

(2) Where the Board conclude such an agreement as is mentioned in the foregoing subsection or any variation is made in such an agreement, the Board shall forthwith transmit particulars of the agreement or the variation to the Minister and the Minister of Labour.

(3) Nothing in this section shall be construed as prohibiting a Board from taking part together with other employers in the establishment and maintenance of machinery for the settlement of terms and conditions of employment, and the promotion and encouragement of measures affecting the health, safety and welfare of their workers, and the discussion of other matters of mutual interest to them and their workers.

(4) This section shall apply, with any necessary modifications, to the Holding Company as it applies to the Boards.

73.—(1) Subject to the next following section, each of the Boards and the Holding Company shall have power to pay pensions and enter into obligations under pension schemes.

The powers of the Boards and the Holding Company as regards pensions and pension schemes.

(2) Each of the Boards and the Holding Company shall have power to lend money to be applied for the purposes of a pension scheme under which any of those bodies, or a subsidiary of any of those bodies, pay employer's contributions or are subject to any other obligations, but shall not exercise that power without the consent of the Minister.

74.—(1) The Minister may make orders—

Minister's power to make orders about pensions.

(a) with respect to the provision of pensions by the Boards and the Holding Company and by the subsidiaries of the Boards and of the Holding Company for or in respect of—

(i) their employees, or persons who have been in their employment, or

(ii) persons who have been in the employment of the Commission or of any subsidiary of the Commission or of any body whose undertaking or part of whose undertaking was transferred to the Commission under or by virtue of the Transport Act, 1947, or

(iii) persons who have been employed in connection with the Caledonian and Crinan Canals or Holyhead Harbour, or by or in connection with the Railway Clearing House ;

(b) for the establishment and administration of existing or future pension schemes and pension funds for any of the purposes of the foregoing paragraph ;

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and the Boards and the Holding Company shall exercise the powers conferred on them by the last foregoing section subject to any order under this section.

(2) Without prejudice to the powers conferred by the foregoing subsection, the Minister may make orders—

- (a) for enabling employees of any of the Boards or the Holding Company or a subsidiary of any of the Boards or the Holding Company to participate or continue to participate in any pension scheme in which employees of the Commission or a subsidiary of the Commission participated before the vesting date, or in any pension scheme established under this section, and requiring their employers to make payments under that scheme,
 - (b) for modifying any pension scheme the participants in which include persons of any of the descriptions in sub-paragraphs (i), (ii) and (iii) of paragraph (a) of the foregoing subsection, so as to ensure that changes cannot be effected in the pension scheme without the approval of the Minister,
 - (c) for varying the rates of the contributions to be made under any pension scheme by employees of any of the Boards or the Holding Company or a subsidiary of any of the Boards or the Holding Company, as well as the rates of employers' contributions and the benefits under the scheme, and
 - (d) for re-arranging, amalgamating, simplifying and assimilating pension schemes the participants in which include any such persons.
- (3) An order under this section may in particular provide—
- (a) for altering or winding up any pension scheme,
 - (b) for varying any trust or transferring any pension fund, or obligations or liabilities under a pension scheme,
 - (c) for requiring a Board or the Holding Company to make payments to the persons administering a pension scheme so as to convert the pension scheme from an unfunded scheme into a funded scheme,
 - (d) for establishing any body to administer or assist in administering a pension scheme,
 - (e) for enabling all or any of the participants in a pension scheme to become instead participants in another pension scheme,
 - (f) for empowering the persons responsible for administering any pension scheme established for the purposes of an undertaking carried on by persons other than the Boards, the Holding Company or any subsidiary

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of any Board, or of the Holding Company, to carry out any arrangements for the participation in the scheme of a person who has been an employee of the Commission, or of the Boards or of the Holding Company, or of any subsidiary of any of those bodies,

- (g) as to the manner in which questions arising under the order are to be determined,

and may contain such supplemental, incidental and consequential provisions as appear to the Minister expedient.

(4) Without prejudice to the generality of the foregoing provisions of this section, an order under this section may contain provisions authorising any person who, having pension rights to which an order under this section relates, becomes a member of a Board, or the Holding Company, or a director of a subsidiary of a Board or of the Holding Company, to be treated for the purposes of a pension scheme as if his service as such a member or director were service in the employment of such a body, and as if, where that service immediately precedes or follows other service which is, or is to be treated as, service in that employment, the two periods of service were continuous.

(5) An order under this section shall have effect notwithstanding anything in—

- (a) any local enactment, or
- (b) any regulations or other instrument made under the Transport Act, 1947, or the Transport Act, 1953, and continued in force by this Act, or
- (c) the Truck Acts, 1831 to 1940, or the Shop Clubs Act, 1902, or
- (d) section eighty of the London Passenger Transport Act, 1933 (which contains transitional provisions concerning superannuation funds affected by that Act),

and may amend or repeal any such enactment or instrument as is mentioned in paragraphs (a) and (b) of this subsection.

(6) (a) Orders under this section shall be so framed as to secure that no person other than the Boards, the Holding Company and any subsidiary of any Board, or of the Holding Company, is placed in any worse position by reason of the order.

(b) An order shall not be invalid by reason that in fact it does not have the result of securing that all such persons are not placed in any worse position by reason of the provisions of the order, but if the Minister is satisfied or it is determined as hereinafter mentioned that any such order has failed to secure that result, the Minister shall as soon as may be make the necessary amending order.

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(c) Any dispute arising between the Minister and any person as to whether or not the said result has been secured by any order under this section shall be referred to a referee or board of referees appointed by the Minister of Labour after consultation with the Lord Chancellor, or, where the proceedings are to be held in Scotland, after consultation with the Secretary of State, for his or their determination thereof.

(d) The Minister of Labour may, with the consent of the Treasury, pay out of money provided by Parliament—

- (i) to any referee or to the members of any board of referees appointed under this subsection such fees and allowances as he may with the consent of the Treasury determine, and
- (ii) to persons giving evidence before any such referees or board such allowances as he may with the consent of the Treasury determine.

(e) For the purposes of this subsection no person shall be regarded as being placed in a worse position because an order provides that any changes in a pension scheme are not to be effected without the consent of the Minister.

(f) Nothing in the Arbitration Act, 1950, shall be construed as applying to any proceedings before a referee or board of referees appointed under this section.

(7) An order under this section may be made so as to have effect from a date prior to the making of the order, so, however, that so much of any order as provides that any provision thereof is to have effect from a date prior to the making of the order shall not place any person other than the Boards, the Holding Company or any subsidiary of any Board, or of the Holding Company, in a worse position than he would have been in if the order had been made to have effect only from the date of its making.

(8) The power of making orders under this section shall be exercised by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and the power of making orders under this section shall include power to vary or revoke a previous order.

(9) Nothing in this section shall be taken to derogate from the power conferred by subsection (4) of section sixty-nine of the National Insurance Act, 1946, to make regulations providing for the modifying or winding up of pension schemes in connection with the passing of that Act, but an order under this section shall have effect notwithstanding anything in regulations made under the said Act before the order was made.

75. Part IV of the Seventh Schedule to this Act (which contains transitional provisions relating to pensions) shall have effect for the purposes of this Act.

Transitional provisions relating to pensions.

Transitory provisions concerning the Commission

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76. The Minister shall have power, with the approval of the Treasury, at any time after the passing of this Act to make grants out of money provided by Parliament to the Commission to meet any deficit on revenue account.

Power to make grants to Commission.

77.—(1) As from the passing of this Act the Commission shall have power to develop their land in such manner as they may think fit.

Commission's power to develop land.

(2) The Commission may, in particular, and subject to this section,—

- (a) retain any part of their land which is not required for the purposes of their business and develop it for use by other persons, and
- (b) where the use of their land for the purposes of their business can be combined with its use for other purposes, develop the land by constructing or adapting buildings thereon for use wholly or partly by other persons,

with a view to selling or otherwise disposing of any right or interest in the land or, as the case may be, the buildings or any part of the buildings, after the development is carried out.

(3) The Commission shall not incur any substantial item of expenditure in developing their land for use for purposes which are not the purposes of their business without the consent of the Minister, and the Minister may from time to time give directions to the Commission indicating what is to be treated for the purposes of this section as a substantial item of expenditure.

(4) Where the Commission propose under this section to develop any land for use otherwise than for the purposes of their business they shall have power, with the consent of the Minister, to acquire by agreement adjoining land for the purpose of developing it together with the other land, but the Minister shall not give his consent under this subsection unless it appears to him that the other land cannot be satisfactorily developed unless the adjoining land is acquired by the Commission.

Subject to the foregoing provisions of this subsection the Commission shall not have power to acquire land, whether by agreement or compulsorily, for use otherwise than for the purposes of their business.

(5) Anything done in the exercise of the powers conferred on the Commission by this section shall not be invalid on the ground that it is prohibited by proviso (iii) to subsection (2), or the proviso to subsection (3), of section two of the Transport Act, 1947, but, subject to that, the provisions of this section relate only to the capacity of the Commission as a statutory corporation.

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(6) Section twenty-eight of this Act shall apply with the necessary modifications in relation to consents given by the Minister under this section as it applies in relation to consents given by the Minister under Part I of this Act.

The
Commission's
subsidiaries.

78.—(1) Notwithstanding anything in sections one to eleven of the Transport Act, 1953, and the Transport (Disposal of Road Haulage Property) Act, 1956, the Commission may exercise their control over such of their subsidiaries as were formed in pursuance of the said enactments, and over property transferred to them by the Commission, in such manner as appears to the Commission appropriate to facilitate the transfers to be effected by Part II of this Act.

(2) If as a result of a transfer of securities effected by the Commission at a time when the Commission hold carriers' licences for vehicles owned by a subsidiary, the subsidiary becomes a wholly-owned subsidiary of a company (hereinafter referred to as "the company") which is itself a wholly-owned subsidiary of the Commission—

- (a) any such licence for a vehicle then owned by the subsidiary shall thereafter have effect as if granted to the company ;
- (b) for the purposes of section one hundred and eighty of the Road Traffic Act, 1960 (which relates to carriers' licences for the vehicles of a subsidiary), the company shall be deemed to have made the application for the licence and to have signified to the licensing authority their desire that the section should have effect as respects the subsidiary ; and
- (c) subsection (8) of section five of the Transport Act, 1953 (which relates to the duration of carriers' licences for vehicles owned by a company all the securities of which are disposed of under that section), shall not apply in relation to the transfer.

(3) It is hereby declared that if an application is made before the vesting date for the issue of a licence in substitution for an existing licence which is due to expire on the vesting date by virtue of subsection (4) of section two of the Transport (Disposal of Road Haulage Property) Act, 1956 (which relates to carriers' licences for vehicles owned by certain subsidiaries of the Commission and provides that they shall expire on the date when the subsidiary ceases to be under direct or indirect control of the Commission), and on the vesting date proceedings are pending before the licensing authority on that application, the existing licence will under subsection (3) of section one hundred and sixty-nine of the Road Traffic Act, 1960, continue in force until the application is disposed of.

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(4) The Commission shall before the vesting date exercise their control over the company called British Road Services Limited (which was formed in pursuance of the enactments mentioned in subsection (1) of this section) so as to effect the transfer to the Commission, on such terms as may be appropriate, of the securities of the body called Atlantic Steam Navigation Company Limited.

(5) Subsection (3) of section forty-one of this Act shall apply to any instrument which the Commission certify to the Commissioners of Inland Revenue as having been made or executed in pursuance of the last foregoing subsection as it applies to the instruments mentioned in the said subsection (3).

(6) In this section "carriers' licence" means a licence under Part IV of the Road Traffic Act, 1960 (including one issued in pursuance of Part II of the First Schedule to the Transport Act, 1953).

79.—(1) If a person ceases to be a member of the Commission, or of the London Transport Executive, otherwise than on the expiration of his term of office, and it appears to the Minister that there are special circumstances which make it right that that person should receive compensation, the Minister may with the approval of the Treasury require the Commission to make to him a payment of such amount as may be determined by the Minister with the approval of the Treasury.

Power to make special payments on the termination of the appointment of members of the Commission or Executive.

(2) This section shall apply whether or not any pension is payable under paragraph (b) of subsection (7) of section one of the Transport Act, 1947, or sub-paragraph (1) of paragraph 2 of the Second Schedule to that Act, and shall apply to persons who cease to be members of the Commission or Executive before the passing of this Act, as well as to persons who cease to be members at a later time.

(3) Any requirement imposed by the Minister as regards a member of the Commission under subsection (1) of this section after the vesting date shall be imposed on the Railways Board instead of on the Commission, and any requirement so imposed as regards a member of the London Transport Executive shall be imposed on the London Board instead of on the Commission.

80.—(1) Subject to this section, the Commission shall cease to exist on the vesting date.

Dissolution of the Commission.

(2) If it appears to the Minister that the steps which the Commission are under sub-paragraph (4) of paragraph 1 of the Sixth Schedule to this Act to take for the effective transfer of property and rights to the Boards cannot be completed until a date after the vesting date, he may by order direct that the Commission shall not be dissolved until that later date.

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(3) An order under this section shall provide for the constitution and proceedings of the Commission in the period after the vesting date, and may require the Railways Board to pay to members of the Commission in respect of their service after the vesting date such salaries or fees and such allowances as the Minister may with the approval of the Treasury determine.

(4) If the dissolution of the Commission is postponed under this section, the Commission shall during that period have such powers, and only such powers, as they require for the purpose of discharging their duty under the said sub-paragraph (4).

(5) The Railways Board shall make available to the Commission such staff and premises as the Commission may require for the said purpose, and shall discharge any expenses incurred by the Commission for that purpose.

(6) The Minister may from time to time extend the period specified in an order under this section by a further order, and any order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(7) So much of subsection (2) of section one of the Transport Act, 1947, as requires the Chairman and not less than four other members of the Commission to render whole-time service to the Commission shall cease to have effect on the passing of this Act.

(8) The transitional provisions in Part V of the Seventh Schedule to this Act (which relate to the Commission) shall have effect for the purposes of this Act.

Compensation to officers and servants of the Commission

Compensation
to officers
and servants
of the
Commission.

81.—(1) The Minister shall by regulations contained in a statutory instrument require the appropriate body as defined in this section to pay, in such cases and to such extent as may be specified in the regulations, compensation to persons who are at the passing of this Act officers or servants of the Commission and who suffer loss of employment or loss or diminution of emoluments or pension rights, or whose position is worsened, in consequence of the reorganisation effected by this Act.

(2) The regulations may apply to any such person whether or not he continues in the employment of the Commission until the vesting date and whether or not he is a party to an agreement for the rendering of personal services to the Commission which is modified by section thirty-four of this Act.

(3) 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 from a date prior to 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 body paying compensation) in a worse position than he would have been in if the regulations had been made to have effect only as from the making thereof.

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(4) Regulations under this section—

- (a) may prescribe the procedure to be followed in making claims for compensation, and the manner in which and the person by whom the question whether any or what compensation is payable is to be determined, and
- (b) may in particular contain provisions enabling appeals from any determination as to whether any or what compensation is payable to be brought, in such cases and subject to such conditions as may be prescribed by the regulations, to a referee or board of referees appointed by the Minister of Labour, after consultation with the Lord Chancellor, or, where the proceedings are to be held in Scotland, after consultation with the Secretary of State.

(5) No regulations shall be made under this section unless a draft thereof has been laid before Parliament and has been approved by a resolution of each House of Parliament.

(6) The Minister of Labour may, with the consent of the Treasury, pay out of money provided by Parliament—

- (a) to any referee or to the members of any board of referees appointed by him in pursuance of regulations under this section such fees and allowances as he may with the consent of the Treasury determine, and
- (b) to persons giving evidence before any such referee or board such allowances as he may with the consent of the Treasury determine.

(7) Nothing in the Arbitration Act, 1950, shall be construed as applying to any proceedings before a referee or board of referees appointed in pursuance of regulations under this section.

(8) In this section “the appropriate body” means—

- (a) in relation to a person who on the vesting date ceases to be an officer or servant of the Commission and becomes an officer or servant of a Board, that Board,
- (b) in relation to a person who on the vesting date ceases to be an officer or servant of the Commission and becomes an officer or servant of the Holding Company, the Holding Company,
- (c) in relation to a person who at any time in the period beginning with the passing of this Act and ending with the vesting date becomes an officer or servant of one of the bodies which on the vesting date becomes a subsidiary of the Railways Board, the Docks Board, the

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British Waterways Board or the Holding Company, that Board or the Holding Company as the case may be,

- (d) in the case of any other person, the Board which would have become his employer under section thirty-four of this Act if an agreement had subsisted at the vesting date for the rendering by him to the Commission of personal services of the kind which he was rendering to the Commission when he left the service of the Commission.

(9) The London Board, the Docks Board, the British Waterways Board and the Holding Company may arrange to make payments to the Railways Board by way of contributions towards the liability of the Railways Board under this section in respect of officers and servants of the Commission, and if the Railways Board satisfy the Minister that any of the other Boards or the Holding Company have not made an appropriate contribution towards that liability, whether by the payment of money or by finding employment for any such officers or servants or otherwise, the Minister may require that other Board or, as the case may be, the Holding Company to make such payment to the Railways Board as appears to the Minister to be just.

(10) Nothing in this section shall be construed as enabling regulations to be made prejudicing the rights of any person under Part VII of the Transport Act, 1947, or any other enactment passed before this Act.

Miscellaneous provisions

Modification
of enactments
relating to
Wages
Councils.

82. For the purposes—

- (a) of any wages regulation order in force under Part II of the Wages Councils Act, 1959, on the vesting date, and
(b) of determining the workers in relation to whom the Road Haulage Wages Council operates under that Act, and

(c) of Part II of the Road Haulage Wages Act, 1938, vehicles specified in licences which are being used by a Board, or by a subsidiary of a Board or of the Holding Company, shall be deemed to be vehicles not specified in any licence.

Abandonment
of independent
railways.

83.—(1) The Minister may make an abandonment order in respect of any railway comprised in an independent railway undertaking if an application is made to him for that purpose by the undertakers in question or by any creditor of those undertakers.

(2) Notice of any application under this section shall be published by the applicant in such manner and form as the

Minister may direct, and the Minister shall before making an order under this section consider any objections which have been lodged with respect to the application.

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(3) An order under this section shall have effect to release the undertakers from any statutory obligation to construct, maintain or operate the railway which is the subject of the order, and the order may contain provisions for abrogating, on such terms as to compensation or otherwise as the Minister may think just, any obligations (whether statutory or otherwise) to provide or maintain works, services or facilities in connection with the railway.

(4) An order under this section may contain such consequential and supplementary provisions, including provisions for the assessment of compensation, as the Minister may think fit, and notice of the order shall be published in such manner and form as the Minister may direct.

(5) Where an application is made under this section by a creditor, the undertakers in question shall furnish the Minister with all such information, and permit such inspection of their railway, as the Minister may reasonably require for the purposes of the application, and any person who fails to comply with a requirement under this subsection shall be liable on summary conviction to a fine not exceeding twenty pounds.

(6) Notwithstanding paragraph (a) of section three hundred and ninety-eight of the Companies Act, 1948, a railway company incorporated by Act of Parliament whose railway is the subject of an order under this section may be wound up under Part IX of that Act as an unregistered company.

(7) In this section "independent railway undertaking" means a railway undertaking carried on in Great Britain and not forming part of the undertaking of the Commission or of any of the Boards, being an undertaking the carrying on of which is authorised by, or by an order made under, an Act of Parliament.

84.—(1) Subsection (5) of section fifteen of the Light Railways Act, 1896 (which requires the Minister to make an annual report to Parliament as to his proceedings under that Act), shall cease to have effect. Minor amendments relating to railways.

(2) Section five of the Regulation of Railways Act, 1889 (which imposes penalties for offences in connection with railway fares and tickets), shall apply as respects any offence committed after the coming into force of this section as if in subsection (1) for the words "forty shillings" there were substituted the words "ten pounds", and as if in subsection (3) for the words "forty shillings" there were substituted the words "twenty-five

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pounds”, for the words “twenty pounds” there were substituted the words “twenty-five pounds” and for the words “one month” there were substituted the words “three months”.

(3) Subsection (1) and subsections (3) to (12) of section sixty-seven of this Act shall apply in relation to the person carrying on any independent railway undertaking as defined in the last foregoing section, and in relation to the railways comprised in the undertaking, as they apply in relation to the Railways Board and their railways, and as from the vesting date any bylaws under sections one hundred and eight and one hundred and nine of the Railways Clauses Consolidation Act, 1845, or sections one hundred and one and one hundred and two of the Railways Clauses Consolidation (Scotland) Act, 1845, which immediately before the vesting date apply to any such undertaking shall have effect as if made under the said section sixty-seven.

(4) In section one hundred and forty-four of the Railways Clauses Consolidation Act, 1845, and section one hundred and thirty-six of the Railways Clauses Consolidation (Scotland) Act, 1845 (which relate to the defacement of notice boards), for the words from “as required” to “or penalty” there shall be substituted the words “for the purpose of publishing any byelaw of the company or any penalty imposed by this or the special Act.”

Disqualification for membership of House of Commons.

85.—(1) Part II of the First Schedule to the House of Commons Disqualification Act, 1957 (which specifies the bodies of which the members are disqualified under that Act), and the Part substituted for the said Part II by the Third Schedule to that Act in its application to the Senate and House of Commons of Northern Ireland, shall have effect with the insertion of the following entries—

- | | |
|--|--|
| After the entry relating to the British Overseas Airways Corporation. | “ The British Railways Board ”. |
| After the entry relating to the British Transport Commission. | “ The British Transport Docks Board.
The British Waterways Board ”. |
| Before the entry relating to Medical Appeal Tribunals. | “ The London Transport Board ”. |
| After the entry relating to the National Research Development Corporation. | “ The Nationalised Transport Advisory Council ”. |
| Before the entry relating to the Research Council. | “ A Regional Railway Board ”. |

(2) Part III of the said First Schedule (which specifies offices the holders of which are disqualified under the said Act) in its

application to the Parliament of the United Kingdom shall have effect with the insertion before the entry relating to the director of Remploy Limited of the entry—

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“ Director of the Holding Company or the Hotel Company referred to in the Transport Act, 1962, or of any of the companies shown in List A in Part I, in Part III and in List A in Part IV of the Fourth Schedule to that Act ”.

(3) The Part substituted for the said Part III by the Third Schedule to the said Act of 1957 in its application to the Senate and House of Commons of Northern Ireland shall have effect with the insertion before the entry relating to an Election Commissioner of the entry—

“ Director of the Holding Company referred to in the Transport Act, 1962, or of any of the following companies, that is to say—

Caledonian Steam Packet Company (Irish Services) Limited
 Railway Sites Limited
 British Road Services Limited
 B.R.S. (Parcels) Limited
 B.R.S. (Pickfords) Limited
 Atlantic Steam Navigation Company Limited ”.

86.—(1) It is hereby declared that for the purposes of the Application of Town and Country Planning Acts anything done by any of the Boards—

(a) in the exercise of the powers conferred by section eleven of this Act so far as that section relates to development of land for use otherwise than for the purposes of the business of the Board ; or

(b) in the exercise of the powers conferred by section twelve of this Act so far as that section relates to pipe-lines which are not required for the purposes of the business of the Board other than the operation of pipe-lines,

does not constitute the carrying on by the Board of their statutory undertaking and, in particular, that land which is used, or in which an interest is held, by a Board exclusively for the purpose of exercising those powers does not constitute operational land.

(2) Without prejudice to the foregoing subsection and subject to the next following subsection, any development of operational land by a Board in the exercise of the said powers shall not for the purposes of the said Acts constitute development of operational land.

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(3) The last foregoing subsection shall not apply to development if—

- (a) the development comprises development by the Board for the purpose of carrying on their statutory undertaking or is development for a purpose which includes that purpose; and
- (b) the development is such that so much of it as is exclusively referable to the exercise by the Board of the said powers cannot fairly be treated for the purposes of the said Acts as separate development.

(4) Any question under the last foregoing subsection whether part of any development can fairly be treated as separate development shall be determined by the local planning authority to whom application is made for permission for the development in question, or, where an application for permission for the development in question is referred to the Minister, by the Minister and the Minister of Transport; and where part of any development is so treated this section and the said Acts shall apply to the parts of the development in all respects as if they were separate development.

(5) If an applicant is aggrieved by a determination of a local planning authority under the last foregoing subsection, he may appeal to the Minister, and any such appeal shall be determined by the Minister and the Minister of Transport.

The provisions of the said Acts and of any development order as to the time and manner for appealing to the Minister against planning decisions of local planning authorities shall apply, subject to any necessary modifications, to an appeal under this subsection.

(6) The provisions of the said Acts as to the validity, and proceedings for challenging the validity, of decisions of the Minister on applications for planning permission referred to him under those Acts or on appeals to him under those Acts against planning decisions of local planning authorities shall apply to any determination of the Minister and the Minister of Transport under this section as if a reference to this section were included in those provisions.

(7) Before the vesting date, references in this section to section eleven of this Act and (in relation to that section) to any of the Boards shall be construed as references to section seventy-seven of this Act and to the Commission.

(8) In this section “the Minister” and “the Town and Country Planning Acts” mean respectively the Minister of Housing and Local Government and the Town and Country Planning Acts, 1947 to 1959, or, in relation to Scotland, the Secretary of State and the Town and Country Planning (Scotland) Acts, 1947 to

1959 ; and, subject to this section, any other expression in this section which is used in those Acts has the same meaning as in those Acts.

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87.—(1) It shall be the duty of the Commission and of the Boards to consult the London County Council as to the use of their land in the administrative county of London so far as that land is not required for the purposes of their business, and to submit for the approval of the Minister of Housing and Local Government proposals with regard to the use of that land in a manner which is consistent with proper planning and which, in particular, is consistent with the need for keeping a proper balance in the use of their land as between new office accommodation and other accommodation for trade, business and industry on the one hand, and new living accommodation (with the amenities required by a resident community) on the other hand ; and in making those proposals account may be taken of living accommodation provided or to be provided on any land belonging to the Commission or the Boards which lies outside, but in the immediate vicinity of, the administrative County of London.

Temporary provision as to development of land in London.

(2) The following provisions of this section shall have effect as regards any application made before the date certified by the Minister of Housing and Local Government as that on which he has approved proposals under the foregoing subsection, being an application for permission under Part III of the Town and Country Planning Act, 1947, for development of land in the administrative county of London which belongs to the Commission or a Board at the time when the application is made ; and the said date shall be certified by the said Minister by order contained in a statutory instrument.

(3) If on any such application for permission for development consisting of the construction, reconstruction or alteration of a building—

- (a) which is designed or intended for use as office premises, or
- (b) part of which is designed or intended for use as office premises and is suited for separate occupation,

permission is refused by the Minister of Housing and Local Government, either on appeal or on the reference of the application to him for determination, or is so granted subject to conditions, no compensation shall be payable in respect of the refusal or imposition of conditions under section twenty of the said Act of 1947 (which relates to development not involving an increase of more than 10 per cent. in cubic content) or paragraph 1 of the Fifth Schedule to that Act (which relates to statutory undertakers' operational land).

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(4) Subsection (3) of this section shall not apply to an application for permission for development consisting of the reconstruction of a building destroyed or damaged by fire or accident.

(5) In this section references to the Minister refusing permission or granting permission subject to conditions include references to the Minister and the appropriate Minister refusing permission, or granting permission subject to conditions, under paragraph 1 of the Fifth Schedule to the said Act of 1947.

Application of
Tribunals and
Inquiries Act,
1958.

88. The Tribunals and Inquiries Act, 1958, shall have effect as if in the Annex to Part I of the First Schedule to that Act (which lists the tribunals under the supervision of the Council established by that Act) there were included a reference to—

- (a) subsection (6) of section seventy-four of this Act and orders under that section,
- (b) regulations under section eighty-one of this Act, and
- (c) sub-paragraph (3) of paragraph 17 of the Seventh Schedule to this Act.

Supplemental

Duty to give
effect to
Minister's
directions.

89.—(1) It shall be the duty of the Boards or of any other person to whom the Minister or any other authority gives directions under this Act to give effect to those directions.

(2) Any direction given by the Minister under this Act shall be in writing.

Inquiries.

90.—(1) The Minister may hold inquiries for the purposes of his powers under this Act as if those purposes were purposes of the Ministry of Transport Act, 1919, and section twenty of that Act shall apply accordingly.

(2) The costs incurred by the Minister in relation to an inquiry under the said Act of 1919 (including such reasonable sum not exceeding five guineas a day as he may determine for the services of any officer engaged in the inquiry) shall be paid by such party to the inquiry as the Minister may direct, and the Minister may certify the amount of the costs so incurred, and any amount so certified and directed by the Minister to be paid by any person shall be recoverable from that person either as a debt to the Crown or by the Minister summarily as a civil debt.

(3) The Minister may make orders as to the costs of the parties to any inquiry held by him under the said Act and as to the parties by whom such costs shall be paid.

(4) Any costs required by an order under subsection (3) of this section to be taxed may be taxed in the county court according to such of the scales prescribed by county court rules

for proceedings in the county court as may be directed by the order, or, if the order gives no direction, by the county court.

(5) Any sum payable by virtue of an order under subsection (3) of this section shall, if the county court so orders, be recoverable by execution issued from the county court or otherwise as if payable under an order of that court.

(6) Any sums received by the Minister under this section shall be paid into the Exchequer.

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

(a) in subsection (2) the words “either as a debt to the Crown or”, and the word “summarily” shall be omitted,

(b) for subsection (3) there shall be substituted the following subsection, that is to say—

“(3) In relation to any inquiry held under this section in Scotland the Minister shall have the like power to award expenses as if he were an arbiter under a submission and the parties to the inquiry were parties to the submission; and any award of expenses by the Minister under this subsection may be recorded for execution in the Books of Council and Session, and shall be enforceable accordingly”,

and

(c) subsections (4) and (5) shall be omitted.

91.—(1) The Minister may by order repeal any local enactment which in his opinion has ceased to have effect in consequence of the provisions of the Transport Act, 1947, or this Act. Repeal of local enactments.

(2) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

92.—(1) In this Act, except so far as the context otherwise requires, the following expressions have the meanings herein respectively assigned to them,— Interpretation.

“charges” includes fares, rates, tolls and dues of every description;

“coastal shipping” means the carrying of goods or passengers in ships by sea to or from any point in Great Britain from or to any point in the United Kingdom, the Isle of Man, the Channel Islands or the Republic of Ireland, but does not include the carrying of goods or passengers in the exercise of a right of ferry legally established whether by Act of Parliament or otherwise;

PART IV

- “contract carriage” shall be construed in accordance with sections one hundred and seventeen and one hundred and eighteen of the Road Traffic Act, 1960 ;
- “express carriage” shall be construed in accordance with the said sections of the Road Traffic Act, 1960 ;
- “final accounts of the Commission” has the meaning assigned to it by sub-paragraph (5) of paragraph 18 of the Seventh Schedule to this Act ;
- “function” includes powers, duties and obligations ;
- “goods” includes animals ;
- “harbour” means any harbour, whether natural or artificial, and any port, haven, estuary, tidal or other river or inland waterway navigated by sea-going ships, and any dock, including any pier, jetty or other place at which ships can ship or unship goods or passengers ;
- “the Holding Company” has the meaning assigned to it by section twenty-nine of this Act ;
- “the Hotel Company” has the meaning assigned to it by section thirty-three of this Act ;
- “inland waterway” includes every such waterway whether natural or artificial ;
- “land” includes any interest in land and any right over land ;
- “lease” includes an agreement for a lease ;
- “liability” includes an obligation ;
- “local enactment” means any provision—
- (a) in any local Act passed before this Act, or in any Act passed before this Act and confirming a provisional order, and
- (b) in any order or other instrument made under such an Act, and
- (c) in any order made under the Light Railways Act, 1896,
- and includes any provision of the Railways Clauses Consolidation Act, 1845, or any other public Act as it is incorporated in an Act or instrument falling under paragraph (a), (b) or (c) of this definition ;
- “the London Passenger Transport Area” has the meaning assigned to it by subsection (1) of section one hundred and seven of the London Passenger Transport Act, 1933 ;
- “the London Special Area” means the Special Area as defined by subsection (1) of section one hundred and seven of the London Passenger Transport Act, 1933 ;

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- “ the Lower Ouse Improvement ”** means so much of the River Ouse as is within the limits of improvement as defined by section three of the Ouse (Lower) Improvement Act, 1884 ;
- “ the Minister ”** means the Minister of Transport ;
- “ officer ”**, in relation to the Commission or any other body, does not include a member of that body ;
- “ participant ”** means, in relation to a pension scheme, a person who (whether he is referred to in the scheme as a member, as a contributor or otherwise) contributes or has contributed under the scheme and has pension rights thereunder and **“ participate ”** shall be construed accordingly ;
- “ pension ”**, in relation to a person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a gratuity so payable and a return of contributions to a pension fund, with or without interest thereon or any other addition thereto and any sums payable on or in respect of the death of that person ;
- “ pension fund ”** means a fund established for the purposes of paying pensions ;
- “ pension rights ”** includes, in relation to any person, all forms of right to or eligibility for the present or future payment of a pension, and any expectation of the accruer of a pension under any customary practice, and includes a right of allocation in respect of the present or future payment of a pension ;
- “ pension scheme ”** includes any form of arrangement for the payment of pensions, whether subsisting by virtue of Act of Parliament, trust, contract or otherwise ;
- “ port facilities ”** means the constructing, improving, maintaining, regulating, managing, marking or lighting of a harbour or any part thereof, the berthing, towing, moving or dry-docking of a ship which is in, or is about to enter, or has recently left, a harbour, the loading or unloading of goods, or embarking or disembarking of passengers, in or from any such ship, the lighterage or the sorting, weighing, warehousing or handling of goods in a harbour, and the movement of goods within a harbour ;
- “ public service vehicle ”** shall be construed in accordance with sections one hundred and seventeen and one hundred and eighteen of the Road Traffic Act, 1960 ;

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- “ the re-organisation effected by this Act ” includes any re-organisation effected by a scheme under section sixty-nine of this Act, including any amendments of the scheme made not later than six months after the date on which the scheme comes into effect :
- “ securities ”, in relation to a body corporate, means any shares, stock, debentures, debenture stock, and any other security of a like nature, of the body corporate ;
- “ ship ” includes every description of vessel used in navigation ;
- “ stage carriage ” shall be construed in accordance with sections one hundred and seventeen and one hundred and eighteen of the Road Traffic Act, 1960 ;
- “ statutory provision ” means a provision whether of a general or of a special nature contained in, or in any document made or issued under, any Act, whether of a general or a special nature ;
- “ subsidiary ”, in relation to any body corporate, means a body corporate which is a subsidiary of the first mentioned body corporate as defined by section one hundred and fifty-four of the Companies Act, 1948 (taking references in that section to a company as being references to any body corporate) ;
- “ vesting date ” has the meaning assigned to it by section thirty-one of this Act ;
- “ wholly-owned subsidiary ” means a subsidiary all the securities of which are owned by the body of which it is a subsidiary, or by one or more other wholly-owned subsidiaries of that body, or partly by that body and partly by any wholly-owned subsidiary of that body.

(2) Any reference in this Act to any provision of the Railways Clauses Consolidation Act, 1845, or of any other Act which is expressed only to have effect as incorporated in another enactment, shall include a reference to that provision as incorporated in any statutory provision passed or made whether before or after the passing of this Act.

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

**Application
to Northern
Ireland.**

93.—(1) The provisions of this Act set out in Part I of the Eleventh Schedule to this Act shall extend to Northern Ireland subject to the modifications set out in Part II of that Schedule, and save as aforesaid this Act shall not extend to Northern Ireland.

(2) For the purposes of section six of the Government of Ireland Act, 1920 (which relates to the powers of the Parliament of Northern Ireland), this Act shall be deemed to be an Act passed before the appointed day.

94. Any expenses incurred by the Minister under or in consequence of the provisions of this Act shall be paid out of money provided by Parliament. Minister's expenses.

95.—(1) The Acts specified in the Twelfth Schedule to this Act (Part I of which includes certain enactments which are spent or obsolete) shall be repealed to the extent specified in the third column of that Schedule. Repeal and savings.

(2) The repeals in Part II of the said Schedule shall, save as otherwise expressly provided, take effect on the vesting date.

(3) Nothing in the repeals in Part I of the Twelfth Schedule to this Act which relate to the Transport Tribunal shall affect any appointment made, any judgment or order given, any document issued or any other thing done before the date on which the repeals take effect; and the provision of this Act corresponding to the enactment under which it was done shall have effect as if it had been done under that provision.

Any reference in any instrument or other document to such an enactment shall be taken as regards anything done after that date as a reference to the corresponding provision of this Act.

(4) The foregoing provisions of this section shall be without prejudice to so much of the Interpretation Act, 1889, as relates to the effect of repeals.

(5) Without prejudice to the provisions of subsection (2) of section ninety-two of this Act, any reference in the Twelfth Schedule to this Act to the Railways Clauses Consolidation Act, 1845, or any other Act which is expressed only to have effect as incorporated in any other enactment, includes a reference to that provision as incorporated in any statutory provision passed or made whether before or after the passing of this Act.

96.—(1) This Act may be cited as the Transport Act, 1962. Short title and commencement.

(2) Subject to any other provision of this Act, this Act shall come into force on such date as the Minister may by order contained in a statutory instrument appoint, and the Minister may under this subsection appoint different dates for different provisions of this Act.

SCHEDULES

FIRST SCHEDULE

Sections 1, 2
and 29.

THE BOARDS, THE REGIONAL RAILWAY BOARDS AND THE HOLDING COMPANY

PART I

THE FOUR BOARDS

1. Each Board shall be a body corporate with perpetual succession and a common seal.

2. Each Board may act notwithstanding a vacancy among its members.

3. The quorum of the Railways Board shall be five, and the quorum of each of the other Boards shall be three and, subject as aforesaid, the Boards may regulate their own procedure.

4.—(1) The application of the seal of any Board shall be authenticated by the signatures of the chairman of the Board or some other member of the Board authorised by the Board to authenticate the application of the seal thereof, and of the secretary of the Board or some person authorised by the Board to act in his stead in that behalf.

(2) A Board may authorise a person to act instead of the secretary under this paragraph whether or not the secretary is absent or incapable of acting.

5. Every document purporting to be an instrument issued by any of the Boards and to be sealed as aforesaid, or to be signed on behalf of any Board, shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

6.—(1) A member of any Board shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.

(2) Any member may at any time by notice in writing to the Minister resign his office.

7.—(1) Before appointing a person to be a member of any Board, the Minister shall satisfy himself that that person will have no such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of a Board, and the Minister shall also satisfy himself from time to time with respect to every member of any of the Boards that he has no such interest; and any person who is, or whom the Minister proposes to appoint to be, a member of a Board shall, whenever requested by the Minister so to do, furnish to him such information as the Minister considers necessary for the performance by the Minister of his duties under this paragraph.

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(2) A member of any Board who is in any way directly or indirectly interested in a contract made or proposed to be made by the Board shall disclose the nature of his interest at a meeting of the Board; and the disclosure shall be recorded in the minutes of the Board, and the member shall not take any part in any deliberation or decision of the Board with respect to that contract.

(3) For the purposes of the last foregoing sub-paragraph a general notice given at a meeting of a Board by a member of the Board to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with that company or firm, shall be regarded as a sufficient disclosure of his interest in relation to any contract so made.

A member of a Board need not attend in person at a meeting of the Board in order to make any disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is brought up and read at the meeting.

8.—(1) Each Board—

- (a) shall pay to the members thereof such salaries or fees, and such allowances, as the Minister may, with the approval of the Treasury, determine, and
- (b) on the retirement or death of any of the members as to whom the Minister may, with the approval of the Treasury, determine that such provision should be made, shall pay to or in respect of them such pensions as he may so determine,

and if a person ceases to be a member of a Board, otherwise than on the expiration of his term of office, and it appears to the Minister that there are special circumstances which make it right that that person should receive compensation the Minister may, with the approval of the Treasury, require the Board to pay to that person a sum of such amount as the Minister may with the approval of the Treasury determine.

(2) The Minister shall, as soon as possible after the first appointment of any person as a member of a Board, lay before each House of Parliament a statement of the salary or fees and of the allowances that are or will be payable under this paragraph; and, if any subsequent determination by him under this paragraph involves a departure from the terms of that statement, or if a determination by him under this paragraph relates to the payment of, or of payment towards the provision of, a pension to or in respect of, a member of the Board, the Minister shall, as soon as possible after the determination, lay a statement thereof before each House of Parliament.

(3) So much of sub-paragraph (1) of this paragraph as requires that the pensions, if any, which are to be paid in the case of members of a Board are to be determined by the Minister with the approval of the Treasury shall not apply in relation to any pension payable apart from the provisions of this paragraph.

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PART II

THE REGIONAL RAILWAY BOARDS

9. The chairman and other members of each Regional Railway Board shall be appointed by the Railways Board with the approval of the Minister.

10.—(1) Each Regional Railway Board shall consist of a chairman and not more than nine other members.

(2) Any person holding the office of general manager (whatever title that office carries) of a part of the national railways system for the management of which a Regional Railway Board is responsible, and, where there are joint holders of that office, each of them, shall by virtue of that office be a member of that Regional Railway Board so long as he holds that office.

(3) The chairman and other members of each Regional Railway Board, other than those holding office as members by virtue of the last foregoing sub-paragraph, shall be appointed from among persons—

- (a) who appear to the Railways Board to have had wide experience of, and to have shown capacity in, transport, industrial, commercial or financial matters, administration, applied science, or the organisation of workers, or
- (b) who have had wide experience of, and are conversant with, the special requirements and circumstances of the region with which the Regional Railway Board is concerned, including in particular the special transport requirements in that region.

11.—(1) A member of a Regional Railway Board, other than a person holding office as a member by virtue of sub-paragraph (2) of paragraph 10 of this Schedule, shall hold office in accordance with the terms of his appointment but may at any time by notice in writing to the Railways Board resign his office.

(2) A person on ceasing to be a member of a Regional Railway Board shall be eligible for re-appointment.

12.—(1) The Railways Board—

- (a) shall pay to the members of each Regional Railway Board such salaries or fees, and such allowances, as the Minister may, with the approval of the Treasury, determine, and
- (b) on the retirement or death of any member of a Regional Railway Board as to whom the Minister may, with the approval of the Treasury, determine that such provision should be made, shall pay to or in respect of him such pensions as the Minister may so determine.

and if a person ceases to be a member of a Regional Railway Board, otherwise than on the expiration of his term of office, and it appears to the Minister that there are special circumstances which make it right that that person should receive compensation the Minister may, with the approval of the Treasury, require the Railways Board to pay to that person a sum of such amount as the Minister may with the approval of the Treasury determine.

(2) The foregoing sub-paragraph shall not apply to a person who is a member of a Regional Railway Board by virtue of sub-paragraph (2) of paragraph 10 of this Schedule.

(3) The Minister shall, as soon as possible after the first appointment of any person as a member of a Regional Railway Board, lay before each House of Parliament a statement of the salary or fees and of the allowances that are or will be payable under this paragraph; and, if any subsequent determination by him under this paragraph involves a departure from the terms of that statement, or if a determination by him under this paragraph relates to the payment of, or of payment towards the provision of, a pension to or in respect of a member of a Regional Railway Board, the Minister shall, as soon as possible after the determination, lay a statement thereof before each House of Parliament.

(4) So much of this paragraph as requires that the pensions, if any, which are to be paid in the case of members of a Regional Railways Board are to be determined by the Minister with the approval of the Treasury shall not apply to any pension payable apart from the provisions of this paragraph.

13. The procedure of each Regional Railway Board, including the quorum at meetings of the Board, shall be such as the Board may, with the approval of the Railways Board, determine.

PART III

THE HOLDING COMPANY

14.—(1) A director of the Holding Company shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a director, be eligible for re-appointment.

(2) A director of the Holding Company may at any time by notice in writing to the Minister resign his office.

15.—(1) The Holding Company—

(a) shall pay to the directors thereof such salaries or fees, and such allowances, as the Minister may, with the approval of the Treasury, determine, and

(b) on the retirement or death of any of the directors as to whom the Minister may, with the approval of the Treasury, determine that such provision should be made, shall pay to or in respect of them such pensions as he may so determine,

and if a person ceases to be a director of the Holding Company, otherwise than on the expiration of his term of office, and it appears to the Minister that there are special circumstances which make it right that that person should receive compensation, the Minister may, with the approval of the Treasury, require the Holding Company to pay to that person a sum of such amount as the Minister may with the approval of the Treasury determine.

(2) The Minister shall, as soon as possible after the first appointment of any person as a director of the Holding Company, lay before each House of Parliament a statement of the salary or fees and of the allowances that are or will be payable under this paragraph; and, if any subsequent determination by him under this paragraph involves a departure from the terms of that statement, or if a determination by him under this paragraph relates to the payment of, or of payment towards the provision of, a

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pension to or in respect of, a member of the Holding Company, the Minister shall, as soon as possible after the determination, lay a statement thereof before each House of Parliament.

(3) So much of sub-paragraph (1) of this paragraph as requires that the pensions, if any, which are to be paid in the case of directors of the Holding Company are to be determined by the Minister with the approval of the Treasury shall not apply in relation to any pension payable apart from the provisions of this paragraph.

16.—(1) The Holding Company may act notwithstanding a vacancy among the directors.

(2) The Minister may by order regulate the procedure of the Holding Company, including the quorum at meetings of the Holding Company.

An order under this sub-paragraph may vary or revoke a previous order, and shall be made by statutory instrument which shall be laid before Parliament.

(3) If and so far as the procedure of the Holding Company is not regulated by an order under the last foregoing sub-paragraph, it shall be such as the Holding Company may determine.

(4) The Holding Company shall have a common seal, and the application of that seal shall be authenticated by the signatures of the chairman or some other director of the Holding Company authorised by the Holding Company to authenticate the application thereof, and of the secretary of the Holding Company or some person authorised by the Holding Company to act in his stead in that behalf.

The Holding Company may authorise a person to act instead of the secretary under this paragraph whether or not the secretary is absent or incapable of acting.

(5) Every document purporting to be an instrument issued by the Holding Company and to be sealed as aforesaid, or to be signed on behalf of the Holding Company, shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

Section 32.

SECOND SCHEDULE

TRANSFER OF COMMISSION'S STATUTORY FUNCTIONS

PART I

PUBLIC ACTS

The Railway Fires Act, 1905

5 Edw. 7. c. 11

Section 2 The reference to a railway company shall
(Powers of entry on land). include a reference to any of the Boards.

The London Passenger Transport Act, 1933

23 & 24 Geo. 5. c. 14

In the London Passenger Transport Act, 1933 (so far as not repealed by this Act), for references to the London Passenger Transport Board there shall be substituted references to the London Board.

The Public Health (London) Act, 1936

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26 Geo. 5 and 1 Edw. 8. c. 50

Section 304 (3) ... For the reference to the London
(Definition of railway Passenger Transport Board there shall
company). be substituted a reference to the
London Board.

*The Criminal Justice Act, 1948**11 & 12 Geo. 6. c. 58*

Section 41 (3) ... For the reference to the Commission or
(Evidence in criminal pro- any Executive there shall be substituted
ceedings regarding goods a reference to any of the Boards.
and mail in transit).

*The Coast Protection Act, 1949**12, 13 & 14 Geo. 6. c. 74*

1.—(1) In paragraph (d) of subsection (2) and subsection (8) of
section two, in paragraph (c) of subsection (6) of section three and
in paragraphs 1 and 8 of the First Schedule (which relate to the
appointment of coast protection boards and joint committees) for
references to the Commission there shall be substituted references
to the Railways Board and the British Waterways Board.

(2) This paragraph shall not affect any order under the said
section two, or any appointment made under either of those sections
before the vesting date, but the power under an order under the
said section two or under the said section three to appoint a person
to take the place of a representative of the Commission shall be
exercisable either by the Railways Board or the British Waterways
Board, or both those Boards jointly, as those Boards may agree.

2. In paragraph (c) of the proviso to subsection (4) of section
five and in paragraph (c) of the proviso to subsection (4) of section
eight (which relate to objections to proposals to carry out coast
protection work) for the reference to the Commission there shall
be substituted a reference to any of the Boards.

*The Diseases of Animals Act, 1950**14 Geo. 6. c. 36*

Section 22 ... For references to the Commission there
(Provision of water and shall be substituted references to any
food at railway stations). of the Boards.

*The Education (Miscellaneous Provisions) Act, 1953**1 & 2 Eliz. 2. c. 33*

Section 12 (1) proviso (a)... For the reference to the Commission
(School transport in there shall be substituted a reference to
London). the London Board.

*The Post Office Act, 1953**1 & 2 Eliz. 2. c. 36*

Section 44 (1) (b) ... For the reference to the Commission
(Power to require convey- there shall be substituted a reference to
ance of mail by public the Railways Board and the London
service vehicles). Board.

2ND SCH. *The Transport Charges &c. (Miscellaneous Provisions) Act, 1954*

2 & 3 Eliz. 2. c. 64

- Section 13 (1) In the definition of "independent" for the reference to the Commission there shall be substituted a reference to any of the Boards.

The Food and Drugs Act, 1955

4 Eliz. 2. c. 16

- Section 11 (2) For the reference to the Commission and the Commission's railway undertaking there shall be substituted a reference to any of the Boards and to any railway operated by that Board.

The Food and Drugs (Scotland) Act, 1956

4 & 5 Eliz. 2. c. 30

- Section 11 (2) For the reference to the Commission and the Commission's railway undertaking there shall be substituted a reference to any of the Boards and to any railway operated by that Board.

The Highways Act, 1959

7 & 8 Eliz. 2. c. 25

- Section 192 (3) In paragraph (i), for the reference to the Commission or any Executive there shall be substituted a reference to any of the Boards.
- Section 295 (5) For the reference to the Commission there shall be substituted a reference to any of the Boards.

The Road Traffic Act, 1960

8 & 9 Eliz. 2. c. 16

- Section 135 In subsection (3), for the reference to the Commission there shall be substituted a reference to the Railways Board, and for the reference to the duty of the Commission there mentioned there shall be substituted a reference to the duty imposed on the Railways Board by Part I of this Act.
- Section 141 In subsections (1), (4), (5), (6) and (7), for references to the Commission or an Executive there shall be substituted references to the London Board.
- Section 142 For references to the Commission or an Executive there shall be substituted references to the London Board.
- Section 157 In subsection (3), for the reference to the Commission or an Executive there shall be substituted a reference to the Railways Board and the London Board.

Section 174 In subsection (5), for the reference to the
 (Applications for carrier's Commission there shall be substituted
 licences). a reference to the Railways Board, and
 for the reference to the Commission's
 duty there mentioned there shall be
 substituted a reference to the duty
 imposed on the Railways Board by
 Part I of this Act.

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Act of the Parliament of Northern Ireland
The Criminal Justice Act (Northern Ireland), 1953
 1953 c. 14

Section 12 (3) For the reference to the Commission or
 (Evidence in criminal any Executive there shall be substituted
 proceedings regarding a reference to any of the Boards.
 goods and mail in
 transit).

PART II

THE RAILWAY LOCAL ACTS RELATING TO ROAD TRANSPORT,
 SHIPPING AND AIR TRANSPORT

The Railway Road Transport Acts of 1928

1.—(1) In the Railway Road Transport Acts of 1928—

- (a) for references to the railway companies there mentioned there shall be substituted references to the Railways Board, and
- (b) for references to the railway systems of those companies there shall be substituted references to the Board's railway system.

(2) In this paragraph "the Railway Road Transport Acts of 1928" means the London and North Eastern Railway (Road Transport) Act, 1928, the Southern Railway (Road Transport) Act, 1928, the Great Western Railway (Road Transport) Act, 1928, and the London Midland and Scottish Railway (Road Transport) Act, 1928.

The Railway Shipping Acts

2.—(1) In the Railway Shipping Acts for references to the railway companies there mentioned there shall be substituted references to the Railways Board.

(2) In this paragraph "the Railway Shipping Acts" means all the local enactments under which the railway companies whose undertakings were under the Transport Act, 1947, transferred to the Commission then had power to provide shipping services, and all local enactments relating to those powers.

The Railway Air Transport Acts of 1929

3.—(1) In the Railway Air Transport Acts—

- (a) for references to the railway companies there mentioned there shall be substituted references to the Railways Board, and
- (b) for references to the railway systems of those companies there shall be substituted references to the Board's railway system.

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(2) In this paragraph "the Railway Air Transport Acts of 1929" means the London and North Eastern Railway (Air Transport) Act, 1929, the Southern Railway (Air Transport) Act, 1929, the Great Western Railway (Air Transport) Act, 1929, and the London Midland and Scottish Railway (Air Transport) Act, 1929.

PART III

OTHER FUNCTIONS UNDER LOCAL ENACTMENTS

The London Passenger Transport Acts of 1934 to 1947

In the local Acts cited as the London Passenger Transport Acts, 1933 to 1947, for references to the London Passenger Transport Board there shall be substituted references to the London Board.

The British Transport Commission Act, 1949

12 & 13 Geo. 6. c. xxix

- Section 54 For references to the Commission there shall be substituted references to any of the Boards and the Hotel Company.
 (Powers of search and arrest on Commission's property).
 Section 55 For references to the Commission there shall be substituted references to any of the Boards.
 (Trespass on railways).
 Section 56 For references to the Commission there shall be substituted references to any of the Boards.
 (Stone throwing on railways).
 Section 57 For references to the Commission there shall be substituted references to any of the Boards.
 (Rights of way over Commission's property).
 Section 59 For references to the Commission there shall be substituted references to any of the Boards.
 (Rights of pre-emption under Lands Clauses Acts).

The British Transport Commission Order Confirmation Act, 1953

1 & 2 Eliz. 2. c. xx

- Section 18 in the Schedule For references to the Commission there shall be substituted references to any of the Boards.
 (Service of notices to treat).

The British Transport Commission Act, 1953

1 & 2 Eliz. 2. c. xlii

- Section 52 For references to the Commission there shall be substituted references to any of the Boards.
 (Service of notices to treat).

The British Transport Commission Act, 1954

2 & 3 Eliz. 2. c. lv

- Section 24 For references to the Commission there shall be substituted references to any of the Boards.
 (Private street expenses).
 Section 40 For references to the Commission there shall be substituted references to any of the following, that is to say, the Railways Board, the London Board and the Docks Board.

The British Transport Commission Act, 1957

5 & 6 Eliz. 2. c. xxxiii

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Section 66 For references to the Commission there shall be substituted references to any of the following, that is to say, the Railways Board, the London Board and the Docks Board.

The British Transport Commission Act, 1958

6 & 7 Eliz. 2. c. xlv

Section 19 For references to the Commission there shall be substituted references to the British Waterways Board and, as regards the Lower Ouse Improvement, the Docks Board.

The British Transport Commission Order Confirmation Act, 1959

7 & 8 Eliz. 2. c. xxxvi

Section 15 in the Schedule (Execution of deeds). For references to the Commission there shall be substituted references to any of the Boards.

The British Transport Commission Act, 1959

7 & 8 Eliz. 2. c. xlv

Section 26 For references to the Commission there shall be substituted references to the British Waterways Board.

The British Transport Commission Act, 1961

9 & 10 Eliz. 2. c. xxxvi

Section 26 For references to the Commission there shall be substituted references to any of the following, that is to say, the Railways Board, the Docks Board and the British Waterways Board.

PART IV

THE RAILWAYS CLAUSES ACTS

The following enactments in the Railways Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation (Scotland) Act, 1845, shall apply to all the railways of each of the Boards and shall so apply as if references in those enactments to the company were references to those Boards respectively.

<i>Subject matter</i>	<i>Section of Railways Clauses Consolidation Act, 1845</i>	<i>Section of Railways Clauses Consolidation (Scotland) Act, 1845</i>
Lien for non-payment of tolls	97	90
Passengers avoiding payment of fares	103 and 104	96 and 97
Carriage of dangerous goods	105	98
Defacement of notice boards	144	136
Liability to make good damage inflicted on railway	152	144

Section 31.

THIRD SCHEDULE

DISTRIBUTION OF COMMISSION'S HARBOURS

PART I

RAILWAYS BOARD'S HARBOURS

Dunston Staiths
 Folkestone
 Harwich
 Heysham
 Holyhead
 Newhaven
 Parkeston Quay
 Stranraer (East Pier)

Any other harbour of the Commission (not being an inland waterway) which is not listed in Part II or Part III of this Schedule.

PART II

DOCKS BOARD'S HARBOURS

Alloa
 Ayr
 Barrow
 Barry
 Bo'ness
 Burntisland
 Burry Port
 Cardiff
 Charlestown
 Fleetwood
 Garston
 Goole
 Grangemouth
 Grimsby
 Hartlepoons
 Hull (including Salt End)

Immingham
 King's Lynn
 Lower Ouse Improvement
 Lowestoft
 Lydney
 Methil
 Middlesbrough
 Newport (Mon.)
 Penarth
 Plymouth (Millbay)
 Port Talbot
 Silloth
 Southampton
 Swansea
 Tayport
 Troon

PART III

BRITISH WATERWAYS BOARD'S HARBOURS

Ardrishaig Dock
 Ellesmere Port Docks
 Gloucester Docks

Regent's Canal Dock
 Sharpness Docks
 Weston Point Docks

Sections 31 and
85.

FOURTH SCHEDULE

DISTRIBUTION OF COMMISSION'S SECURITIES

PART I

THE RAILWAYS BOARD'S LIST

LIST A

Companies all the shares in which are owned by the Commission

British and Irish Railways, Inc.
 Britravel Nominees Limited.
 The Caledonian Steam Packet Company Limited.
 Caledonian Steam Packet Company (Irish Services) Limited.
 Railway Sites Limited.

LIST B

4TH SCH.

Other bodies

The Channel Tunnel Company Limited.
 The Derwent Valley Light Railway Company.
 The Fishguard and Rosslare Railways & Harbours Company.
 Port of Padstow Harbour Commissioners.
 The Pullman Car Company Limited.
 Société Anonyme de Navigation Angleterre-Lorraine-Alsace.
 Société Belgo-Anglaise des Ferry-Boats, S.A.
 Société Ferroviaire Internationale de Transports Frigorifiques.
 Sutton Bridge Dock Company.
 Sutton Harbour Improvement Company.

PART II

THE DOCKS BOARD'S LIST

The Hull Fish Merchants' Club Limited.
 The International Cold Storage & Ice Company Limited.

PART III

THE BRITISH WATERWAYS BOARD'S LIST

(The following bodies are companies all the shares in which are owned by the Commission)

Canal Transport Limited.
 Erewash Canal Carrying Company Limited.
 Grandion Limited.
 Grand Union Canal Carrying Company Limited.
 Grand Union Estates Limited.
 Grand Union (Stevedoring & Wharfage) Company Limited.
 Grand Union Transport Limited.
 Grand Union Warehousing Company Limited.
 Thomas Clayton (Paddington) Limited.

PART IV

THE HOLDING COMPANY'S LIST

LIST A

Companies all the shares in which are owned by the Commission

British Road Services Limited.
 B.R.S. (Contracts) Limited.
 B.R.S. (Parcels) Limited.
 B.R.S. (Pickfords) Limited.
 B.R.S. (Meat Haulage) Limited.
 Star Bodies (B.T.C.) Limited.
 Bath Electric Tramways Limited.
 Bath Tramways Motor Company Limited.

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Brighton, Hove & District Omnibus Company Limited.
 Bristol Omnibus Company Limited.
 Bristol Commercial Vehicles Limited.
 Cheltenham District Traction Company.
 Crosville Motor Services Limited.
 Cumberland Motor Services Limited.
 Durham District Services Limited.
 Eastern Coach Works Limited.
 Eastern Counties Omnibus Company Limited.
 The Eastern National Omnibus Company Limited.
 Hants and Dorset Motor Services Limited.
 Lincolnshire Road Car Company Limited.
 Mansfield District Traction Company.
 The Midland General Omnibus Company Limited.
 Newbury and District Motor Services Limited.
 Nottinghamshire and Derbyshire Traction Company.
 Red and White Services Limited.
 South Midland Motor Services Limited.
 The Southern National Omnibus Company Limited.
 The Southern Vectis Omnibus Company Limited.
 The Thames Valley Traction Company Limited.
 Tillings Transport (B.T.C.) Limited.
 United Automobile Services Limited.
 United Counties Omnibus Company Limited.
 United Welsh Services Limited.
 Venture Limited.
 West Yorkshire Road Car Company Limited.
 The Western National Omnibus Company Limited.
 Wilts and Dorset Motor Services Limited.
 Scottish Omnibuses Group (Holdings) Limited.
 Thos. Cook & Son Limited.
 Atlantic Steam Navigation Company Limited.
 Transport Nominees Limited.

LIST B

Other bodies

Aldershot & District Traction Company Limited.
 The Birmingham & Midland Motor Omnibus Company Limited. Company
 The City of Oxford Motor Services Limited.
 The Devon General Omnibus and Touring Company Limited. Company
 East Kent Road Car Company Limited.
 East Midland Motor Services Limited.
 East Yorkshire Motor Services Limited.
 Hebble Motor Services Limited.
 The Maidstone & District Motor Services Limited.
 North Western Road Car Company Limited.
 The Northern General Transport Company Limited.
 Ribble Motor Services Limited.
 Southdown Motor Services Limited.
 Trent Motor Traction Company Limited.
 Western Welsh Omnibus Company Limited.
 The Yorkshire Traction Company Limited.

Yorkshire Woollen District Transport Company Limited.
 The Birmingham & District Investment Trust Limited.
 Associated Humber Lines Limited.
 David MacBrayne Limited.
 London Coastal Coaches Limited.
 Otley Omnibus Stations Limited.
 A. Timpson and Sons Limited.
 The Penarth Dock Engineering Company Limited.

4TH SCH.

PART V

1.—(1) Subject to sub-paragraph (3) of this paragraph, the right to any money owed to the Commission by any of the bodies listed in the foregoing Parts of this Schedule shall be transferred to the Railways Board, the Docks Board, the British Waterways Board and the Holding Company respectively.

(2) Subject to sub-paragraph (3) of this paragraph, the liability represented by any money owed by the Commission to any of the bodies listed in the foregoing Parts of this Schedule shall be transferred to the Railways Board, the Docks Board, the British Waterways Board and the Holding Company respectively.

(3) This paragraph shall not apply to money owed in the ordinary course of trading.

2. Subject to the following provisions of this Act, any rights or liabilities of the Commission regarding the securities of any of the bodies listed in the foregoing Parts of this Schedule shall be transferred to the Railways Board, the Docks Board, the British Waterways Board and the Holding Company respectively.

PART VI

3. If at the vesting date there is a subsidiary of the Commission which owns securities of any of the bodies listed in one Part (but not more than one Part) of this Schedule, then for the purposes of section thirty-one and section thirty-four of this Act, and of Part V of this Schedule, that body shall be treated as if it were included in that Part of this Schedule.

4. If at the vesting date the Commission owns securities in any body corporate which does not fall under Parts I to IV of this Schedule, then for the purposes of section thirty-one and section thirty-four of this Act, and of Part V of this Schedule, that body shall be treated as if it were included in such Part of this Schedule as may be designated by the Minister.

FIFTH SCHEDULE

Section 31.

MISCELLANEOUS ITEMS IN THE DISTRIBUTION OF THE COMMISSION'S ASSETS

1. There shall be transferred to the Railways Board—
 - (a) liability under the Third Schedule to the Railways Act, 1921, or regulations under sections one hundred and one and one hundred and two of the Transport Act, 1947 (which relate to compensation for loss of employment),

5TH SCHED.

- (b) liability to pay any unclaimed dividend or redemption money in respect of any of the securities of the bodies whose undertakings were transferred to the Commission by the Transport Act, 1947, other than in respect of securities created under the London Passenger Transport Act, 1933, and
 - (c) liability under any guarantee of interest on securities issued by the Dover Harbour Board or the Fishguard and Rosslare Railways and Harbours Company.
2. There shall be transferred to the London Board—
- (a) liability under Part VII of the London Passenger Transport Act, 1933 (which relates to compensation for loss of employment),
 - (b) liability to pay any unclaimed dividend or redemption money in respect of any securities created under the London Passenger Transport Act, 1933,
 - (c) liability under the guarantee of Central London (New) Guaranteed Assented Stock, and
 - (d) liability in respect of any payment (whether by way of remuneration, pension or otherwise) to be made to a member of the London Transport Executive under the Second Schedule to the Transport Act, 1947, or section seventy-nine of this Act.
3. There shall be transferred to the Docks Board liability under any guarantee of the Swansea Pilotage Authority or the Port Talbot Pilotage Authority.
4. There shall be transferred to the British Waterways Board any liability under section twenty-five of the Transport Act, 1947 (under which certain payments became due to local authorities referable to the part of the undertaking of the Commission transferred to that Board).
5. There shall be transferred to the Holding Company—
- (a) liability under regulations under section twenty-eight of the Transport Act, 1953 (which relates to compensation for loss of employment),
 - (b) all the interest of the Commission in the property known as "10, Fleet Street" (which is the head office of The Tilling Group),
 - (c) the liability represented by any money (except money owed in the ordinary course of trading) owed by the Commission to The Tilling Association Limited, and
 - (d) any rights or liabilities of the Commission under covenants, express or implied, relating to land disposed of by the Road Haulage Executive on behalf of the Commission or to land disposed of by the Commission which was at any time in the possession, as between that Executive and persons other than the Commission, of that Executive.

6.—(1) This paragraph applies to any agreement—

5TH SCH.

- (a) which was made with, or relates to, a company operating motor omnibuses or other road passenger transport vehicles, being a company which is listed in Part IV of the Fourth Schedule to this Act, and
- (b) to which the Commission became a party by virtue of Part II of the Transport Act, 1947, as successors of a railway company having powers under the Railway Road Transport Acts of 1928 mentioned in paragraph 1 of Part II of the Second Schedule to this Act.

In the following provisions of this paragraph "the omnibus company" means any such company as is mentioned in paragraph (a) of this sub-paragraph.

(2) There shall be transferred to the Holding Company any rights and liabilities of the Commission under so much of the agreement as relates—

- (a) to securities issued by the omnibus company, and in particular to any right of pre-emption which may arise when any such securities are disposed of,
- (b) to the raising of capital by the omnibus company,
- (c) to the election or nomination of directors of the omnibus company.

(3) Any rights or liabilities of the Commission under the agreement which are not under the foregoing provisions of this paragraph transferred to the Holding Company shall be transferred to the Railways Board.

(4) Without prejudice to the foregoing provisions of this paragraph, any term of the agreement to the effect that the omnibus company shall not without the consent of directors of the company nominated by the Commission compete with railway services of the Commission shall have effect, as from the vesting date, as if it referred to the consent of the Railways Board and to the railway services of the Railways Board.

SIXTH SCHEDULE

Section 35.

DISTRIBUTION OF COMMISSION'S UNDERTAKING

Distribution of property among the Boards

1.—(1) It shall be the duty of the Boards so far as practicable to arrive at such written agreements, and to execute such other instruments, as will effect the demarcations of boundaries and divisions and apportionments of property, rights and liabilities required under the principal sections and as will—

- (a) afford to each Board as against the other Boards such rights and safeguards as they may require for the proper discharge of their functions, and

6TH SCH.

- (b) make such clarifications and modifications of the division of the Commission's undertaking effected by the principal sections as will best serve the proper discharge of the functions of the Boards,

and any such agreement shall provide so far as expedient—

- (i) for the granting of leases and for the creation of other liabilities and rights over land whether amounting in law to interests in land or not, and whether involving the surrender of any existing interest or the creation of a new interest or not,
- (ii) for the granting of indemnities in connection with the severance of leases and other matters,
- (iii) for the joint holding of assets,
- (iv) for responsibility for registration of any matter in any description of statutory register.

An agreement made in pursuance of this sub-paragraph after the vesting date shall not be invalid on that account.

(2) If a Board represents to the Minister that it is expedient in order to facilitate the discharge of their functions, or if it appears to the Minister that it is unlikely that any of the Boards will reach agreement on any matter on which they ought to reach agreement, the Minister may, either before the vesting date or later, but not more than five years after the vesting date, give a direction determining the manner in which any property, rights or liabilities of the Commission are to be distributed and may include in the direction any provision which might have been included in an agreement under the foregoing sub-paragraph.

A direction under this sub-paragraph shall have effect notwithstanding anything in the principal sections and any transfer of property, rights or liabilities effected by such direction shall take effect by virtue of this Act without further assurance.

(3) Where under the principal sections a Board is entitled to possession of any documents relating in part to the title to, or to the management of, any land or other property transferred under the principal sections to another Board, the first-mentioned Board shall be deemed to have given to the second-mentioned Board an acknowledgment in writing of the right of the second-mentioned Board to production of that document and to delivery of copies thereof, and section sixty-four of the Law of Property Act, 1925, shall have effect accordingly, and on the basis that the acknowledgment did not contain any such expression of contrary intention as is mentioned in that section.

(4) Where by the operation of the principal sections any property or rights vest in or are transferred to a Board, or would so vest or be so transferred but for the fact that transfers thereof are governed otherwise than by the law of any part of Great Britain, the Commission shall take all practicable steps for the purpose of securing that the ownership of the property or, as the case may be, the right is effectively transferred to the Board.

6TH SCH.

(5) The Railways Board shall, not later than one year after the vesting date, and after consulting the other Boards and the Holding Company, prepare and submit to the Minister schemes for sharing among the Boards and the Holding Company the control and use of the Historical Records vested in the Railways Board by paragraph (f) of subsection (2) of section thirty-one of this Act and dealing with the other assets so vested by that paragraph.

The Minister may approve a scheme so submitted to him with or without modifications, and it shall be the duty of the Boards and the Holding Company to give effect to any scheme as so approved.

Until a scheme under this paragraph comes into force for the said Records, the Railways Board shall afford to the other Boards and to the Holding Company reasonable facilities for access to and the use of the said Records.

(6) In the application of this paragraph to Scotland there shall be omitted, in sub-paragraph (2), the words "without further assurance" and, in sub-paragraph (3), the words from "and section sixty-four" to the end of the sub-paragraph.

Construction of Agreements, Statutory Provisions and Documents

2.—(1) On and after the vesting date any agreement to which the Commission were a party immediately before the vesting date, whether in writing or not, and whether or not of such nature that rights and liabilities thereunder could be assigned by the Commission, shall have effect as if—

- (a) the successor Board had been a party to the agreement, and
- (b) for any reference (however worded and whether express or implied) to the Commission there were substituted, as respects anything falling to be done on or after the vesting date, a reference to the successor Board, and
- (c) any reference (however worded and whether express or implied) to any officer or any servant of the Commission were, as respects anything falling to be done on or after the vesting date, a reference to such person as the successor Board may appoint or, in default of appointment, to the officer or servant of the successor Board who corresponds as nearly as may be to the first-mentioned officer or servant, and
- (d) where the agreement relates to property, rights or liabilities which under the principal sections fall to be apportioned or divided or distributed between two or more Boards, as if the agreement constituted two or more separate agreements separately enforceable by and against each of the respective Boards as regards the part of the property, rights and liabilities vesting in that Board and not as regards the other part,

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and paragraph (d) of this sub-paragraph shall apply in particular to the covenants, stipulations and conditions of any lease by or to the Commission.

(2) Save as otherwise provided by any provision in this Act (whether expressly or by necessary implication), the foregoing sub-paragraph (except paragraph (a)) shall apply in relation to any statutory provision, any provision of any agreement to which the Commission were not a party, and any provision of any other document not being an agreement, as it applies in relation to an agreement to which the Commission were a party, and, in relation to any such statutory or other provision as aforesaid, references in paragraphs (b) and (c) of that sub-paragraph to the Commission and to any officers or servants of the Commission include references made by means of a general reference to a class of persons of which the Commission are one, without the Commission themselves being specifically referred to.

(3) On and after the vesting date any statutory provision passed or made, and any agreement or other instrument executed, before the date of transfer under Part II of the Transport Act, 1947, which by virtue of that Act contains a reference to the Commission instead of a reference to some other body shall have effect as if—

- (a) for any reference (however worded and whether express or implied) which before the said date of transfer was a reference to the directors or any director of the body were, as respects anything falling to be done on or after the vesting date, a reference to such person as the successor Board may appoint, and
- (b) subject to the foregoing provisions of this paragraph, any reference (however worded and whether express or implied) which before the said date of transfer was a reference to the undertaking of the body were, as respects a period beginning with the vesting date, a reference to so much of the undertaking of the successor Board as corresponds to the undertaking of the first-mentioned body.

(4) Without prejudice to the generality of the foregoing provisions of this paragraph, where by the operation of this Act any right or liability becomes a right or liability of a Board, the Board and all other persons shall, as from the date when the right or liability is transferred, have the same rights, powers and remedies (and in particular the same rights and powers as to the taking or resisting of legal proceedings or the making or resisting of applications to any Authority) for ascertaining, perfecting or enforcing that right or liability as they would have had if it had at all times been a right or liability of the Board, and any legal proceedings or applications to any Authority pending on the said date by or against the Commission, in so far as they relate to any property, right or liability transferred to the Board under or in pursuance of this Act, or to any agreement or enactment to which this Act applies, shall be continued by or against the Board to the exclusion of the Commission.

(5) If the effect of any agreement, and in particular any agreement under the Railway Road Transport Acts of 1928 mentioned in paragraph 1 of Part II of the Second Schedule to this Act, which was executed before the passing of this Act and to which any Board is by virtue of this Act a party depends on whether that Board has power to carry on any activity, it shall be assumed for the purposes of the agreement that any activity which requires the consent of the Minister under this Act has been authorised by such a consent.

(6) In this paragraph "the successor Board" means—

- (a) so far as the relevant agreement, statutory provision or other document relates to property, rights or liabilities or functions transferred under or in pursuance of this Act to one of the Boards, that Board,
- (b) so far as the agreement, statutory provision or other document relates to property, rights or liabilities or statutory functions transferred under or in pursuance of this Act to two or more of the Boards, those Boards, but taken as a reference to both or all of those bodies, or to either or any of them separately, as the context may require, and
- (c) in any other case, such Board as the Minister may direct,

and in this paragraph references to agreements to which the Commission were a party and to statutory provisions, include in particular references to agreements to which the Commission became a party by virtue of the Transport Act, 1947, and statutory provisions which applied to the Commission by virtue of that Act.

(7) In this paragraph references to the Boards include references to the Holding Company.

(8) The provisions of this paragraph shall have effect for the interpretation of agreements, statutory provisions and other instruments subject to the context, and shall not apply where the context otherwise requires.

(9) In this paragraph references to the Commission include references to any Executive of the Commission.

Third parties affected by vesting provisions

3.—(1) Without prejudice to the provisions of the last foregoing paragraph, any transaction effected between the Boards in pursuance of paragraph 1 of this Schedule not more than five years after the vesting date shall be binding on all other persons, and notwithstanding that it would, apart from this sub-paragraph, have required the consent or concurrence of any other person.

(2) It shall be the duty of the Boards who effect any transaction in pursuance of paragraph 1 of this Schedule to notify any person who has rights or liabilities which thereby become enforceable as

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to part by or against one Board and as to part by or against another Board, and if such a person applies to the Minister and satisfies him that the division or apportionment operated unfairly against him, the Minister may give such directions to the Boards as appear to him appropriate for varying the division or apportionment.

(3) It shall also be the duty of the Boards to notify any person who has rights or liabilities which become enforceable as to part by or against one Board and as to part by or against another Board in consequence of a direction given by the Minister under sub-paragraph (2) of paragraph 1 of this Schedule.

(4) If in consequence of the provisions of the principal sections and this Schedule, or of anything done in pursuance of those provisions, the rights or liabilities of any person other than a Board or the Holding Company or any subsidiary of a Board or of the Holding Company which were enforceable against or by the Commission become enforceable as to part against or by one Board and as to part against or by another Board, and the value of any property or interest of that person is thereby diminished, the Boards shall pay to that person such compensation as may be just, and any dispute as to whether and if so how much compensation is so payable, or as to the person to whom it shall be paid, shall be referred to and determined by an arbitrator appointed by the Lord Chancellor or, where the proceedings are to be held in Scotland, by an arbiter appointed by the Lord President of the Court of Session.

(5) A conveyance or transfer whereby a Board purport to transfer to some person other than a Board or the Holding Company for consideration any land or any other property which belonged to the Commission, or which is an interest in property which belonged to the Commission, shall be as effective as if all the other Boards had been parties to the conveyance or transfer and had thereby conveyed or transferred all their interest in the property conveyed or transferred.

(6) If at any stage of any court proceedings which have been instituted before the vesting date or later, but not more than five years after the vesting date, and which are proceedings to which a Board and a person other than a Board are parties, it appears to the court that the issues in the proceedings depend on any demarcation of boundaries or division or apportionment under the principal sections or this Schedule which the Boards have not yet effected, or raise a question of construction on those provisions which would not arise if all the Boards constituted a single person, the court may if it thinks fit on the application of a party to the proceedings other than a Board hear and determine the proceedings on the footing that the Board or Boards who are parties to the proceedings represent and are answerable for all the Boards, and that the Boards constitute a single person, and any judgment or order given by the court shall bind all the Boards accordingly.

(7) It shall be the duty of each Board to keep any other of the Boards informed of any case where that other Board may be prejudiced by sub-paragraph (5) or sub-paragraph (6) of this paragraph.

and if a Board claim that they have been so prejudiced and that some other Board ought to indemnify or make a payment to them on that account, and that the other Board have unreasonably failed to meet that claim, they may refer the matter to the Minister for determination by him.

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Minister's power to alter distribution of property and functions

4.—(1) The Minister shall have power—

- (a) for the purpose of removing any difficulties or uncertainties in the application of sections thirty-one and thirty-two of this Act, or of reconciling the operation of those sections, or
- (b) for the purpose of facilitating the discharge of the Boards' functions,

by order to direct that notwithstanding those sections any property, rights or liabilities of the Commission, and any functions of the Commission under any local enactments, shall be transferred to such Board or Boards as may be specified in the order.

(2) An order under this paragraph may adapt or modify any local enactment so far as appears to the Minister expedient for the purpose of regulating the manner in which functions of the Commission thereunder are distributed and may contain such other transitional and supplemental provisions as appear to the Minister expedient, including provisions which might be included in an agreement between the Boards under paragraph 1 of this Schedule and provisions having retrospective effect.

(3) An order under this paragraph shall by virtue of this Act have effect to vest any property, rights or liabilities transferred by the order without further assurance.

(4) An order under this paragraph shall not be made more than five years after the vesting date unless it is one which relates, and is expressed to relate, only to a local enactment which authorises the carrying out of works.

(5) An order made under this paragraph may be varied or revoked by a subsequent order so made, and unless the order relates, and is expressed to relate, only to a local enactment which authorises the carrying out of works, shall be made by statutory instrument.

(6) In the application of sub-paragraph (3) of this paragraph to Scotland, the words "without further assurance" shall be omitted.

Special provisions relating to transferred heritage in Scotland

5.—(1) This paragraph applies to any heritable property or right in Scotland which is transferred to any of the Boards by or under the principal sections or this Schedule; and in this paragraph "transferred heritage" means any property or right to which this paragraph applies, and "vesting provision", in relation to any transferred heritage, includes such of the provisions of the principal

6TH SCH. sections or of this Schedule, and such of the directions given and orders made thereunder and the agreements made in pursuance thereof as effect the transfer.

(2) In relation to any transferred heritage the vesting provision shall have effect for the purposes of any enactment relating to the completion of title to land or heritable rights as if it were a general disposition or assignation of the transferred heritage granted by the Commission in favour of the Board in question on the vesting date or, if the vesting provision takes effect on a subsequent date, on that subsequent date.

(3) Where any transferred heritage is immediately before the vesting date, or becomes at any time thereafter, the subject of a lease granted by the Commission, or, as the case may be, the Board to whom the heritage is transferred, the lease shall not be challengeable (notwithstanding any rule of law to the contrary effect) on the ground that the Commission, or, as the case may be, the Board, were not at the time of the granting of the lease infest in the transferred heritage.

(4) This paragraph shall apply to any heritable property or right in Scotland transferred to two or more of the Boards jointly or to the Holding Company as it applies to any such property or right transferred to a Board, and references therein to a Board shall be construed accordingly.

Transitory protection for Boards affected by works carried out by another Board

6.—(1) This paragraph applies in relation to works which a Board are authorised to carry out by a local enactment passed or made before the vesting date, including works begun but not completed by the Commission.

(2) It shall be the duty of a Board who at any time begin or continue with works to which this paragraph applies to afford to any other Board such rights and safeguards in relation to the works and, where necessary, in relation to the carrying out of those works, as may be required in order to facilitate the proper discharge of their functions by that other Board; and it shall be the duty of any other Board to afford to the Board beginning or continuing with the works such rights and safeguards as may be required for the proper carrying out and operation of the works.

(3) A Board who claim that another Board should in pursuance of their duty under the last foregoing sub-paragraph afford to the claimant Board any rights or safeguards shall give particulars of their claim by notice in writing to the other Board, and if within three months the Boards fail to agree on the claim, the claim shall be referred to an arbitrator appointed by the Boards or, in default of appointment by them, appointed by the Minister.

(4) If it appears to a Board who are proposing to begin or continue with works to which this paragraph applies that another Board may wish to consider whether to make a claim under this

paragraph regarding the works, they shall not without the consent of that other Board begin or continue with the works—

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- (a) until one month after they have served a notice on that other Board of their proposal with sufficient particulars of the works, and any necessary plans and specifications, and
- (b) if within one month of the service of the notice the other Board make a claim under this paragraph regarding the works, until the two Boards have agreed on the claim or the claim has been referred to an arbitrator appointed under sub-paragraph (3) of this paragraph and been finally determined :

Provided that the Minister may authorise a Board without compliance with paragraph (b) of this sub-paragraph to continue works begun by the Commission.

(5) Any agreement concluded between any of the Boards under this paragraph, and any award of an arbitrator under this paragraph, may itself provide for the reference of any issue to arbitration.

(6) In this paragraph references to affording rights and safeguards to a Board include references to granting to the Board interests in and rights over land, and undertaking to give to the Board appropriate notices.

SEVENTH SCHEDULE

Sections 36,
49, 56, 75 and
80.

TRANSITIONAL PROVISIONS

PART I

TRANSPORT STOCK

1. Any certificate issued or other thing done before the vesting date under or for the purposes of any provision in the British Transport Stock Regulations, 1947, shall continue to have effect on and after the vesting date in relation to the Stock, and shall be deemed to be issued or done under or for the purposes of the corresponding enactment, regulation or rule which for the time being applies to the Stock.

2.—(1) Any direction relating to the payment of interest to any particular person which, by virtue of paragraph (1) of regulation 19, paragraph (3) of regulation 25 and paragraph (2) of regulation 29 of the said Regulations of 1947 applied to Stock immediately before the vesting date shall continue to apply on and after the vesting date to that Stock and shall be taken to have effect under the regulations made under section four of the National Debt Act, 1889.

(2) Any stock or share certificate or similar document which by virtue of regulation 26 of the said Regulations of 1947 was treated as applicable to any Stock shall continue on and after the vesting date to be treated as so applicable and as equivalent to a stock

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7TH SCH. certificate under the Government Stock Regulations, 1943, or any regulations replacing those regulations, until such time as a stock certificate is issued under such regulations.

(3) A stockholder in respect of whose holding any such stock or share certificate or similar document is outstanding shall be entitled under the said Regulations of 1943, or any regulations replacing those regulations, to a stock certificate, but that document shall be surrendered to the Bank of England before the issue of the stock certificate :

Provided that where the said document has been lost or for any other reason cannot be surrendered, the Bank may issue the stock certificate on such terms as to evidence and indemnity as the Bank may require.

3.—(1) If the vesting date does not fall at the end of a year for the purposes of regulation 6 of the British Transport Stock Regulations, 1947 (which relates to redemption funds), those regulations shall have effect as respects the year in which the vesting date falls subject to the provisions of this paragraph.

(2) In paragraph (1) of regulation 6 and in paragraph (3) of regulation 7 of the said regulations the references to a year shall be taken as references to the part of the year ending at the vesting date.

(3) The sum to be carried to redemption fund accounts under the said regulation 6 in the said period, and any sum to be carried to any such account under paragraph (3) of the said regulation 7, shall be calculated on the principles set out in paragraph (3) of regulation 6 and paragraph (3) of regulation 7 with the necessary modifications to take account of the period being shorter than one year.

4. If the vesting date does not fall at the end of a year for the purposes of regulation 9 of the said regulations (which relates to adjustments consequent on the purchase of stock), adjustments to be made under paragraph (1) of that regulation in the year in which the vesting date falls shall be made before the vesting date.

PART II

PASSENGER FARES IN LONDON

5. In the application of subsection (4) of section forty-five and subsection (4) of section forty-six of this Act to the Commission, references to subsection (1) of section eighteen of this Act and to directions by the Minister under this Act shall be construed as references to subsection (4) of section three of the Transport Act, 1947, and as references to directions by the Minister under that Act.

6.—(1) If immediately before the date when section forty-four of this Act comes into force there is in operation an order under subsection (2) of section twenty-three of the Transport Act, 1953 (which relates to special temporary increases in fares), amending

any part of the charges schemes under Part V of the Transport Act, 1947, which is continued in force by this Act, the Commission shall, within one month of the date of the order or such longer period as the Minister may allow, apply to the Transport Tribunal under section forty-six of this Act for the alteration of all or any of their fares subject to the London fares orders (whether or not all or any of those specified in the application were the fares affected by the order).

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(2) Any application by the Commission in compliance with subsection (5) of the said section twenty-three (which requires the Commission to apply within a prescribed time for confirmation of an order under subsection (2) of that section) which is pending before the Transport Tribunal when section forty-four of this Act comes into force shall be deemed to have been made in compliance with the foregoing sub-paragraph, and the proceedings on that application shall be continued in such manner as the Tribunal may direct as if they were proceedings under section forty-six of this Act.

7. Any application by the Commission under section forty-six of this Act which is pending on the vesting date, and any application required to be made by the Commission under section forty-eight of this Act which has not been made on the vesting date, shall be proceeded with, or made, by the London Board and the Railways Board jointly :

Provided that if the application under section forty-six or the notice under section forty-eight of this Act was concerned with charges for the services of one of the Boards exclusively, the application shall be proceeded with or made by that Board alone.

PART III

CONSULTATIVE COMMITTEES

Areas and members of existing Consultative Committees

8. The areas for which under section six of the Transport Act, 1947, there were Transport Users Consultative Committees immediately before the date on which section fifty-six of this Act (hereafter in this Part of this Schedule referred to as the principal section) comes into force shall, until the Minister otherwise directs, be the areas for which Area Committees are to be established under the principal section, and the persons who were immediately before that date chairmen and members of a Transport Users Consultative Committee for any such area shall, unless—

(a) they were appointed under paragraph (c) of subsection (4) of the said section six (which relates to persons nominated by the Commission), or

(b) the Minister otherwise directs,

constitute the Area Committee for that area under the principal section until the expiration of their appointments.

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Pending representations and recommendations about railway passenger closures

9. If immediately before the date on which the principal section comes into force—

- (a) there is before the Central Transport Consultative Committee established under the said section six a representation with respect to any proposal by the Commission to discontinue all railway passenger services from any station or on any line (hereinafter referred to as a closure), or a recommendation from a Transport Users Consultative Committee for any area in respect of such a representation lodged with that committee ; or
- (b) there is before the Transport Users Consultative Committee for any area such a representation as aforesaid,

the Central Committee established under this Act, or the Area Committee for the corresponding area, as the case may be, shall forthwith inform the Minister and the Commission or the Board concerned, and the closure shall not be proceeded with until the committee has reported to the Minister and the Minister has given his consent ; and the provisions of subsections (9) to (11) and (13) of the principal section shall apply as if the committee were an Area Committee with whom an objection to the closure in question had been lodged under that section and as if the consent of the Minister to the closure were required under that section.

Other pending matters

10.—(1) If immediately before the date on which the principal section comes into force there is before the Central Transport Consultative Committee any matter, other than a matter to which the last foregoing paragraph applies, being a matter within the competence of the Central Committee, the Central Committee may deal with that matter as if it had come before the Committee under the principal section.

(2) If immediately before the date on which the principal section comes into force there is before the Transport Users Consultative Committee for any area, any matter, other than a matter to which the last foregoing paragraph applies, being a matter within the competence of the Area Committee for the corresponding area, that Committee may deal with that matter as if it had come before the committee under the principal section.

Directions

11.—(1) If when the principal section comes into force there is before the Minister a recommendation of the Central Transport Consultative Committee or the Transport Users Consultative Committee for Scotland or for Wales and Monmouthshire—

- (a) with respect to any proposed closure, or
- (b) with respect to any other matter,

the Minister may in connection with the closure, or with respect to the other matter dealt with in the recommendation, as the case may be, from time to time give to the Commission or to any Board such directions as he thinks fit.

(2) The principal section shall not apply to a closure in connection with which directions can be given under the foregoing sub-paragraph.

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(3) If when the principal section comes into force the Commission are providing, or assisting in the provision of, alternative services in connection with a closure which has taken place before that date, the Minister may from time to time give to the Commission or the Board concerned such directions with respect to those services, or any other services in substitution for, or in addition to, those services, as he thinks fit.

(4) The Minister may refer to an Area Committee any matter relating to alternative services provided by or with the assistance of the Commission or a Board—

- (a) in pursuance of a direction under this paragraph, or
- (b) otherwise than in pursuance of such a direction, if a direction with respect to those services could have been given under this paragraph, or
- (c) in connection with a closure which has taken place before the principal section comes into force,

and the Committee shall consider and report to the Minister on that matter.

PART IV PENSIONS

Employees' rights to continue to participate in pension schemes after transfer

12.—(1) A person who at any time after the passing of this Act and before the vesting date ceases to be in the employment of the Commission and thereupon becomes an employee of a subsidiary of the Commission or an employee of a Board or of the Holding Company shall not in consequence cease to be eligible to participate in any pension scheme in which he was a participant immediately before he ceased to be in the employment of the Commission.

(2) A person who at any time after the passing of this Act and before the vesting date ceases to be in the employment of a subsidiary of the Commission and thereupon becomes an employee of the Commission or of another subsidiary of the Commission, or an employee of a Board or of the Holding Company, shall not in consequence cease to be eligible to participate in any pension scheme in which he was a participant immediately before he ceased to be in the employment of the first-mentioned subsidiary of the Commission.

(3) A person who on the vesting date ceases to be in the employment of the Commission and thereupon becomes an employee of a Board or a subsidiary of a Board, or of the Holding Company or of a subsidiary of the Holding Company, shall not in consequence cease to be eligible to participate in any pension scheme in which he was a participant immediately before he ceased to be in the employment of the Commission.

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(4) A person who on the vesting date ceases to be in the employment of a subsidiary of the Commission and thereupon becomes an employee of a Board or a subsidiary of a Board, or of the Holding Company or of a subsidiary of the Holding Company, shall not in consequence cease to be eligible to participate in any pension scheme in which he was a participant immediately before he ceased to be in the employment of the subsidiary of the Commission.

(5) In the application of this paragraph to a pension scheme the benefits under which are or will be receivable as of right, persons who have obtained pension rights under the scheme without having contributed under the scheme shall be regarded as participants in the scheme; and references to being eligible to participate in a pension scheme shall be construed accordingly.

13.—(1) The Minister may make orders with respect to the provision of pensions by a subsidiary of the Commission, or by a Board or the Holding Company, in the period before the vesting date, and shall in exercise of his power under this paragraph make such provision as appears to him expedient for ensuring that persons who become employees of the Hotel Company before the vesting date, whether previously in the employment of the Commission or not, are afforded such pension rights as they would have had if the Hotel Company's undertaking had formed part of the Commission's undertaking until the vesting date.

(2) Subsections (3) to (9) of section seventy-four of this Act shall apply to orders under this paragraph with any necessary modifications.

(3) An order under the said section seventy-four may amend or revoke an order under this paragraph.

Provisions to be included in orders about pensions

14.—(1) The Minister shall in exercise of the powers conferred on him by section seventy-four of this Act provide for the transfer on the vesting date of the rights, liabilities and functions of the Commission relating to pensions or pension schemes, and any securities held by the Commission on trust for a pension scheme, to the Boards and the Holding Company or, in such cases as appear to the Minister appropriate, to a subsidiary of a Board or a subsidiary of the Holding Company, or to trustees or to the persons administering a pension scheme, and, except so far as is provided by an order under the said section seventy-four, Part II of this Act shall not apply to any such rights, liabilities, functions or property.

(2) The Minister shall, in exercise of the powers conferred on him by section seventy-four of this Act, make such provision as appears to him expedient—

(a) with respect to persons who in consequence of the re-organisation effected by this Act leave the employment of the Commission at any time after the passing of this Act—

(i) so as to enable those who become employees of any of the Boards or the Holding Company, or of a subsidiary of any of the Boards or of the Holding Company, and who suffer any diminution of their emoluments or

change in the nature or terms of their employment in consequence of the re-organisation effected by this Act, to avoid any corresponding diminution in, or consequent loss of, any pension, and

(ii) so as to preserve the rights under any pension scheme of those who do not become employees of any such body ; and

- (b) for modifying contributory pension schemes so as to afford to persons who become employees of any such body after the vesting date opportunities for participation similar to those afforded to persons who are in comparable service with the body and who entered the employment of the body on or before the vesting date.

(3) Paragraph 12 of this Schedule shall have effect subject to any order under section seventy-four of this Act taking effect at any time after the vesting date.

Existing pensions payable by Commission as of grace

15.—(1) This paragraph applies to annual and other periodical payments which the Commission have been making in the period before the vesting date, but which the Commission are not by law obliged to make.

(2) The Commission shall as soon as practicable after the passing of this Act prepare a scheme for the distribution among the Boards and the Holding Company of responsibility for continuing to make the annual or other periodical payments to which this paragraph applies in accordance with the arrangements under which the Commission were making those payments.

(3) A scheme under this paragraph—

- (a) may require the Boards and the Holding Company to give to the persons by whom payments will be receivable in accordance with the scheme information as to the effect of the scheme, and
- (b) may provide for any of those bodies contributing to the expenses incurred by any other of them, and
- (c) may contain such other supplementary, incidental and consequential provisions as appear to the Commission expedient.

(4) The Commission shall submit any such scheme to the Minister and, if the Minister is satisfied that responsibility for the payments is distributed among the said bodies in an appropriate manner and that the scheme contains sufficient particulars to enable them to discharge their duties under the scheme, he shall approve the scheme.

(5) Notice that the scheme has been so approved shall be published by the Commission in the London and Edinburgh Gazettes.

(6) The payments which the Boards and the Holding Company are respectively to make in accordance with a scheme approved under this paragraph shall be recoverable by proceedings in any court of competent jurisdiction.

7TH SCH.

(7) An order under section seventy-four of this Act may vary the provisions of a scheme under this paragraph.

16.—(1) If it appears to the Minister, upon representations made to him by, or on behalf of, any person, or class of persons, affected, that any pensions for persons employed before, but retiring after, the vesting date, or any other pensions payable after the vesting date (other than by way of continuing periodical payments which the Commission have been making in the period before the vesting date) would be receivable, although not as of right, under arrangements made by or with the Commission before the vesting date and that they ought to be receivable as of right, he shall by order direct the Commission by a scheme under the last foregoing paragraph to distribute among the Boards and the Holding Company responsibility for making payments under the arrangements specified in the order as if those payments were payments which the Commission were making in the period before the vesting date.

(2) An order under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Continuation of existing pension regulations, etc.

17.—(1) Sections ninety-eight to one hundred of the Transport Act, 1947, and section twenty-seven of the Transport Act, 1953 (which relate to pensions), shall cease to have effect on the vesting date, but that shall not affect—

- (a) regulations made under the said section ninety-eight or the said section twenty-seven, or
- (b) any liability in relation to customary obligations arising by virtue of subsection (2) of the said section ninety-nine and transferred under this Part of this Schedule, or
- (c) the participation in any pension scheme of a person who became such a participant before the vesting date by virtue of subsection (3) of the said section ninety-nine, or
- (d) the provisions of subsections (3) and (4) of the said section ninety-nine and the said section one hundred as they apply to service before the vesting date.

(2) If at any time after the vesting date the Minister is satisfied, or it is determined under the next following sub-paragraph, that regulations under the said section ninety-eight have failed to secure the result mentioned in subsection (3) of that section (that is to say that certain persons having pension rights are not placed in any worse position by reason of provisions of the regulations), the Minister shall as soon as possible exercise the power conferred on him by section seventy-four of this Act to make the necessary amendments.

(3) If—

- (a) any dispute arises between the Minister and any persons as to whether the said result has been secured by any regulations under the said section ninety-eight, or
- (b) any question arises as to the existence or extent of any customary obligation arising by virtue of subsection (2) of

the said section ninety-nine and transferred under this Part of this Schedule,

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the dispute or question shall, in default of agreement, be referred for determination to a referee or board of referees appointed by the Minister of Labour, after consultation with the Lord Chancellor or, where the proceedings are to be held in Scotland, after consultation with the Secretary of State ; and the Boards shall give effect to any determination under paragraph (b) of this sub-paragraph.

(4) The Minister of Labour may, with the consent of the Treasury, pay out of money provided by Parliament—

(a) to any referee or to the members of any board of referees appointed under the last foregoing sub-paragraph such fees and allowances as he may with the consent of the Treasury determine, and

(b) to persons giving evidence before any such referees or board such allowances as he may with the consent of the Treasury determine.

(5) Nothing in the Arbitration Act, 1950, shall be construed as applying to any proceedings before a referee or board of referees appointed under this paragraph.

(6) It is hereby declared that where actual service in the employment of the Commission immediately precedes or follows service which is treated as such by virtue of subsection (4) of section ninety-nine of the Transport Act, 1947, for the purposes of a pension scheme, the two periods of service shall be treated for those purposes as continuous.

PART V

CONSEQUENCES OF DISSOLUTION OF COMMISSION

Accounts, audit and report

18.—(1) The Railways Board shall prepare a statement of the Commission's accounts for the period from the end of that dealt with in the last annual statement of accounts published by the Commission down to the vesting date.

(2) The statement shall be in such form and contain such particulars, compiled in such manner, as the Minister may direct, with the approval of the Treasury, and the Minister may, if the said period exceeds twelve months, with the approval of the Treasury direct that parts of that period shall be dealt with in separate statements.

(3) Any such statement shall be so framed as to provide, as far as may be, separate information as respects the principal activities of the Commission, and in combination with the periodical statistics and returns rendered by the Commission to show, as far as may be, the financial and operating results of each such activity, and the Minister and the Treasury shall exercise their powers under this paragraph accordingly.

(4) Section three of the Transport (Railway Finances) Act, 1957 (which requires the Commission to keep a special account relating to deficits on revenue account), shall apply with the necessary modifications to any such statement as it applies to the annual statement of accounts of the Commission.

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7TH SCH.

(5) In this Act the statement to be prepared under this paragraph, or if separate statements are prepared for parts of the said period, the statement relating to the later part of the period, is referred to as "the final accounts of the Commission".

19.—(1) The Minister shall arrange that auditors are appointed under subsection (3) of section ninety-four of the Transport Act, 1947, for a final period, whether of twelve months or of more or less than twelve months, ending on the vesting date, and the auditors so appointed shall, if the audit is not completed on the vesting date, continue and complete the audit after the vesting date.

(2) Any liability to pay the remuneration of the auditors so appointed outstanding on the vesting date shall be transferred to the Railways Board.

20. The Railways Board shall send a copy of any statement of accounts prepared under paragraph 18 of this Schedule, together with a copy of the report made by the auditor or auditors on that statement, to the Minister.

21. The Railways Board shall be given by the other Boards and the Holding Company all such facilities and information as the Railways Board may require for the purpose of discharging their duty under this Part of this Schedule, and of enabling the auditors to complete any audit after the vesting date.

22.—(1) The Railways Board shall as soon as possible after the vesting date make to the Minister a report on the exercise and performance by the Commission of their functions during any period not dealt with in the reports made by the Commission under subsection (7) of section four of the Transport Act, 1947, and that report shall set out any direction given by the Minister to the Commission during that time, unless the Minister has notified to the Commission or the Railways Board his opinion that it is against the interests of national security to do so, and shall include a statement of the salary or fees and of the emoluments of each of the members of the Commission during the period.

(2) A copy of any statement prepared under paragraph 18 of this Schedule, and of the report made by the auditor or auditors on that statement, shall be included in the said report; and the Minister shall lay a copy of the report before each House of Parliament.

Pensions and other payments to members of the Commission

23.—(1) Part II of this Act shall not apply to any liability of the Commission to make any payment by way of pension or otherwise to a member of the Commission, but all such liabilities shall be transferred on the vesting date to the Railways Board.

(2) The Minister may after the vesting date with the approval of the Treasury make any such determination with respect to the payment by the Railways Board of any pension in respect of a member of the Commission as he might have made under paragraph (b) of subsection (7) of section one of the Transport Act, 1947, before the vesting date for the making of a payment by the Commission.

(3) On the vesting date there shall be transferred to the Railways Board any liability of the Commission under section seventy-nine of this Act as regards a member of the Commission.

24. The London Board, the Docks Board, the British Waterways Board and the Holding Company shall pay to the Railways Board such amounts as may be just having regard to the liabilities assumed by the Railways Board under the last foregoing paragraph, and any dispute as to what ought to be paid under this paragraph shall be referred to and determined by the Minister.

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EIGHTH SCHEDULE
TRANSPORT CHARGES AND FACILITIES
ENACTMENTS CEASING TO HAVE EFFECT

Sections 43
and 52.

Section	Subject Matter
	THE RAILWAYS CLAUSES CONSOLIDATION ACT, 1845 (8 & 9 Vict. c. 20)
76	Duty to afford facilities for the connection of private sidings.
	THE RAILWAYS CLAUSES CONSOLIDATION (SCOTLAND) ACT, 1845 (8 & 9 Vict. c. 33)
69	Duty to afford facilities for the connection of private sidings.
	THE RAILWAY AND CANAL TRAFFIC ACT, 1854 (17 & 18 Vict. c. 31)
2	Duty to afford reasonable facilities on railways and canals.
7	Liability for negligence in carriage by railway and canal.
	THE RAILWAYS ACT, 1921 (11 & 12 Geo. 5. c. 55)
16	Power to make orders as to working of railways.
39	Rights of canal undertakings and (as extended by section twenty-one of the Transport Act, 1953) canal carriers to apply to Transport Tribunal concerning competitive freight charges on railways.
	THE LONDON PASSENGER TRANSPORT ACT, 1933 (23 & 24 Geo. 5. c. 14)
30	Power to require Transport Commission to provide services and facilities for the transport of passengers by road and railway in London.
	THE ROAD AND RAIL TRAFFIC ACT, 1933 (23 & 24 Geo. 5. c. 53)
39	Rights of those engaged in coastwise shipping and (as extended by section twenty-one of the Transport Act, 1953) harbour authorities to apply to Transport Tribunal concerning competitive freight charges on railways.
	THE TRANSPORT ACT, 1953 (1 & 2 Eliz. 2. c. 13)
22	Protection of traders against unreasonable or unfair treatment as to freight charges on railways.

Sections 50
and 51.

NINTH SCHEDULE

PORT CHARGES

Ship, passenger and merchandise dues

1.—(1) The ship, passenger and merchandise dues chargeable by the Docks Board at the harbours at Hull (including Salt End), Fleetwood, Grimsby and Lowestoft shall not exceed the maximum charges in force immediately before this Schedule comes into force, that is to say those authorised by the British Transport Commission (Hull Harbour) Charges Scheme, 1960, the British Transport Commission (Fleetwood Harbour) Charges Scheme, 1960, the British Transport Commission (Grimsby Harbour) Charges Scheme, 1960, and the British Transport Commission (Lowestoft Harbour) Charges Scheme, 1960.

(2) The charges authorised by the said Charges Schemes in respect of such ship dues as are charges made in respect of marking and lighting the harbour in question, shall, for the purposes of this paragraph, be deemed to be the charges in operation at that harbour immediately before this Schedule comes into force.

2.—(1) This paragraph applies to ship, passenger and merchandise dues chargeable by the Docks Board and the Railways Board, at the following harbours—

Harbours vesting in Docks Board

Ayr
Barrow
Barry
Bo'ness
Burntisland
Cardiff
Garston
Goole
Grangemouth
Hartlepool
Immingham
King's Lynn
Lydney
Methil
Middlesbrough
Newport (Mon.)
Penarth
Plymouth (Millbay)
Port Talbot
Silloth
Southampton
Swansea
Troon

Harbours vesting in Railways Board

Dunston Staiths
Folkestone
Harwich
Heysham
Holyhead
Newhaven
Parkeston Quay
Stranraer (East Pier)

(2) The said dues shall not exceed the charges in operation at the harbour in question on the first day of September, nineteen hundred and fifty-seven, increased by twenty-five per cent.

(3) Where any merchandise shipped or unshipped into or from a ship entering, using or leaving the harbour is not described in any list or classification of merchandise by reference to which the charges in operation at that harbour on the first day of September,

nineteen hundred and fifty-seven, were calculated, the maximum dues chargeable in respect thereof shall be the maximum dues chargeable in the case of whatever merchandise described in the said list or classification most nearly resembles it in its nature, packing and quality.

9TH SCH.

3.—(1) This paragraph applies to the ship, passenger and merchandise dues chargeable by the Docks Board and the British Waterways Board at the following harbours—

<i>Harbours vesting in Docks Board</i>	<i>Harbours vesting in British Waterways Board</i>
Alloa	Ardrishaig Dock
Burry Port	Ellesmere Port Docks
Charlestown	Gloucester Docks
Lower Ouse Improvement	Regent's Canal Dock
Tayport	Sharpness Docks
	Weston Point Docks

and by the Railways Board at Fishguard harbour (which is managed by them under an agreement confirmed by section fifty-nine of the Fishguard and Rosslare Railways and Harbours Act, 1899) and at any harbour which is vested in the Railways Board by this Act except a harbour to which paragraph 2 of this Schedule applies.

(2) The said dues shall not exceed the charges, if any, in operation at the harbour in question on the second day of November, nineteen hundred and sixty-one, increased by twenty-five per cent.

(3) The said dues shall, in any case in which no corresponding charges were in operation at the harbour in question on the second day of November, nineteen hundred and sixty-one, be such as may be reasonable.

4. In calculating any maximum charge for the purposes of paragraphs 2 and 3 of this Schedule, fractions of a halfpenny amounting to a farthing or more shall be reckoned as a halfpenny and fractions amounting to less than a farthing shall be disregarded.

Other port charges

5. The port charges, other than ship, passenger and merchandise dues, made by the Docks Board, the Railways Board and the British Waterways Board at any of the harbours to which paragraphs 1, 2 and 3 of this Schedule apply shall be such as may be reasonable.

General

6.—(1) A list showing the port charges for the time being payable to a Board at any harbour to which paragraph 1, 2 or 3 of this Schedule applies shall be open during reasonable hours for inspection by any person without charge at the harbour office of the Board, and copies of the list shall be kept for sale at that office at a price not exceeding one shilling for each copy.

(2) The provisions of sections twenty-seven to forty-six and section forty-eight of the Harbours, Docks and Piers Clauses Act, 1847, as incorporated with or applied by any enactment relating to any of the harbours for which the charges are regulated by this Schedule, and the provisions of any similar enactment, shall apply to the charges authorised under this Act as if they were rates payable under any such enactment.

Section 57.

TENTH SCHEDULE

CONSTITUTION, POWERS AND PROCEEDINGS OF THE TRANSPORT
TRIBUNAL*Constitution*

1. The Transport Tribunal shall be a court of record and have an official seal which shall be judicially noticed.

2.—(1) The tribunal shall consist of a president who shall be an experienced lawyer and four other members of whom two shall be persons of experience in transport business, one a person of experience in commercial affairs and one a person of experience in financial matters or economics.

(2) The president shall direct, either generally or for the purpose of a particular case, which of the members qualified as having experience in transport business is to serve in the London Fares and Miscellaneous Charges Division and the Road Haulage Appeals Division respectively.

3. The members of the tribunal shall be appointed by Her Majesty on the joint recommendation of the Lord Chancellor and the Minister.

Tenure of office

4.—(1) The president shall hold office during good behaviour, but shall vacate office at the end of the completed year of service in the course of which he attains the age of seventy-two years:

Provided that—

- (a) where the Lord Chancellor and the Minister concur in considering it desirable in the public interest to retain the president in his office after he attains that age, they may, with the approval of the Treasury, authorise his continuance in office up to such greater age not exceeding seventy-five years as they think fit; and
- (b) the power of Her Majesty to remove the president from his office on account of misbehaviour shall be exercisable on the joint recommendation of the two persons aforesaid; and Her Majesty, on a like recommendation, shall have power to remove him from his office on account of inability to perform the duties thereof.

(2) The other members of the tribunal shall hold office for such term not exceeding seven years from the date of their appointment as may be determined at the time of appointment and then retire, but a retiring member shall be eligible for re-appointment.

(3) A person shall not be appointed under the last foregoing sub-paragraph for a term extending beyond the end of the completed year of service in the course of which he attains the age of seventy years, except that, where the Lord Chancellor and the Minister concur in considering it to be desirable in the public interest that a person should be appointed for a term extending beyond that date, that person may, with the approval of the Treasury, be appointed for such term not extending beyond the date on which he attains the age of seventy-five years, as the Lord Chancellor and the Minister think fit.

Vacancies and temporary absence

10TH SCH.

5.—(1) The tribunal may act notwithstanding any vacancy, but if a vacancy occurs among the members of the tribunal or if any member is unable to attend because of illness or for any other cause, then pending the filling up of such vacancy or during such absence—

(a) in the case of the president, the Lord Chancellor may appoint a person to act in his place ; and

(b) in the case of any other member, the Minister may appoint a person of the like qualifications to act in his place.

(2) A person shall not be appointed to act under paragraph (a) of the last foregoing sub-paragraph after he attains the age of seventy-two years, or under paragraph (b) of that sub-paragraph after he attains the age of seventy years, except where the Lord Chancellor or the Minister, as the case may be, think it desirable in the public interest, but no person shall be appointed to act after he attains the age of seventy-five years.

(3) Any person appointed under this paragraph shall, for the purposes of any proceedings in respect of which he may be so appointed, be a member of the tribunal and shall, subject to the provisions of this Act and to the rules made thereunder, exercise all the powers and functions of a member of the tribunal.

(4) Any person appointed under this paragraph in place of a member of the Road Haulage Appeals Division shall be regarded as a member of that Division for the purposes of subsection (5) of section fifty-seven of this Act.

The special panel

6.—(1) For the purposes of the tribunal's jurisdiction under Part IV of the Road Traffic Act, 1960, there shall be a special panel consisting of such number of persons nominated by the Lord Chancellor, such number of persons nominated by the Secretary of State and such number of persons nominated by the Minister, as the Minister may direct.

(2) A member of the special panel shall hold office for such term, not exceeding three years from the date of his appointment, as may be determined at the time of the appointment, and then retire, but shall be eligible for re-appointment.

(3) A person shall not be appointed under this paragraph for a term extending beyond the end of the completed year of service in the course of which he attains the age of seventy years, except that where the Lord Chancellor, the Secretary of State or the Minister, as the case may be, consider it to be desirable in the public interest that a person should be appointed for a term extending beyond that date, that person may, with the approval of the Treasury, be appointed for such term not extending beyond the date on which he attains the age of seventy-five years, as the Lord Chancellor, the Secretary of State or the Minister, as the case may be, thinks fit.

(4) Sub-paragraph (3) of the last foregoing paragraph shall apply in relation to a person appointed under this paragraph as it applies in relation to a person appointed under that paragraph.

10TH SCH.

Officers and servants

7. The tribunal may appoint a clerk and such other officers and servants (subject to the consent of the Treasury as to number) as they may consider necessary for assisting them in the proper execution of their duties.

Remuneration and expenses

8.—(1) There shall be paid to the members of the tribunal, to any person appointed under paragraph 5 of this Schedule, to any person appointed from the special panel and to the clerk, officers and servants of the tribunal such remuneration (including, in the case of the clerk, officers and servants, superannuation allowances or gratuities on retirement) as the Minister, with the approval of the Treasury, may determine, and for the reference in Part I of the Schedule to the Superannuation (Various Services) Act, 1938, to subsection (1) of section twenty-one of the Railways Act, 1921, there shall be substituted a reference to this paragraph.

(2) There may be granted to the president such a superannuation allowance as may under subsection (1) of section one hundred and twenty-eight of the Supreme Court of Judicature (Consolidation) Act, 1925, be granted to a person holding one of the offices specified in Part I of the Third Schedule to that Act.

(3) For the purpose of computing a superannuation allowance granted to the president account shall be taken of any service which is relevant service within the meaning of the Administration of Justice (Pensions) Act, 1950, in any office other than that of president, as well as of service as president, but not of any other service.

(4) Any such superannuation allowance shall be defrayed as part of the expenses of the tribunal except that if, in computing the superannuation allowance, account is taken under the last foregoing sub-paragraph of any service in an office other than that of president of the tribunal, the allowance shall be defrayed only as to a proportion as part of the expenses of the tribunal, and as to the balance out of money provided by Parliament; and the said proportion shall be determined by the Treasury, regard being had to the relevant length of service and rate of remuneration in the relevant offices.

(5) In subsection (4) of section twenty-one of the Administration of Justice (Pensions) Act, 1950 (which relates to benefits under that Act payable in respect of a president of the tribunal), the reference to the foregoing provisions of that section shall include a reference to this paragraph, and in paragraph 4 of the Third Schedule to that Act, for the reference to subsection (2) of section three of the Chairmen of Traffic Commissioners &c. (Tenure of Office) Act, 1937, there shall be substituted a reference to this paragraph.

9. Any remuneration payable under the last foregoing paragraph and any other expenses of the tribunal shall be paid by the Minister out of money provided by Parliament, but any such expenses except so far as—

(a) they are met out of the payment of fees, and

(b) they may be apportioned by the tribunal to the exercise of the tribunal's jurisdiction under Part IV of the Road Traffic Act, 1960, 10TH SCH.

shall be repaid on demand to the Minister by the Commission or, after the vesting date, by the Railways Board and the London Board in such proportions as they may agree or as the Minister may in default of agreement determine.

Powers and proceedings

10.—(1) The tribunal shall, for the purposes of the exercise of any of their functions, have full jurisdiction to hear and determine all matters whether of law or of fact, and shall, as respects the attendance and examination of witnesses, the production and inspection of documents, the enforcement of their orders, the entry on and inspection of property and other matters necessary or proper for the due exercise of their jurisdiction, have, in England, all such powers, rights and privileges as are vested in the High Court, and, in Scotland, all such powers, rights and privileges as are vested in the Court of Session.

(2) Execution may be had in England of any order of the tribunal as if it were an order of the High Court, and any order of the tribunal may be recorded for execution in the books of council and session in Scotland, and shall be enforceable accordingly.

11.—(1) The tribunal may, from time to time, with the approval of the Lord Chancellor, the Secretary of State and the Minister, make general rules governing their procedure and practice and generally for carrying into effect their duties and powers, and such rules may, among other things, provide for—

- (a) the awarding of costs by the tribunal ;
- (b) the reference of any question to a member or officer of the tribunal, or any other person appointed by them, for report after holding a local inquiry ;
- (c) the review by the tribunal of decisions previously given by them ;
- (d) the number of members of the tribunal to constitute a quorum (including the quorum of either Division of the tribunal) ;
- (e) enabling the tribunal to dispose of any proceedings notwithstanding that in the course of those proceedings there has been a change in the persons sitting as members of the tribunal ;
- (f) the right of audience before the tribunal ;

and may, subject to the consent of the Treasury, prescribe the scale of fees for and in connection with the proceedings before the tribunal.

(2) Any rules under subsection (1) of section twenty-two of the Railways Act, 1921 (which is replaced by this paragraph), which are in operation immediately before this Schedule comes into force shall have effect as if they were made under this paragraph.

12.—(1) The Minister shall give to the tribunal such assistance as the tribunal may require.

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(2) The Minister shall place at the disposal of the tribunal any information in his possession which he considers will be of assistance to the tribunal in connection with any matter before them, and shall be entitled to appear and be heard in any proceedings before the tribunal.

13. Subject to this Act and to any rules made thereunder, the tribunal may hold sittings in any part of Great Britain in such place or places as may be convenient for the determination of the proceedings before them.

The central office of the tribunal shall be in London.

14. The decisions of the tribunal shall be by a majority of the members sitting.

Appeals

15.—(1) An appeal shall lie, in accordance with rules made by the tribunal, from the tribunal to the Court of Appeal or to the Court of Session:

Provided that no appeal shall lie from the tribunal upon a question of fact or *locus standi*.

(2) An appeal shall not be brought except in conformity with such rules of court as may from time to time be made in relation to such appeals by the authority having power to make rules of court for the Court of Appeal or the Court of Session as the case may be.

(3) On the hearing of an appeal the Court of Appeal and the Court of Session may draw all such inferences as are not inconsistent with the facts expressly found and are necessary for determining the question of law, and may make any order which the tribunal could have made, and also any such further or other order as may be just; and the costs of and incidental to an appeal shall be at the discretion of the Court but neither the tribunal nor any member of the tribunal shall be liable to any costs by reason or in respect of any appeal.

(4) The decision of the Court of Appeal or the Court of Session, as the case may be, shall be final:

Provided that where there has been a difference of opinion between those Courts, either of those Courts in which a matter affected by such a difference of opinion is pending may give leave to appeal to the House of Lords on such terms as to costs as that Court shall determine.

Annual report

16. The tribunal shall annually make a report to the Minister of all their proceedings, and the report shall be laid before Parliament.

ELEVENTH SCHEDULE

Section 93.

APPLICATION TO NORTHERN IRELAND

PART I

PROVISIONS EXTENDING TO NORTHERN IRELAND

Part I except sections twelve, fifteen and twenty-six.

Part II except section forty-one.

In Part III, section forty-three, section fifty-three and section fifty-four.

In Part IV, sections fifty-five and fifty-six ; section sixty-seven, so far as it relates to bylaws in relation to passengers and goods conveyed in or on ships operated by the Railways Board and as to their embarkation and disembarkation ; sections seventy-two to seventy-seven ; sections seventy-nine to eighty-one ; section eighty-five ; sections eighty-eight to ninety ; section ninety-three ; sections ninety-two and ninety-four to ninety-six, so far as they relate to provisions of this Act extending to Northern Ireland.

The First to the Eighth Schedules.

This Schedule.

The Twelfth Schedule so far as it relates to the Transport Act, 1947, sections sixteen, seventeen and twenty-five of the Transport Act, 1953, and the House of Commons Disqualification Act, 1957.

PART II

MODIFICATIONS

1. In subsection (5) of section two and in paragraph 15 of the Seventh Schedule, the references to the London and Edinburgh Gazettes shall include a reference to the Belfast Gazette.

2. In section seventeen, references to Bills in Parliament shall include references to Bills in the Parliament of Northern Ireland.

3. In subsection (8) of section thirty-four, for references to the Minister of Labour and the industrial court there shall be substituted, in relation to service in Northern Ireland, references to the Ministry of Labour and National Insurance for Northern Ireland and to an industrial court established in Northern Ireland under the Industrial Courts Act, 1919.

4. In subsection (2) of section seventy-two, the reference to the Minister of Labour shall, in relation to agreements affecting persons employed by the Board or the Holding Company in Northern Ireland, include a reference to the Ministry of Labour and National Insurance for Northern Ireland.

5. In subsection (5) of section seventy-four, the reference to the Truck Acts, 1831 to 1940, and the Shop Clubs Act, 1902, shall include a reference to any corresponding enactments for the time being in force in Northern Ireland.

6. A referee or board of referees for the purposes of section seventy-four, section eighty-one or paragraph 17 of the Seventh Schedule shall, where the proceedings are to be held in Northern

11TH SCH. Ireland, be appointed by the Ministry of Labour and National Insurance for Northern Ireland after consultation with the Lord Chief Justice of Northern Ireland.

7. In subsection (6) of section seventy-four, subsection (7) of section eighty-one, and paragraph 17 of the Seventh Schedule, for references to the Arbitration Act, 1950, there shall be substituted references to the Arbitration Act (Northern Ireland), 1937.

8. In subsection (9) of section seventy-four, for the reference to subsection (4) of section sixty-nine of the National Insurance Act, 1946, there shall be substituted a reference to subsection (4) of section sixty-six of the National Insurance Act (Northern Ireland), 1946.

9. In sub-paragraph (3) of paragraph 1 of the Sixth Schedule, for the reference to section sixty-four of the Law of Property Act, 1925, there shall be substituted a reference to section nine of the Conveyancing Act, 1881.

10. An arbitrator for the purposes of paragraph 3 of the Sixth Schedule shall, where the proceedings are to be held in Northern Ireland, be appointed by the Lord Chief Justice of Northern Ireland.

11. References to enactments or statutory provisions include references to enactments of the Parliament of Northern Ireland and provisions, whether of a general or a special nature, contained in, or in any document made or issued under, any Act of the Parliament of Northern Ireland, whether of a general or a special nature.

Section 95.

TWELFTH SCHEDULE

REPEALS

PART I

TRANSPORT CHARGES AND FACILITIES

Session and Chapter	Short Title	Extent of Repeal
3 & 4 Vict. c. 97.	The Railway Regulation Act, 1840.	Sections eighteen and nineteen.
8 & 9 Vict. c. 20.	The Railways Clauses Consolidation Act, 1845.	In section three the amendment made by the Sixth Schedule to the Railways Act, 1921. Section seventy-six.
8 & 9 Vict. c. 28.	The Canal Tolls Act, 1845.	Section two.
8 & 9 Vict. c. 33.	The Railways Clauses Consolidation (Scotland) Act, 1845.	In section three the amendment made by the Sixth Schedule to the Railways Act, 1921. Section sixty-nine.
8 & 9 Vict. c. 42.	The Canal Carriers Act, 1845.	Section four.

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Session and Chapter	Short Title	Extent of Repeal
17 & 18 Vict. c. 31. 34 & 35 Vict. c. 78. 51 & 52 Vict. c. 25.	The Railway and Canal Traffic Act, 1854. The Regulation of Rail- ways Act, 1871. The Railway and Canal Traffic Act, 1888.	The whole Act. Section twelve. Sections nine to eleven. In section sixteen, in subsection (1), the words "or the Com- missioners," "or the Com- missioners, as the case may be," and the words "or Commissioners" in both places where they occur. Sections twenty-five to thirty- seven. In section forty-three, sub- section (2). In section fifty-five, from the words "the term 'undue'" to the end of the section.
4 Edw. 7. c. 19. 11 & 12 Geo. 5. c. 55.	The Railways (Private Sidings) Act, 1904. The Railways Act, 1921.	The whole Act. Sections sixteen and seventeen. Section thirty-nine. Section seventy-eight. In the Sixth Schedule the amendments of section three of the Railways Clauses Con- solidation Act, 1845, section three of the Railways Clauses Consolidation (Scotland) Act, 1845, and section seven of the Railway and Canal Traffic Act, 1854.
23 & 24 Geo. 5. c. 14.	The London Passenger Transport Act, 1933.	In section twenty-six, in sub- section (2), the words from "so, however" to the end of the subsection. Sections twenty-eight to thirty. In section thirty-six, subsection (2). In section one hundred and seven, in subsection (1), the definition of "Rates Tri- bunal", and subsection (3). The Ninth Schedule.
23 & 24 Geo. 5. c. 53.	The Road and Rail Traffic Act, 1933.	Section thirty-seven. Section thirty-nine. In section forty-five the defini- tions of "Agreed charge", "Merchandise", "Trader", "Tribunal" and "Undue preference".
10 & 11 Geo. 6. c. 49.	The Transport Act, 1947.	In section thirty-three, sub- section (2). Part V except for sections seventy-two and seventy-five.

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Session and Chapter	Short Title	Extent of Repeal
1 & 2 Eliz. 2. c. 13.	The Transport Act, 1953.	Sections twenty to twenty-three. In section thirty-five, in subsection (1), the words from "and in this Act" to "section seventy-six of that Act". The Fourth Schedule.
2 & 3 Eliz. 2. c. 64.	The Transport Charges &c. (Miscellaneous Provisions) Act, 1954.	In section two, subsection (6). Sections three to five. In section six, in subsection (1), in paragraph (b), the words from "so, however" to "limits of the harbour". In section thirteen, in subsection (1), the words from "and 1888 Act charges" to the end of the definition. In section fourteen, in subsection (4), the words from the beginning to "1888 Act charges".

TRANSPORT TRIBUNAL REPEALS

Session and Chapter	Short Title	Extent of Repeal
26 & 27 Vict. c. 92.	The Railways Clauses Act, 1863.	Part III.
36 & 37 Vict. c. 48.	The Regulation of Railways Act, 1873.	Sections six to ten. Sections thirty-five and thirty-six.
37 & 38 Vict. c. 40.	The Board of Trade Arbitrations &c. Act, 1874.	Sections six to eight.
51 & 52 Vict. c. 25.	The Railway and Canal Traffic Act, 1888.	Sections seven and eight. Section twelve. Sections fourteen and fifteen. In section fifty-two, the words "Commissioners or" in both places where they occur. In section fifty-four, in subsection (1), the words "to make or oppose any complaint to the Commissioners or the Board of Trade or" and the words "the Commissioners or", and in subsection (4), the words "or Commissioners".

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Session and Chapter	Short Title	Extent of Repeal
52 & 53 Vict. c. 57.	The Regulation of Railways Act, 1889.	Section two.
62 & 63 Vict. c. 14.	The London Government Act, 1899.	Section five.
63 & 64 Vict. c. 27.	The Railway Employment (Prevention of Accidents) Act, 1900.	In the Second Schedule, Part II, Section six. In section eleven, the word "or" at the end of paragraph (a), and paragraph (b). In section fifteen, in subsection (4), the words "instead of to the Railway and Canal Commissioners".
11 & 12 Geo. 5. c. 55.	The Railways Act, 1921	Sections twenty to twenty-six.
1 Edw. 8 & 1 Geo. 6. c. 52.	The Chairmen of Traffic Commissioners &c. (Tenure of Office) Act, 1937.	The whole Act.
10 & 11 Geo. 6. c. 49.	The Transport Act, 1947	Section seventy-two. Section seventy-five. The Tenth and Eleventh Schedules.
14 & 15 Geo. 6. c. 11.	The Administration of Justice (Pensions) Act, 1950.	In section twenty-one, subsection (1).
1 & 2 Eliz. 2. c. 13.	The Transport Act, 1953	Section thirty-one.
6 & 7 Eliz. 2. c. 66.	The Tribunals and Inquiries Act, 1958.	In the First Schedule, in paragraph 22, in the second column, the words "established under subsection (1) of section twenty of the Railways Act, 1921".
8 & 9 Eliz. 2. c. 16.	The Road Traffic Act, 1960.	In the Seventeenth Schedule, under the heading "The Transport Act, 1947", the paragraph beginning "In paragraph 5 of the Tenth Schedule".

SPENT AND OBSOLETE ENACTMENTS

Session and Chapter	Short Title	Extent of Repeal
3 & 4 Vict. c. 97.	The Railway Regulation Act, 1840.	Sections thirteen and fourteen.
5 & 6 Vict. c. 55.	The Railway Regulation Act, 1842.	Sections eleven to thirteen. Section sixteen. Section twenty-two.
7 & 8 Vict. c. 85.	The Railway Regulation Act, 1844.	The whole Act.

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Session and Chapter	Short Title	Extent of Repeal
8 & 9 Vict. c. 20.	The Railways Clauses Consolidation Act, 1845.	Section forty-five. Section eighty-nine. Section ninety-six. Sections ninety-eight to one hundred and two. Sections one hundred and six and one hundred and seven. Sections one hundred and twenty-five to one hundred and thirty-seven. Section one hundred and forty-one. Sections one hundred and fifty-seven to one hundred and fifty-nine.
8 & 9 Vict. c. 28.	The Canal Tolls Act, 1845	The whole Act except section two.
8 & 9 Vict. c. 33.	The Railways Clauses Consolidation (Scotland) Act, 1845.	Section thirty-eight. Section eighty-two. Section eighty-nine. Sections ninety-one to ninety-five. Sections ninety-nine and one hundred. Sections one hundred and eighteen to one hundred and twenty-nine. Section one hundred and thirty-three.
& 9 Vict. c. 42.	The Canal Carriers Act, 1845.	Section twelve.
8 & 9 Vict. c. 96.	The Railway (Sales and Leases) Act, 1845.	The whole Act.
13 & 14 Vict. c. 83.	The Abandonment of Railways Act, 1850.	The whole Act.
14 & 15 Vict. c. 64.	The Railway Regulation Act, 1851.	The whole Act, except as it applies to any local Act.
22 & 23 Vict. c. 59.	The Railway Companies Arbitration Act, 1859.	The whole Act.
26 & 27 Vict. c. 92.	The Railways Clauses Act, 1863.	Sections eight to eleven. Section thirty-five.
29 & 30 Vict. c. 108.	The Railway Companies Securities Act, 1866.	The whole Act.
30 & 31 Vict. c. 126.	The Railway Companies (Scotland) Act, 1867.	Sections six to thirty-seven.
30 & 31 Vict. c. 127.	The Railway Companies Act, 1867.	Sections six to thirty-six.
31 & 32 Vict. c. 119.	The Regulation of Railways Act, 1868.	Part I. Section twenty-nine. Part VI. Section thirty-four. Sections forty-one to forty-four.
32 & 33 Vict. c. 114.	The Abandonment of Railways Act, 1869.	The whole Act.
51 & 52 Vict. c. 25.	The Railway and Canal Traffic Act, 1888.	Section forty-four. Section forty-eight.

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Session and Chapter	Short Title	Extent of Repeal
59 & 60 Vict. c. 48.	The Light Railways Act, 1896.	In the Second Schedule, in the third column opposite to the words "The Regulation of Railways Act, 1868," the words "and twenty-nine".
62 & 63 Vict. c. 14.	The London Government Act, 1899.	In section twenty-eight, in subsection (3), the words from "and if" to the end of the subsection.
1 & 2 Geo. 5. c. 34.	The Railway Companies (Accounts and Returns) Act, 1911.	In section two, subsection (3).
11 & 12 Geo. 5. c. 55.	The Railways Act, 1921...	Section eighteen. Section fifty-six. Section seventy-six. The Sixth Schedule.
11 & 12 Geo. 6. c. 38.	The Companies Act, 1948	In section three hundred and ninety-eight, in paragraph (a) the words from "except" to the end of the paragraph. In section three hundred and ninety-nine, subsection (7).
1 & 2 Eliz. 2. c. 36.	The Post Office Act, 1953	In section forty, the words from "either" to "or" at the end of paragraph (a).

OTHER REPEALS

Session and Chapter	Short Title	Extent of Repeal
59 & 60 Vict. c. 48.	The Light Railways Act, 1896.	In section fifteen, subsection (5).
10 & 11 Geo. 6. c. 49.	The Transport Act, 1947	In section one, in subsection (2), the words from "and of whom" to the end of the subsection. Section six. Sections thirty-five and thirty-six. Section seventy-one.
1 & 2 Eliz. 2. c. 13.	The Transport Act, 1953	In section eighteen, subsection (8). Sections twenty-nine and thirty.

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PART II
PUBLIC ACTS

Session and Chapter	Short Title	Extent of Repeal
3 & 4 Vict. c. 97.	The Railway Regulation Act, 1840.	Sections seven to nine.
8 & 9 Vict. c. 20.	The Railways Clauses Consolidation Act, 1845.	Sections one hundred and eight to one hundred and eleven, but not so as to affect any byelaw made under those sections. Section one hundred and forty-three. In section one hundred and forty-five, the words " or by any byelaw made in pursuance thereof "
8 & 9 Vict. c. 33.	The Railways Clauses Consolidation (Scotland) Act, 1845.	Sections one hundred and one to one hundred and four, but not so as to affect any byelaw made under those sections. Section one hundred and thirty-five. In section one hundred and thirty-seven, the words " or by any byelaw made in pursuance thereof "
26 & 27 Vict. c. 92.	The Railways Clauses Act, 1863.	Section thirty-two.
52 & 53 Vict. c. 57.	The Regulation of Railways Act, 1889.	Section seven.
11 & 12 Geo. 5. c. 55.	The Railways Act, 1921...	Part IV. Sections eighty to eighty-two. In section eighty-three, paragraph (b). Section eighty-five. The First Schedule. The Seventh Schedule.
23 & 24 Geo. 5. c. 14.	The London Passenger Transport Act, 1933.	Part I. Part II, except sections five, sixteen, seventeen, nineteen, twenty-three, twenty-four, twenty-five and twenty-six. Part VI. In section eighty, subsection (15). Sections ninety-seven, one hundred and one and one hundred and three. The First Schedule.
10 & 11 Geo. 6. c. 49.	The Transport Act, 1947	Section one, but not so as to affect any pension or other payment to be made as determined before the vesting date by the Minister under subsection (7).

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Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 49— <i>cont.</i>	The Transport Act, 1947 — <i>cont.</i>	<p>From section two onwards to the end of Part I.</p> <p>Sections fifteen to nineteen.</p> <p>Section twenty-five except so far as relates to any payments to be made to a local authority after the vesting date.</p> <p>Section thirty-three.</p> <p>Section thirty-eight but not so as to affect any order made under that section before the vesting date.</p> <p>Section seventy.</p> <p>Part VI.</p> <p>Sections ninety-five and ninety-six.</p> <p>Section ninety-seven, but not so as to affect any arrangements made under that section before the vesting date.</p> <p>Section ninety-eight, but not so as to affect any regulations made under that section before the vesting date.</p> <p>Section ninety-nine, but not so as to affect any liability arising under subsection (2) of that section before the vesting date or any person who became a participant in a pension scheme before the vesting date by virtue of subsection (3) of that section, or the application of subsections (3) and (4) to service before the vesting date.</p> <p>Section one hundred, but not so as to affect the application of that section to service before the vesting date.</p> <p>Sections one hundred and one and one hundred and two, but not so as to affect regulations made under those sections before the vesting date.</p> <p>Sections one hundred and three and one hundred and four, except as they apply in relation to referees appointed under regulations.</p> <p>Part VIII.</p> <p>From the beginning of Part IX to the end of section one hundred and sixteen.</p>

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Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 49— <i>cont.</i>	The Transport Act, 1947— <i>cont.</i>	<p>Section one hundred and eighteen but not so as to affect any regulations made under that section before the vesting date.</p> <p>Section one hundred and nineteen, but not so as to affect regulations under paragraph (c) of that section.</p> <p>Sections one hundred and twenty to one hundred and twenty-four.</p> <p>In section one hundred and twenty-five, in subsection (1), all the definitions except that of the Minister, and subsections (2) to (6).</p> <p>Section one hundred and twenty-six, except subsection (5).</p> <p>Section one hundred and twenty-seven.</p> <p>In section one hundred and twenty-eight, subsection (2).</p> <p>The First Schedule.</p> <p>The Second Schedule, but not so as to affect any pension or other payment to be made as determined before the vesting date by the Commission with the approval of the Minister and the Treasury under paragraph 2 (1).</p> <p>All the other Schedules except the Third.</p>
11 & 12 Geo. 6. c. 26.	The Local Government Act, 1948.	<p>In section eighty-five, in subsection (1), the words "and the British Transport Commission".</p> <p>Section ninety-three as from the beginning of the rating year following that in which the vesting date falls.</p> <p>In section ninety-four, subsection (1) and in subsection (4) the words "referred to in subsection (1) of this section" as from the beginning of the rating year following that in which the vesting date falls.</p> <p>Section ninety-five as from the beginning of the rating year following that in which the vesting date falls.</p>

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Session and Chapter	Short Title	Extent of Repeal
1 & 2 Eliz. 2. c. 13.	The Transport Act, 1953	The whole Act except section twenty-four but not so as to affect regulations made under section twenty-seven or section twenty-eight before the vesting date or to apply the Arbitration Act, 1950, to proceedings under those regulations.
2 & 3 Eliz. 2. c. 13.	The Local Government (Financial Provisions) (Scotland) Act, 1954.	In section ten, in subsection (2), the words " the British Transport Commission " as from the beginning of the rating year following that in which the vesting date falls.
2 & 3 Eliz. 2. c. 64.	The Transport Charges &c. (Miscellaneous Provisions) Act, 1954.	In section thirteen, in subsection (1), the definition of the Commission, and in subsection (3) the words " and the Transport Act, 1953 ".
2 & 3 Eliz. 2. c. 70.	The Mines and Quarries Act, 1954.	In section one hundred and eighty-two, in subsection (1), in the definition of " railway company " the words " and includes the British Transport Commission ".
3 & 4 Eliz. 2. c. 10.	The Transport (Borrowing Powers) Act, 1955.	The whole Act.
4 & 5 Eliz. 2. c. 54.	The Finance Act, 1956.	In section forty-two, in paragraph (b) of subsection (2), the words " the British Transport Commission ".
4 & 5 Eliz. 2. c. 56.	The Transport (Disposal of Road Haulage Property) Act, 1956.	The whole Act.
5 & 6 Eliz. 2. c. 9.	The Transport (Railway Finances) Act, 1957.	The whole Act.
5 & 6 Eliz. 2. c. 17.	The Rating and Valuation Act, 1957.	Section two as from the beginning of the rating year following that in which the vesting date falls.
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act, 1957.	In Part II of the First Schedule and in the Part substituted for the said Part II by the Third Schedule, the words " An Area Railway Authority constituted under the British Transport Commission (Organization) Scheme Order, 1954," the words " the British Transport Commission " and the words " An Executive constituted under section five of the Transport Act, 1947 ".
7 & 8 Eliz. 2. c. 16.	The Transport (Borrowing Powers) Act, 1959.	The whole Act

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Session and Chapter	Short Title	Extent of Repeal
8 & 9 Eliz. 2. c. 16.	The Road Traffic Act, 1960.	In the Seventeenth Schedule, the amendments of the Transport Act, 1947, and of the Transport Act, 1953.
9 & 10 Eliz. 2. c. 34.	The Factories Act, 1961	In section one hundred and seventy-six, in subsection (1), in the definition of "railway company" the words "the British Transport Commission and".
10 & 11 Eliz. 2. c. 9.	The Local Government (Financial Provisions etc.) (Scotland) Act, 1962.	In the Second Schedule, paragraph 1, as from the beginning of the rating year following that in which the vesting date falls.

LOCAL ACTS RELATING TO DEVELOPMENT OF LAND

Session and Chapter	Short Title	Extent of Repeal
2 Edw. 7. c. cxlv.	The Central London Railway Act, 1902.	Section seven.
3 Edw. 7. c. cxvii.	The Metropolitan District Railway Act, 1903.	Section ninety-five.
3 Edw. 7. c. clxxxvi.	The Great Northern, Piccadilly and Brompton Railway (Various Powers) Act, 1903.	Section thirteen.
6 Edw. 7. c. lxxi.	The Metropolitan Railway Act, 1906.	Section thirty-eight.
10 Edw. 7 & 1 Geo. 5. c. xlii.	The Metropolitan Railway Act, 1910.	Section seventeen.
13 & 14 Geo. 5. c. xxx.	The Great Western Railway (Additional Powers) Act, 1923.	Sections forty-six and forty-seven. In sections fifty-one and fifty-two the words "respectively 'powers as to building on or over lands etc. of Company,' and".
14 & 15 Geo. 5. c. liii.	The London and North Eastern Railway Act, 1924.	Section seventy-one.
14 & 15 Geo. 5. c. liv.	The London, Midland and Scottish Railway Act, 1924.	Sections fifty-four and fifty-five.
14 & 15 Geo. 5. c. lxvi.	The Southern Railway Act, 1924.	Sections ninety-one and ninety-two.
15 & 16 Geo. 5. c. lxx.	The London and North Eastern Railway Order Confirmation Act, 1925.	In the Schedule, section eight.
21 Geo. 5. c. xx	The London, Midland and Scottish Railway Order Confirmation Act, 1931.	In the Schedule, section twelve.

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Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. xii.	The London and North Eastern Railway Act, 1933.	Sections sixteen and nineteen.
23 & 24 Geo. 5. c. xx.	The Great Western Railway Act, 1933.	Sections thirty-eight and thirty-nine.
23 & 24 Geo. 5. c. xxxiii.	The London, Midland and Scottish Railway Act, 1933.	Sections thirty, thirty-one and thirty-two.
23 & 24 Geo. 5. c. xlvii.	The Southern Railway Act, 1933.	Sections thirty-four, thirty-five and thirty-six.
23 & 24 Geo. 5. c. lv.	The London, Midland and Scottish Railway Order Confirmation Act, 1933.	In the Schedule, section seven.
24 & 25 Geo. 5. c. xxxv.	The Southern Railway Act, 1934.	Section forty-six.
25 & 26 Geo. 5. c. xlvii.	The London and North Eastern Railway Act, 1935.	Sections eight and nine.
26 Geo. 5 & 1 Edw. 8. c. xlv.	The London and North Eastern Railway Order Confirmation Act, 1936.	In the Schedule, sections fourteen and fifteen.
26 Geo. 5 & 1 Edw. 8 c. ci.	The Great Western Railway (Additional Powers) Act, 1936.	Section fifty-three.

LOCAL ACTS RELATING TO RAILWAY HOTELS

Session and Chapter	Short Title	Extent of Repeal
14 & 15 Vict. c. xlviii.	The Great Western Railway Act, 1851.	Section twenty-four.
24 & 25 Vict. c. cvi.	The Midland Railway (Additional Powers) Act, 1861.	Sections twenty-one to twenty-five.
35 & 36 Vict. c. cxvi.	The Lancashire and Yorkshire Railway (New Works and Additional Powers) Act, 1872.	Section thirty-five.
37 Vict. c. xiii	The Lynn and Hunstanton and West Norfolk Junction Railway Act, 1874.	Section twenty-nine.
40 & 41 Vict. c. lii.	The Midland Railway (New Works &c.) Act, 1877.	Section thirty-nine.
40 & 41 Vict. c. xci.	The London and North-western Railway (Joint and Various Powers) Act, 1877.	Section twenty.

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Session and Chapter	Short Title	Extent of Repeal
41 & 42 Vict. c. cli.	The Great Northern Railway (Further Powers) Act, 1878.	Section twenty-three.
41 & 42 Vict. c. ccxviii.	The Rosebush and Fishguard Railway Act, 1878.	Section forty-eight.
43 & 44 Vict. c. cxli.	The Great Western Railway Act, 1880.	Section forty-one.
44 & 45 Vict. c. cxix.	The Caledonian Railway (Additional Powers) Act, 1881.	Section ten.
44 & 45 Vict. c. cxxxv.	The Lancashire and Yorkshire Railway Act, 1881.	Sections thirty and thirty-two.
45 Vict. c. 1	The North-eastern Railway Company's (Additional Powers) Act, 1882.	Section twenty-five.
45 & 46 Vict. c. clxvi.	The Great Eastern Railway Act, 1882.	Section sixty-six.
46 & 47 Vict. c. liv.	The Cambrian Railways Act, 1883.	Section thirty.
54 & 55 Vict. c. cxiv.	The Manchester, Sheffield and Lincolnshire Railway (Various Powers) Act, 1891.	Sections forty-five and forty-six.
56 Vict. c. lii	The Great Eastern Railway (General Powers) Act, 1893.	Section fifty-seven.
56 & 57 Vict. c. xci.	The Highland Railway Act, 1893.	Section fourteen.
56 & 57 Vict. c. xcvi.	The Great Northern Railway Act, 1893.	Section thirty-two.
59 & 60 Vict. c. lxx.	The Cambrian Railways Act, 1896.	Section thirteen.
60 & 61 Vict. c. cxxxv.	The Great North of Scotland Railway Act, 1897.	Section four.
4 Edw. 7. c. xxvi.	The Cambrian Railways (Mid Wales Railway Amalgamation &c.) Act, 1904.	Section twenty-nine.
4 Edward 7. c. xliv.	The North Staffordshire Railway Act, 1904.	Section twenty-nine.
4 Edward 7. c. cxlix.	The Lancashire and Yorkshire Railway (Various Powers) Act, 1904.	Section forty-eight.
10 Edward 7. c. viii.	The Stratford-upon-Avon and Midland Junction Railway (Various Powers) Act, 1910.	Section forty-three.

12TH SCH.

Session and Chapter	Short Title	Extent of Repeal
3 & 4 Geo. 5. c. xxix.	The Caledonian Railway Order Confirmation Act, 1913.	In the Schedule, section twenty-nine.
10 & 11 Geo. 5. c. xv.	The Great Eastern Railway Act, 1920.	In section three, subsection (2).
13 & 14 Geo. 5. c. xxii.	The Caledonian Railway Act, 1923.	Section twelve.
19 & 20 Geo. 5. c. xliii.	The Great Western Railway Act, 1929.	Section fifty-one.
23 & 24 Geo. 5. c. xxxiii.	The London, Midland and Scottish Railway Act, 1933.	Section twenty-nine.
10 & 11 Geo. 6. c. vii.	The Southern Railway Act, 1947.	Section seven.
10 & 11 Geo. 6. c. xlii.	The London and North Eastern Railway Act, 1947.	Section seventy-six.

LOCAL ACTS RELATING TO RAILWAY SAVINGS BANKS

Session and Chapter	Short Title	Extent of Repeal
36 & 37 Vict. c. clxxxi.	The Metropolitan Railway Act, 1873.	In section twenty-three the words from "from any officers" to "families, respectively" and the words from "which money" to "borrowed by them".
48 & 49 Vict. c. cxlvii.	The Great Western Railway Act, 1885.	In section forty-five, in paragraph (1) the words from "from any officers" to "apprentices" where it last occurs, in paragraph (3) sub-paragraph (b) and in sub-paragraph (h) the words "and of the appointment of any new trustees", and in paragraph (8) the words "or a majority of the trustees".
58 & 59 Vict. c. cxxii.	The Taff Vale Railway Act, 1895.	In section eighteen, in paragraph (1) the words from "from any of their officers" to "apprentices" where it last occurs, paragraph (2), in paragraph (4) sub-paragraph (B) and in sub-paragraph (H) the words "and of the appointment of any new trustees", and in paragraph (10) the words "or a majority of the trustees".

12TH SCH.

Session and Chapter	Short Title	Extent of Repeal
14 & 15 Geo. 5. c. liv.	The London Midland and Scottish Railway Act, 1924.	In section sixty-one, the words from "and shall extend and apply" to "persons aforesaid", in paragraph (1) the words from "from any of the persons" to the end of the paragraph, paragraph (2), and in paragraph (4) subparagraph (b).
14 & 15 Geo. 5. c. lxvi.	The Southern Railway Act, 1924.	In section ninety-nine, in subsection (1), the words from "from any person" to the end of the subsection, subsections (2) and (3), and in subsection (5) paragraph (b).
7 & 8 Geo. 6. c. x.	The London and North Eastern Railway Act, 1944.	In section three, in subsection (1), the words from "from any person" to the end of the subsection, in subsection (2) the words from "shall be a charge" to "interest thereon; and" and paragraph (b), subsection (3), in subsection (5) paragraph (b) and subsection (10).

OTHER REPEALS IN LOCAL ACTS

Session and Chapter	Short Title	Extent of Repeal
14 & 15 Geo. 5. c. li.	The London, Midland and Scottish Railway (Superannuation Fund) Act, 1924.	Section eight.
17 & 18 Geo. 5. c. xi.	The Southern Railway (Superannuation Fund) Act, 1927.	Section eleven.
2 & 3 Geo. 6. c. xxii.	The London and North Eastern Railway (Superannuation Fund) Act, 1939.	Section fifteen.
4 & 5 Geo. 6. c. ii.	The Great Western Railway (Superannuation Fund) Act, 1941.	Section ten.
11 & 12 Geo. 6. c. xxi.	The British Transport Commission Order Confirmation Act, 1948.	In the Schedule, section twenty-eight.
12 & 13 Geo. 6. c. xxix.	The British Transport Commission Act, 1949.	Section fifty-eight.
14 Geo. 6. c. liii.	The British Transport Commission Act, 1950.	Section forty. In section forty-one, subsection (1).

Session and Chapter	Short Title	Extent of Repeal	12TH SCH.
4 & 5 Eliz. 2. c. xxx.	The British Transport Commission Act, 1955.	Section sixty-eight.	
4 & 5 Eliz. 2. c. lxxiv.	The British Transport Commission Act, 1956.	As from the passing of this Act— sections sixteen and seventeen; in section twenty the words “and during the interim period the Kennet waterways” and the words “or of the Kennet waterways”; in section twenty-one in subsection (1) the words “and during the interim period the Kennet waterways” and subsection (2).	
5 & 6 Eliz. 2. c. xxxiii.	The British Transport Commission Act, 1957.	Section twenty-two.	
7 & 8 Eliz. 2. c. xlv.	The British Transport Commission Act, 1959.	Section twenty-one. Section seventy-eight.	

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Table of Statutes referred to in this Act

Short Title	Session and Chapter
Railways Clauses Consolidation Act, 1845	8 & 9 Vict. c. 20.
Railways Clauses Consolidation (Scotland) Act, 1845... ..	8 & 9 Vict. c. 33.
Harbours, Docks and Piers Clauses Act, 1847	10 & 11 Vict. c. 27.
Railway and Canal Traffic Act, 1854	17 & 18 Vict. c. 31.
River Lee Water Act, 1855	18 & 19 Vict. c. cxcvi.
Tweed Fisheries Act, 1857	20 & 21 Vict. c. cxlviii.
Salmon Fisheries (Scotland) Act, 1862	25 & 26 Vict. c. 97.
Railways Clauses Act, 1863	26 & 27 Vict. c. 92.
Regulation of Railways Act, 1873	36 & 37 Vict. c. 48.
Metropolitan Railway Act, 1873	36 & 37 Vict. c. clxxxi.
Conveyancing Act, 1881	44 & 45 Vict. c. 41.
Ouse (Lower) Improvement Act, 1884	47 & 48 Vict. c. clxi.
Great Western Railway Act, 1885	48 & 49 Vict. c. cxlvii.
Railway and Canal Traffic Act, 1888	51 & 52 Vict. c. 25.
National Debt Act, 1889	52 & 53 Vict. c. 6.
Regulation of Railways Act, 1889	52 & 53 Vict. c. 57.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Stamp Act, 1891	54 & 55 Vict. c. 39.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Finance Act, 1895	58 & 59 Vict. c. 16.
Taff Vale Railway Act, 1895	58 & 59 Vict. c. cxvii.
Light Railways Act, 1896	59 & 60 Vict. c. 48.
Fishguard and Rosslare Railways and Harbours Act, 1899	62 & 63 Vict. c. clxxxvi.
Railway Employment (Prevention of Accidents) Act, 1900	63 & 64 Vict. c. 27.
Lee Conservancy Act, 1900	63 & 64 Vict. c. cxvii.
Shop Clubs Act, 1902	2 Edw. 7. c. 21.
Railway Companies (Accounts and Returns) Act, 1911	1 & 2 Geo. 5. c. 34.
Ministry of Transport Act, 1919	9 & 10 Geo. 5. c. 50.
Industrial Courts Act, 1919	9 & 10 Geo. 5. c. 69.

Short Title	Session and Chapter
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Railways Act, 1921	11 & 12 Geo. 5. c. 55.
London, Midland and Scottish Railway Act, 1924 ...	14 & 15 Geo. 5. c. liv.
Southern Railway Act, 1924	14 & 15 Geo. 5. c. lxvi.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5. c. 49.
London, Midland and Scottish Railway (Road Transport) Act, 1928	18 & 19 Geo. 5. c. ci.
Great Western Railway (Road Transport) Act, 1928 ...	18 & 19 Geo. 5. c. cii.
London and North Eastern Railway (Road Transport) Act, 1928	18 & 19 Geo. 5. c. ciii.
Southern Railway (Road Transport) Act, 1928	18 & 19 Geo. 5. c. civ.
Great Western Railway (Air Transport) Act, 1929 ...	19 & 20 Geo. 5. c. lv.
London and North Eastern Railway (Air Transport) Act, 1929	19 & 20 Geo. 5. c. lv.
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Southern Railway (Air Transport) Act, 1929	19 & 20 Geo. 5. c. lvii.
Finance Act, 1930	20 & 21 Geo. 5. c. 28.
London Passenger Transport Act, 1933	23 & 24 Geo. 5. c. 14.
Road and Rail Traffic Act, 1933	23 & 24 Geo. 5. c. 53.
London Passenger Transport Act, 1935	25 & 26 Geo. 5. c. cx.
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.
Private Legislation Procedure (Scotland) Act, 1936 ...	26 Geo. 5 & 1 Edw. 8. c. 52.
Chairmen of Traffic Commissioners (Tenure of Office, etc.) Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 52.
Superannuation (Various Services) Act, 1938	1 & 2 Geo. 6. c. 13.
Road Haulage Wages Act, 1938	1 & 2 Geo. 6. c. 44.
National Loans Act, 1939	2 & 3 Geo. 6. c. 117.
London and North Eastern Railway Act, 1944	7 & 8 Geo. 6. c. x.
Water Act, 1945	8 & 9 Geo. 6. c. 42.
Water (Scotland) Act, 1946	9 & 10 Geo. 6. c. 42.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6. c. 49.
Finance Act, 1946	9 & 10 Geo. 6. c. 64.
National Insurance Act, 1946	9 & 10 Geo. 6. c. 67.
Transport Act, 1947	10 & 11 Geo. 6. c. 26.
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947	10 & 11 Geo. 6. c. 42.
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
British Transport Commission Act, 1949	12, 13 & 14 Geo. 6. c. xxix.
Coast Protection Act, 1949	12, 13 & 14 Geo. 6. c. 74.
Arbitration Act, 1950	14 Geo. 6. c. 27.
Diseases of Animals Act, 1950	14 Geo. 6. c. 36.
British Transport Commission Act, 1950	14 Geo. 6. c. liii.
Administration of Justice (Pensions) Act, 1950	14 & 15 Geo. 6. c. 11.
Rivers (Prevention of Pollution) (Scotland) Act, 1951	14 & 15 Geo. 6. c. 66.
Income Tax Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 10.
Transport Act, 1953	1 & 2 Eliz. 2. c. 13.
British Transport Commission Order Confirmation Act, 1953	1 & 2 Eliz. 2. c. xx.
Post Office Act, 1953	1 & 2 Eliz. 2. c. 36.
British Transport Commission Act, 1953	1 & 2 Eliz. 2. c. xlii.
British Transport Commission Act, 1954	2 & 3 Eliz. 2. c. lv.
Transport Charges &c. (Miscellaneous Provisions) Act, 1954	2 & 3 Eliz. 2. c. 64.
Miscellaneous Financial Provisions Act, 1955	4 & 5 Eliz. 2. c. 6.
Rating and Valuation (Miscellaneous Provisions) Act, 1955	4 & 5 Eliz. 2. c. 9.

Short Title	Session and Chapter
Food and Drugs Act, 1955	4 & 5 Eliz. 2. c. 16.
Food and Drugs (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 30.
Finance Act, 1956	4 & 5 Eliz. 2. c. 54.
Transport (Disposal of Road Haulage Property) Act, 1956	4 & 5 Eliz. 2. c. 56.
British Transport Commission Act, 1956	4 & 5 Eliz. 2. c. lxxiv.
Transport (Railway Finances) Act, 1957	5 & 6 Eliz. 2. c. 9.
Rating and Valuation Act, 1957	5 & 6 Eliz. 2. c. 17.
House of Commons Disqualification Act, 1957... ..	5 & 6 Eliz. 2. c. 20.
British Transport Commission Act, 1957	5 & 6 Eliz. 2. c. xxxiii.
British Transport Commission Act, 1958	6 & 7 Eliz. 2. c. xliv.
Local Government Act, 1958	6 & 7 Eliz. 2. c. 55.
Tribunals and Inquiries Act, 1958	6 & 7 Eliz. 2. c. 66.
Highways Act, 1959	7 & 8 Eliz. 2. c. 25.
British Transport Commission Order Confirmation Act, 1959	7 & 8 Eliz. 2. c. xxxvi.
British Transport Commission Act, 1959	7 & 8 Eliz. 2. c. xliv.
Wages Councils Act, 1959... ..	7 & 8 Eliz. 2. c. 69.
Road Traffic Act, 1960	8 & 9 Eliz. 2. c. 16.
British Transport Commission Act, 1961	9 & 10 Eliz. 2. c. xxxvi.
Local Government (Financial Provisions, etc.) (Scotland) Act, 1962	10 & 11 Eliz. 2. c. 9.

CHAPTER 47

Education (Scotland) Act, 1962

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**An Act to consolidate the enactments relating to
education in Scotland. [1st August, 1962]**

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

PART I

PROVISION OF EDUCATION BY EDUCATION AUTHORITIES

Primary, Secondary and Further Education

1.—(1) It shall be the duty of every education authority to secure that adequate and efficient provision is made throughout their area of all forms of primary, secondary and further education. Provision of educational facilities by education authorities.

(2) The Secretary of State may make regulations prescribing the standards and general requirements to which every education authority shall conform in exercising their functions under the foregoing subsection.

(3) Primary, secondary and compulsory further education provided in public schools and junior colleges under the management of an education authority shall be without payment of fees :

Provided that if the authority think it expedient they may charge fees in some or all of the classes in a limited number of

PART I

primary and secondary schools, so, however, that the power to do so may be exercised only where it can be exercised without prejudice to the adequate provision of free primary and secondary education in public schools in which no fees are charged, or in other schools the managers of which agree, in respect of such payment by the education authority as may be agreed, to admit and educate pupils free of charge on the nomination of the education authority.

(4) It shall be the duty of an education authority to secure that the facilities for primary, secondary and further education provided for their area include adequate facilities for recreation and social and physical training.

(5) It shall be the duty of an education authority to make or otherwise secure adequate and suitable provision for the technical education of blind persons ordinarily resident in their area who are capable of receiving and being benefited by such education.

(6) It shall be lawful for an education authority to provide a child guidance service in child guidance clinics or elsewhere. The function of the service shall be to study handicapped, backward and difficult children, to give advice to parents and teachers as to appropriate methods of education and training and in suitable cases to provide special educational treatment for such children in child guidance clinics.

Primary
education.

2.—(1) Subject to section five of this Act primary education shall be given in primary schools or departments.

(2) In this Act “primary education” means progressive elementary education in such subjects as may be prescribed in that behalf in regulations made under subsection (2) of the last foregoing section, regard being had to the age, ability and aptitude of the pupils concerned, and includes—

- (a) training by appropriate methods in schools and classes (hereinafter referred to as “nursery schools” and “nursery classes”) for pupils between the age of two years and such later age as may be permitted by the said regulations;
- (b) special educational treatment;
- (c) the teaching of Gaelic in Gaelic speaking areas.

(3) The provision of primary education in nursery schools and nursery classes shall be deemed to be adequate if such provision is made at centres where sufficient children whose parents desire such education for them can be enrolled to form a school or class of a reasonable size.

Secondary
education.

3.—(1) Subject to section five of this Act secondary education shall be given in secondary schools or departments.

(2) In this Act “secondary education” means progressive courses of instruction of such length and in such subjects as may be approved in terms of the regulations made under subsection (2) of section one of this Act as appropriate to the age, ability and aptitude of pupils who have been transferred from primary schools and departments and to the period for which they may be expected to remain at school and includes—

- (a) special educational treatment ;
- (b) the teaching of Gaelic in Gaelic speaking areas.

(3) The provision of secondary education shall be deemed to be adequate if a reasonable variety of courses is provided from which the parent of a pupil may select a course from which, in the opinion of the education authority, the pupil shows reasonable promise of profiting.

4. “Further education” includes—

Further
education.

- (a) compulsory part-time and in exceptional cases full-time courses of instruction approved in terms of the regulations made under subsection (2) of section one of this Act given in colleges (hereinafter referred to as “junior colleges”) to young persons not exempt from attendance under subsection (8) of section forty-five of this Act and designed to enable them to develop their various aptitudes and capacities and to prepare them for the responsibilities of citizenship ;
- (b) voluntary part-time and full-time courses of instruction for persons over school age ;
- (c) voluntary leisure-time occupation, in such organised cultural training and recreative activities as are suited to their requirements, for persons over school age ; and
- (d) the teaching of Gaelic in Gaelic speaking areas.

5.—(1) In this Act “special educational treatment” means education by special methods appropriate to the special requirements of pupils who suffer from disability of mind or body, and shall be given in special schools approved by the Secretary of State for the purpose, or by other means so approved. Special
educational
treatment.

(2) The arrangements made by an education authority for the special educational treatment of pupils of any category within the meaning of section sixty-two of this Act shall be such as to ensure, as far as practicable, that the education is given in an appropriate special school or by other appropriate means.

(3) Regulations made under subsection (2) of section one of this Act may prescribe the requirements to be complied with as a condition of approval as a special school, and as to the withdrawal of approval from any special school which fails to comply with requirements so prescribed.

PART I
Recreation and
social and
physical
training.

6.—(1) For the purpose of securing adequate facilities for recreation and social and physical training, an education authority may establish, maintain and manage, or assist the establishment, maintenance and management of, camps, holiday classes, playing fields, play centres and other places (including playgrounds, gymnasiums and swimming baths not appropriated to any school or educational establishment) at which facilities for recreation and for such training as aforesaid are available for persons receiving primary, secondary or further education. They may also organise games, expeditions and other activities for such persons, and may defray or contribute towards the expenses thereof.

(2) An education authority, in making arrangements for the provision of facilities or the organisation of activities under the powers conferred on them by the last foregoing subsection shall, in particular, have regard to the expediency of co-operating with any voluntary societies or bodies whose objects include the provision of facilities or the organisation of activities of a similar character.

Provision of
educational
facilities to be
in accordance
with schemes.

7.—(1) The functions of an education authority under the foregoing provisions of this Act shall be exercised in accordance with schemes prepared as hereinafter provided and approved by the Secretary of State under section seventy of this Act, except where such functions relate to—

- (a) further education as described in paragraphs (b) and (c) of section four of this Act other than such voluntary part-time or full-time courses of instruction for persons over school age as the Secretary of State may direct ; or
- (b) such facilities as are mentioned in subsection (1) of section six of this Act ; or
- (c) special educational treatment other than in special schools.

(2) It shall be the duty of an education authority within such time as may be prescribed to prepare and submit for the approval of the Secretary of State a scheme or schemes for the exercise of their powers and duties under the foregoing sections of this Act.

(3) An education authority may at any time, and shall if and when so required by the Secretary of State, prepare and submit for his approval a revised scheme or modification of an existing scheme under this section.

(4) In considering and determining for the purposes of any scheme for the provision of primary and secondary education what amount of public school accommodation or additional

public school accommodation is required for their area, an education authority shall have regard to and take into account every school, whether public or not, and whether situated in the area or not, which, in their opinion, gives, or will when completed give, efficient primary or secondary education, and is, or will when completed be, suitable and available for the education of the pupils in their area.

(5) An education authority shall for the purposes of the last foregoing subsection have power to call upon all head teachers and managers of schools other than public schools for such information and for access to and delivery of all such documents as shall to the education authority appear to be necessary to enable them to discharge their duties under this Act, and an education authority may from time to time appoint fit and proper persons to procure such information and to inspect such documents.

(6) In the preparation of any scheme for the provision of primary and secondary education, an education authority shall, in particular, have regard to the expediency of securing the provision of boarding accommodation, either in boarding schools or in hostels, for pupils for whom education as boarders is considered by their parents and by the authority to be desirable.

(7) In the preparation of any scheme for further education, an education authority shall have regard to such of the following considerations as may be relevant—

- (a) to any facilities for such education provided for their area by universities, central institutions, colleges of education, educational associations, and other bodies and to the need for consultation with any such organisations as aforesaid and with the education authorities for adjacent areas; and the scheme may include such provisions as to the co-operation of any such bodies or authorities as may have been agreed between them and the authority preparing the scheme;
- (b) to the need for consultation with persons concerned or engaged in crafts, industries, commerce or other employments in their area;
- (c) to the need for securing the adequate provision of technical education and, keeping in view the requirements of the crafts, industries, commerce and other employments in the area and the provision therefor made elsewhere, to the need for the establishment of local technical colleges offering courses of suitable standard;
- (d) to the expediency of securing the provision of boarding accommodation, either as part of a junior college or in hostels, for pupils for whom residence at a distance

PART I

from their homes is necessary in order that the greatest advantage may be derived from compulsory further education; and

(e) to the desirability of securing the provision of residential colleges for other forms of further education.

(8) Where general arrangements under section fifty of this Act are part of the measures to be taken by the authority to secure the adequate provision of primary or secondary or compulsory further education for persons resident in any part of their area, information regarding the said arrangements shall be included in the appropriate scheme prepared under this section.

**Religious
instruction.**

8.—(1) Whereas it has been the custom in the public schools of Scotland for religious observance to be practised and for instruction in religion to be given to pupils whose parents did not object to such observance or instruction, but with liberty to parents, without forfeiting any of the other advantages of the schools, to elect that their children should not take part in such observance or receive such instruction, be it enacted that education authorities shall be at liberty to continue the said custom, subject to the provisions of section nine of this Act.

(2) It shall not be lawful for an education authority to discontinue religious observance or the provision of instruction in religion in terms of the last foregoing subsection, unless and until a resolution in favour of such discontinuance duly passed by the authority has been submitted to a poll of the local government electors for the education area taken for the purpose, and has been approved by a majority of electors voting thereat.

(3) A poll under the last foregoing subsection shall be by ballot and shall be taken in accordance with rules to be made by the Secretary of State, which rules may apply with any necessary modifications any enactments relating to parliamentary or local government elections.

**Conscience
clause.**

9.—(1) Every public school and every grant-aided school shall be open to pupils of all denominations, and any pupil may be withdrawn by his parents from any instruction in religious subjects and from any religious observance in any such school; and no pupil shall in any such school be placed at any disadvantage with respect to the secular instruction given therein by reason of the denomination to which such pupil or his parents belong, or by reason of his being withdrawn from any instruction in religious subjects.

(2) The time or times during which any religious observance is practised or instruction in religious subjects is given at any meeting of the school shall be specified in a table approved by the Secretary of State.

10.—(1) Where the parent of any pupil who is a boarder at any public school, junior college or other educational establishment under the management of an education authority requests that the pupil be permitted to attend worship in accordance with the tenets of a particular religious denomination on Sundays or other days exclusively set apart for religious observance by the religious body to which his parent belongs, or to receive religious instruction or to practise religious observance in accordance with such tenets outside the working hours of the school, junior college or other educational establishment, the education authority shall make arrangements for affording to the pupil reasonable opportunities for so doing, and such arrangements may provide for affording facilities for such worship, instruction or observance on the premises of the school, junior college or other educational establishment, so however that such arrangements shall not entail expenditure by the education authority.

PART I
Safeguards
for religious
beliefs.

(2) Any requirements prescribed by regulations made under subsection (2) of section one of this Act with respect to special schools shall be such as to secure that a pupil shall in no case be compelled to take part in religious observance or to receive religious instruction contrary to the wishes of his parent.

11.—(1) An education authority shall provide free of charge for all pupils who are given free education at schools or junior colleges under their management or at other schools in accordance with subsection (3) of section one of this Act books, writing materials, stationery, mathematical instruments, practice material and other articles which are necessary to enable the pupils to take full advantage of the education provided. The authority may also make similar provision, with or without charge, for other pupils resident in their area and attending any school or other educational establishment.

Provision
of books,
materials
and special
clothing free
of charge.

(2) For the purposes of the last foregoing subsection, a pupil in respect of whose education fees are charged in a school or class managed by an education authority shall be deemed to be given free education if the authority remit his fees, or pay his fees or grant a scholarship, bursary or allowance under section forty-nine of this Act which is not less in amount than the amount of the fees, or if an award not less in amount than the amount of the fees is made to the pupil by the governing body of any educational endowment as defined in section one hundred and thirty-five of this Act, and it is a condition of the said award that the candidates require financial assistance, or if a combination of such remission, payments, grants or awards together amounts to or exceeds the amount of the fees.

(3) It shall be in the power of an education authority to provide—

(a) for pupils in attendance at any school, junior college or other educational establishment under their man-

PART I

agement, articles of clothing suitable for physical exercise or for other activities of the school, college or establishment for which special clothing is desirable, and

- (b) for persons who make use of facilities for physical training made available to them by the authority under subsection (1) of section six of this Act, articles of clothing suitable for physical exercise.

County library service.

12.—(1) It shall be lawful for the education authority of a county, as an ancillary means of promoting education, to make such provision of books by purchase or otherwise as they may think desirable, and to make the same available not only to the pupils attending schools, junior colleges or other educational establishments in the county, but also to the adult population resident therein.

(2) For the purposes of this section, an education authority may enter into arrangements with the managers of public libraries.

Provision of hostels.

13. An education authority shall have power to provide and maintain hostels for pupils attending day schools or young persons attending junior colleges or other educational establishments in their area, and shall if required by the Secretary of State exercise, in accordance with such conditions as he may prescribe, the power hereby conferred.

Power to provide education elsewhere than at an educational establishment.

14. If an education authority are satisfied that by reason of any extraordinary circumstances a pupil is unable to attend a suitable educational establishment for the purpose of receiving education, they shall have power, with the approval of the Secretary of State, to make special arrangements for him to receive education elsewhere than at an educational establishment.

*Transference of Schools to Education Authorities***Transference of endowed schools to education authorities.**

15.—(1) The governing body of any school providing a course of secondary education extending over at least three years administered under a scheme approved in terms of the Act of 1882, or under any Act or any Provisional Order confirmed by Act of Parliament, may, with a view to the maintenance of such school as a school providing a course of secondary education extending over at least three years, resolve to transfer the management thereof, together with the school buildings, and the revenue of the school from endowments in whole or in part, or, where the endowments are held solely for the purpose of such school, together with the endowments, to the education authority of the education area in which the school is situated. The education authority shall have power to receive the same, to manage the school as a school providing a course of secondary education extending over at least three years, and to make good any deficiency in the income of the school as managed by them.

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(2) Where the Secretary of State is satisfied that the revenue of any school administered as aforesaid, being of a yearly value on an average of the three years immediately preceding of not more than one thousand pounds, is insufficient to maintain the school in a condition of satisfactory efficiency as a place of secondary education, the Secretary of State shall cause a local inquiry to be held and may, after considering the report of that inquiry, issue an order transferring the management of the school, together with its buildings and revenue or endowments, as the case may be, as aforesaid to the education authority if the education authority are willing to undertake the same, and the education authority shall in such case have power as aforesaid.

(3) The Secretary of State may by order make provision for all matters which appear to him necessary or proper for giving full effect to any transfer under this section, including provision for the determination of any existing trust whose whole endowments are so transferred.

(4) A resolution by a governing body under this section shall not take effect unless it is confirmed by a subsequent meeting called for that special purpose with not less than three weeks notice by circular sent to each member of the governing body and held not sooner than one month nor later than two months after the date of the first meeting, and at such second meeting the requisite majority to secure confirmation shall be not less than the absolute majority of the governing body.

16.—(1) It shall be lawful for the person or persons vested with the title of any school established after the twenty-first day of November, nineteen hundred and eighteen, to which section eighteen of the Act of 1918 would have applied had the school been in existence at that date, with the consent of the trustees of any trust upon which the school is held and of the Secretary of State, to transfer the school together with the site thereof and any land or buildings and furniture held and used in connection therewith, by sale, lease or otherwise, to the education authority, who shall be bound to accept such transfer, upon such terms as to price, rent, or other consideration as may be agreed, or as may be determined, failing agreement, by an arbiter appointed by the Secretary of State upon the application of either party.

Transference of denominational schools to education authorities.

(2) The consent of trustees to the transference of a school to an education authority under this section may be given by a majority of not less than two thirds of the trustees present at a meeting duly summoned for that purpose. The transference may be effected by an ordinary disposition or other deed of conveyance by the persons vested with the title, recorded in the register of sasines, and no stamp or other duty shall be exigible on such disposition or other deed; and the persons whose consent is hereby required need not be parties to the

PART I

conveyance, and the validity of the transference and the title of the education authority shall not be subject to challenge on the ground that the requisite consents were not duly given, unless such challenge shall be judicially made within six months after the recording of the deed of conveyance.

(3) The existing staff of teachers in a school transferred under this section shall be taken over by the education authority and shall as from the date of transfer be placed upon the same scale of salaries as teachers of corresponding qualifications appointed to corresponding positions in other schools of the same authority. Any question which may arise as to the due fulfilment or observance of any provision or requirement of this subsection shall be determined by the Secretary of State.

*Provision, Maintenance and Equipment of Schools
and other Buildings*

Provision,
maintenance
and equipment
of schools and
other buildings.

17.—(1) It shall be the duty of an education authority to provide for their area, in accordance with any scheme under section seven of this Act for the time being in force in the area, sufficient accommodation in public schools (whether day schools or boarding schools), junior colleges and other educational establishments under their management to enable them to carry the said scheme into effect.

(2) In any case where the Secretary of State is satisfied, upon representations made to him by the education authority of any education area, or by any church or denominational body acting on behalf of the parents of children belonging to such church or body, and after such inquiry as the Secretary of State deems necessary, that a new school is required for the accommodation of children whose parents are resident within that education area, regard being had to the religious belief of such parents, it shall be lawful for the education authority of that area to provide a new school.

(3) An education authority shall maintain and keep efficient every public school, junior college and other educational establishment under their management, and shall from time to time provide such additional accommodation as may be necessary to carry out the provisions of any such scheme as aforesaid.

(4) An education authority may, for the purposes of their duty under this section, provide, alter, improve, enlarge, equip and maintain schools, junior colleges and other educational establishments outwith as well as within their area.

(5) An education authority may provide, alter, improve, enlarge, equip, maintain and furnish houses and hostels, with such outbuildings and gardens as they think expedient, for teachers and other officers employed by them (whether or not employed in or about an educational establishment).

18.—(1) Subject to the provisions of this section and with the approval of the Secretary of State an education authority shall have power for the purpose of reducing the risk of accident to pupils going to or returning from schools or other educational establishments in their area and under their management, or while actually present at such schools or establishments, to do work to improve the safety of any private road which is used by these pupils or which is in the vicinity of such a school or establishment, and to provide or arrange for the provision of safety barriers at or near the entrances to such schools and establishments.

PART I
Improvements
as to premises
of educational
establishments
for the safety
of pupils.

(2) Any work for the purpose of the last foregoing subsection may be undertaken by the education authority in co-operation with any other person.

(3) For the purpose of subsection (1) of this section an education authority may enter on and carry out work on any land:

Provided that where an education authority propose to carry out any such work on land which is in possession of another person, the authority shall obtain the consent of the owner and of the occupier of such land, or shall satisfy the Secretary of State that the owner or the occupier cannot be found.

(4) Where an education authority propose to provide or arrange for the provision of safety barriers for the purpose of subsection (1) of this section on any road, the authority shall—

- (a) if it is a public road, obtain the consent of the authority responsible for the maintenance of such road;
- (b) if it is a private road, consult the authority responsible for the maintenance of public roads in the area in which that private road is situated.

(5) For the purposes of this section the expression “public road” means a road or street managed and maintained by the Secretary of State or by a county or town council, and the expression “private road” means any road, street or path other than a public road, and includes any ford or bridge over which a private road passes.

19.—(1) The Secretary of State may make regulations prescribing standards applicable to the premises or equipment of schools, junior colleges and other educational establishments under the management of education authorities, and such regulations may prescribe appropriate standards for such types of schools, junior colleges and other educational establishments as may be specified in the regulations.

Requirements
as to premises
of educational
establish-
ments.

(2) If the Secretary of State is satisfied, after consultation with the education authority, that it is impracticable or would be unreasonable to apply the standards prescribed under the foregoing subsection to the premises or equipment of a particular school, college or establishment, he may make an order prescribing modified standards for such school, college or establishment.

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(3) Every education authority shall secure that any premises or equipment provided by them for a school, junior college or other educational establishment conform to the standards applicable to the school, college or establishment.

(4) Where the premises or equipment of any school, junior college or other educational establishment under the management of an education authority do not conform to the standards applicable to the school, college or establishment, it shall be in the power of the Secretary of State, after consultation with the education authority, to direct that the premises or equipment be brought into conformity with the said standards within a period to be specified in the direction; and it shall thereupon be the duty of the education authority to comply with the direction.

(5) With a view to securing that the premises and equipment of schools, junior colleges and other educational establishments under the management of an education authority are maintained in such a condition as to contribute to the good health of the pupils, it shall be the duty of an education authority to cause their medical officers as part of their ordinary work from time to time to inspect and to report to them upon the said premises and equipment, and in making the said inspections the medical officers shall have special regard to the lighting, heating and ventilation, and to the sanitary arrangements.

Acquisition
of land and
execution of
works.

20.—(1) In order to enable them to execute any of their functions, an education authority may from time to time—

- (a) acquire, whether by way of purchase, feu, lease, excambion or donation, any land whether situated within or outwith the area of the authority;
- (b) erect and furnish buildings or execute any other works on any land belonging to them, or on land leased by them;
- (c) convert, alter, enlarge or improve any existing building or other works belonging to the authority or leased by them:

Provided always that paragraphs (b) and (c) of this subsection shall not of themselves authorise the authority to do anything contrary to the conditions contained in the title to or lease of any such land, buildings or other works.

(2) For the purpose of the acquisition of land by an education authority under this Act, the Lands Clauses Acts, except in so far as they relate to the purchase and taking of land otherwise than by agreement, shall be incorporated with this Act.

(3) An education authority may be authorised by the Secretary of State to purchase land compulsorily for the purposes of this Act, 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.

(4) In this section, and in the Lands Clauses Acts as hereby incorporated, the expression "land" includes water and any right or servitude in or over land or water.

Management of Denominational Schools

21.—(1) Any school transferred to an education authority under subsection (1) of section eighteen of the Act of 1918 or under subsection (1) of section sixteen of the Act of 1946 or subsection (1) of section sixteen of this Act shall be held, maintained and managed by the education authority as a public school. Management of denominational schools.

(2) In any such school the education authority shall have the sole power of regulating the curriculum and of appointing teachers:

Provided that—

- (i) all teachers appointed to the staff of any such school by the education authority shall in every case be teachers who satisfy the Secretary of State as to qualification, and are approved as regards their religious belief and character by representatives of the church or denominational body in whose interest the school has been conducted;
- (ii) subject to the provisions of section nine of this Act, the time set apart for religious instruction or observance in any such school shall not be less than that so set apart according to the use and wont of the former management of the school.

(3) For each such school the education authority shall appoint as supervisor of religious instruction, without remuneration, a person approved as regards religious belief and character as aforesaid, and the supervisor so appointed shall report to the education authority as to the efficiency of the religious instruction given in such school, and shall be entitled to enter the school at all times set apart for religious instruction or observance.

(4) In every such school the education authority shall give facilities for the holding of religious examinations.

(5) The foregoing provisions of this section so far as applicable, shall have effect in relation to any school provided by an education authority under subsection (8) of section eighteen of the Act of 1918 or under subsection (2) of section seventeen of the Act of 1946 or under subsection (2) of section seventeen of this Act as they have effect in relation to schools transferred to an education authority as mentioned in subsection (1) of this section, subject to the modification that the time set apart for religious instruction in any school so provided shall be not less than that so set apart in schools in the same education area which have been transferred as mentioned in subsection (1) of this section.

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(6) Any question which may arise as to the due fulfilment or observance of any provision or requirement of the foregoing provisions of this section shall be determined by the Secretary of State.

Discontinuance and Moves of Educational Establishments

Discontinu-
ance and
moves of
educational
establishments.

22.—(1) Subject to any special conditions attaching thereto and to any scheme under section seven of this Act relating thereto, an education authority may—

- (a) sell, feu, excamb or let any land vested in them ; and
- (b) with the sanction of the Secretary of State discontinue, or change the site of, any educational establishment under their management, or part thereof.

(2) If at any time after the expiry of ten years from the transfer of a school under section eighteen of the Act of 1918, or under section sixteen of the Act of 1946 or section sixteen of this Act, or from the provision of a new school under the said section eighteen or under subsection (2) of section seventeen of the Act of 1946 or under subsection (2) of section seventeen of this Act, the education authority by whom the school is maintained are of opinion that the school is no longer required, or that, having regard to the religious belief of the parents of the children attending the school, the conditions prescribed in subsections (1) to (4) of section twenty-one of this Act ought no longer to apply thereto, the authority may so represent to the Secretary of State, and if the Secretary of State, after such inquiry as he deems necessary, is of the same opinion and so signifies, it shall be lawful for the education authority thereafter to discontinue the school, or, as the case may be, to hold, maintain and manage the same in all respects as a public school not subject to those conditions :

Provided that—

- (i) in the case of any school which has been transferred as aforesaid to an education authority, that authority shall in either of those events make to the trustees by whom the school was transferred, or to their successors in office or representatives, such compensation (if any) in respect of the school or other property so transferred as may be agreed, or as may be determined, failing agreement, by an arbiter appointed by the Secretary of State upon the application of either party ; and
- (ii) if before the expiry of ten years from the transfer of any such school, the education authority are of

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opinion as aforesaid and so represent, and the trustees by whom the school was transferred, or their successors in office or representatives, formally intimate to the Secretary of State that they concur with the authority in their opinion as represented, then in such case, if the Secretary of State is of the same opinion and so signifies, it shall be lawful for the education authority forthwith to discontinue or to hold, maintain or manage the school as aforesaid, subject to the like provision with respect to compensation.

Co-operation between Education Authorities and Others

23.—(1) An education authority may, and shall, if required by the Secretary of State, make arrangements for co-operation or combination with another education authority in the performance of any duty or the exercise of any power under this Act, and an education authority and any other local authority may make arrangements for co-operation or combination in the exercise of any functions which the authorities have respectively power to exercise; and any scheme submitted to the Secretary of State under this Act may include provision for such co-operation or combination.

Co-operation
in the
performance
of functions.

(2) Where any question, difference or dispute arises between authorities in regard to or out of any such arrangements as aforesaid, the same shall be determined by the Secretary of State, and it shall be the duty of such authorities to comply with any such determination or any direction given for the purpose thereof.

(3) Any education authorities, or education authorities and other local authorities, may from time to time join in making such arrangements with regard to the conduct and management of their business, and the distribution of such business among their officers, and the joint use of offices or buildings, or otherwise, as shall seem to them, in the whole circumstances of the case, to be most effective and economical.

(4) In this section the expression “local authority” means a county, town or district council.

24.—(1) An education authority shall have power to provide, in or in connection with any public school, junior college or other educational establishment under their management, primary, secondary or further education and other services under this Act for any pupil belonging to the area of some other education authority.

Provision by
education
authority for
education
of pupils
belonging to
areas of other
authorities.

(2) Where an education authority or the managers of any school not conducted for private profit situated in the area of that authority have provided primary or secondary education

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with or without other services for any pupil belonging to the area of some other authority, the education authority or the managers, as the case may be, may, if a claim therefor is made within the prescribed period, recover from that other authority such contributions in respect of such provision as may be agreed by the authorities concerned or by the authority and the managers concerned, as the case may be, or, in default of such agreement, as may be determined by the Secretary of State, who shall have regard to the estimated cost of such provision:

Provided that, if in the case of any pupil the Secretary of State is satisfied, having regard to all the circumstances including the religious belief of the parents, that there was no sufficient reason why he should not have attended a school provided by the authority of the area to which he belongs, the Secretary of State may, on the application of that authority, direct that no contribution shall be recoverable in respect thereof under this subsection.

(3) The Secretary of State may make regulations prescribing the areas to which particular classes of pupils receiving primary or secondary education are to be deemed to belong for the purposes of this section and any such pupil to whom the regulations apply shall be deemed to belong to the area determined in accordance with the regulations. Any other pupil receiving primary or secondary education shall, for the aforesaid purposes, be deemed to belong to the area in which his parent is ordinarily resident, and any pupil receiving further education shall be deemed to belong to the area in which he himself is ordinarily resident:

Provided that any pupil who becomes ordinarily resident in any area wholly or mainly for the purpose of attending an educational establishment providing further education shall be deemed to belong not to that area but to any area to which he was deemed to belong immediately before he became so resident.

(4) Where on the first day of January, nineteen hundred and forty-seven, or at any subsequent date it was or is the practice of an education authority or of the managers of a school situated in the area of that authority to provide for the primary or secondary education of pupils belonging to the area of another education authority, then, whether contributions have been recovered under subsection (2) of section twenty-four of the Act of 1946 or this section or not, they shall not be entitled to discontinue such practice except after giving such notice as the Secretary of State may, in the event of a dispute, consider reasonable.

(5) Nothing in this section shall be construed as preventing the payment by agreement between education authorities or

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between an education authority and the managers of an educational establishment not conducted for private profit of contributions in respect of education and other services under this Act provided by one authority on behalf of another or by such managers on behalf of an authority in cases where the authority or the managers by whom the education or services are provided are not entitled to recover contributions under this section.

25.—(1) It shall be lawful for every education authority to contribute to the maintenance of any school or other educational establishment not under their own management which is included in the scheme under section seven of this Act, and in which the teachers are remunerated at a rate not lower than the rate for teachers of similar qualifications employed by the authority, and to make a reasonable representation of the authority on the governing body of any such school or other educational establishment (where such representation is not already provided for) a condition of any contribution other than a contribution required by subsection (3) of this section.

Contributions to maintenance of certain schools and institutions.

(2) The Secretary of State may by order make such modifications in the provisions of any trust deed or other instrument relating to any school or other educational establishment in receipt of contributions under the last foregoing subsection as may be necessary to enable provision to be made for such representation as aforesaid, and any such trust deed or other instrument shall, so long as such contributions continue to be paid, have effect subject to any modifications so made.

(3) Every education authority shall continue to contribute to the maintenance of any school within their education area but not under their own management which at the twenty-first day of November, nineteen hundred and eighteen, was recognised by the Scottish Education Department as an intermediate or secondary school, so long as such school continues to be recognised as a school providing a course of secondary education extending over at least three years or at least five years as the case may be. The amount so contributed shall be not less than the contribution made to such school in terms of paragraphs (a) and (b) of subsection (4) of section seventeen of the Act of 1908, in respect of the financial year ending on the fifteenth day of May nineteen hundred and fourteen, by any secondary education committee whose powers and duties are vested in that education authority:

Provided that the amount of the contribution required to be made under this subsection shall not exceed the amount by which the income of such school from all other sources falls short of the expenditure.

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(4) Any question arising as to the application of the last foregoing subsection to any school or as to the amount of any contribution so made or to be made shall be determined by the Secretary of State.

(5) Every education authority shall contribute in each year towards the aggregate expense of the committees and other bodies for the training of teachers constituted under section seventy-seven of the Act of 1946 or section eighty-one of this Act such sum as the Secretary of State may determine, being a sum proportioned to the number of certificated teachers in the service of each education authority on the thirty-first day of March in each year.

(6) It shall be lawful for every education authority to contribute to the maintenance of any educational institution or agency, where such contribution appears to the education authority desirable for the educational benefit of persons resident within the education area of the authority.

(7) It shall be lawful for an education authority to make payments to the managers of schools other than public schools in order to secure the admission thereto and education therein free of charge of pupils nominated by the education authority.

**Contributions
to universities.**

26.—(1) An education authority may contribute to the maintenance of any university.

(2) An education authority may provide financial assistance to any university for the purpose of improving the facilities for further education available for their area.

Promotion of Educational Developments

**Educational
research.**

27. An education authority may make such provision for conducting or assisting the conduct of research as appears to the authority to be desirable for the purpose of improving the education provided for their area.

**Educational
conferences.**

28. Subject to any regulations made by the Secretary of State, an education authority may arrange or organise, or participate in the arrangement or organisation of, conferences or meetings for the discussion of questions relating to education, and may expend such sums as may be reasonable in paying or contributing towards any expenditure incurred in connection with conferences or meetings for the discussion of such questions, including the expenses of any person authorised by them to attend any such conference or meeting.

PART II

RIGHTS AND DUTIES OF PARENTS AND FUNCTIONS OF EDUCATION
AUTHORITIES IN RELATION TO INDIVIDUAL PUPILS*General Principle*

29.—(1) In the exercise and performance of their powers and duties under this Act, the Secretary of State and education authorities shall have regard to the general principle that, so far as is compatible with the provision of suitable instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents.

Pupils to be educated in accordance with the wishes of their parents.

(2) A parent shall not be entitled to select a course of secondary education for his child from which in the opinion of the education authority (confirmed by the Secretary of State in the event of a dispute between the parent and the authority) the pupil shows no reasonable promise of profiting.

Transfer from Primary to Secondary Education

30. An education authority may at any time, and shall if and when so required by the Secretary of State, prepare and submit for his approval under section seventy of this Act a revised scheme or modification of an existing scheme (hereinafter referred to as a "transfer scheme") relating to the schools under their management and showing the methods to be adopted for transferring pupils from primary schools or departments to secondary schools or departments and for enabling an opinion to be formed as to the courses from which each pupil shows reasonable promise of profiting and a decision to be made, after taking into account the wishes of the parent, as to the course to which the pupil is to be admitted.

Transfer schemes.

Duty of Parents to provide Education for their Children

31. It shall be the duty of the parent of every child of school age to provide efficient education for him suitable to his age, ability and aptitude either by causing him to attend a public school regularly or by other means.

Duty of parents to provide education for their children.

32.—(1) Subject to the provisions of subsections (2) and (4) of this section and of section thirty-three of this Act, the expression "school age" means any age between the age of five years and the age of fifteen years; and accordingly a person shall be deemed to be of school age if he has attained the age of five years and has not attained the age of fifteen years, and a person shall be deemed to be over school age if he has attained the age of fifteen years.

School age.

PART II

(2) As soon as the Secretary of State is satisfied that it is practicable to raise the upper limit of the school age to sixteen years, he shall make regulations prescribing that subsection (1) of this section shall have effect with the substitution of references to the age of sixteen years for references to the age of fifteen years.

(3) Any person who, whether before or after the passing of this Act, has ceased to be of school age shall not in the event of any subsequent change in the upper limit of school age again become a person of school age.

(4) Where an education authority have decided under section fifty-five of the Act of 1946 or section sixty-four of this Act that a child requires special educational treatment and the child is in attendance at a special school, he shall, unless the said decision is rescinded, be deemed to be of school age until he attains the age of sixteen years although the upper limit of school age in relation to other children is less than sixteen years.

Dates for
commencing
and termina-
ting school
attendance.

33.—(1) The Secretary of State may from time to time require an education authority to fix for their area any or all of the following dates (hereinafter referred to as “fixed dates”)—

(a) two or more fixed dates for commencing school attendance; and

(b) two school leaving dates:

Provided that—

(i) in pursuance of any requirement under paragraph (b) of this subsection an education authority may fix different dates for different schools in their area; and

(ii) if the Secretary of State is satisfied, on the application of the education authority for any area, that, having regard to all the circumstances, it is desirable that for any school in that area three school leaving dates should be fixed, he may require the authority to fix three (but not more than three) school leaving dates for that school.

(2) The education authority shall when required by the Secretary of State submit proposals for fixed dates to him, and the Secretary of State may approve the proposals or may after consultation with the authority and with such other persons as he thinks fit direct the authority to fix other dates. The authority shall thereupon fix the dates approved by the Secretary of State or the dates specified in the said direction as the case may be.

(3) A child who does not attain the age of five years on a fixed date for commencing school attendance shall for the purpose of such attendance be deemed to attain that age on the fixed date next following the fifth anniversary of his birth.

(4) A pupil who was at any time within the period of twelve months preceding the fifteenth anniversary of his birth in attend-

PART II

ance at school and who does not attain the age of fifteen years on a school leaving date shall be deemed to be of school age until the school leaving date next following the fifteenth anniversary of his birth or, where that school leaving date falls within a holiday period, until the first day of that holiday period or the fifteenth anniversary of his birth, whichever is the later.

(5) In the last foregoing subsection "school leaving date" and "holiday period" in relation to any person mean respectively a school leaving date and a holiday period fixed for the school at which the person was last in attendance before attaining the age of fifteen years; and the said subsection shall apply to a person for whom the upper limit of school age is sixteen years, with the substitution for the words "fifteen" and "fifteenth", wherever those words occur, of the words "sixteen" and "sixteenth" respectively.

(6) In this section the expression "holiday period" means a period of more than nine consecutive days in which no meeting of the school is held, but does not include any period during which the school is closed for exceptional reasons unless the holiday period and the period of closure for exceptional reasons are consecutive. Exceptional reasons include national or local rejoicing or mourning, national or local emergency and the prevention of the spread of disease.

34.—(1) When after due inquiry an education authority are satisfied that by reason of any circumstances existing at his home it would cause exceptional hardship to require a child over fourteen years of age to attend school, they may grant exemption from the obligation to attend school to enable the said child to give assistance at home upon such conditions, if any, as to the amount and manner of further attendance at school until the child reaches the upper limit of the school age as the authority think fit. Exemption from school attendance.

(2) No exemption granted under the last foregoing subsection shall extend beyond the date for commencing school attendance next following the date upon which the exemption was granted:

Provided that the authority may if they think fit renew an exemption, so however that the provisions of this section shall apply to such renewal in like manner as they apply to the original grant.

(3) An exemption granted under this section shall exempt the parent of the child concerned from any prosecution or other proceeding under this Act for neglecting to provide for the education of the said child.

(4) The education authority shall keep a register of exemptions granted under this section wherein shall be entered the name of each child so exempted and a statement of the circumstances in which and the conditions upon which such exemption was granted.

PART II

Failure of Parents to provide Education for their Children

Failure by parent to secure regular attendance by his child at a public school.

35.—(1) Where a child of school age who has attended a public school on one or more occasions fails without reasonable excuse to attend regularly at the said school, then, unless the education authority have consented to the withdrawal of the child from the school (which consent shall not be unreasonably withheld), his parent shall be guilty of an offence against this section.

(2) A child shall be deemed to attend regularly at a day school if he attends every meeting at which attendance is compulsory. He shall be deemed to attend regularly at a boarding school if he is present at the school throughout the school term except when he is granted leave of absence by the head teacher or by another person duly authorised by him.

(3) For the purposes of this section, a child who has been required to discontinue for any period his attendance at a school on account of his parent's refusal or failure to comply with the rules, regulations or disciplinary requirements of the school, shall, unless the court otherwise determines, be deemed to have failed without reasonable excuse to attend regularly at the school.

Power of education authority and of juvenile court in relation to irregular attendance of child at a public school.

36.—(1) It shall be the duty of the education authority if they consider that a parent has committed an offence against the last foregoing section in respect of a child resident in their area, to serve a notice on the parent requiring him, within such time as may be specified in the notice (not being less than forty-eight hours or more than seven days from the service thereof) to appear (with or without the child) before the authority and explain the reason for the absence of the child from school. If the parent fails to satisfy the authority that he had a reasonable excuse, the authority may instruct that he be prosecuted forthwith under section forty-three of this Act, or may warn the parent and postpone for a period not exceeding six weeks a decision as to whether to prosecute.

(2) Where an education authority in the exercise of the powers conferred upon them by the last foregoing subsection postpone a decision as to whether to prosecute a parent, they may, if the child is still of school age, make an attendance order in respect of the child in accordance with the provisions of section thirty-eight of this Act requiring the parent to cause the child to attend the public school which he has been attending, or, if the child has changed his residence, a school attended by children residing in the same neighbourhood as the child.

(3) Without prejudice to the institution of proceedings for an offence against the last foregoing section or the exercise of the power conferred by subsection (1) of section forty-four of this Act, where a child of school age has failed to attend a public school regularly, the education authority may, if satisfied that it

is necessary so to do for the purpose of securing the regular attendance of the child at school, direct that the child be brought before a juvenile court.

(4) A juvenile court before which a child is brought under the last foregoing subsection may, if it is satisfied that it is necessary to do so for the purpose of securing the regular attendance of the child at school, make any order which a juvenile court has power to make under section sixty-six of the Act of 1937, in the case of children and young persons in need of care or protection who are brought before that court under that section.

(5) For the purposes of the Act of 1937, any child with respect to whom a direction has been given under subsection (3) of this section that he be brought before a juvenile court shall be deemed to be a child about to be brought, or brought, before such a court under section sixty-six of that Act, and any order made by a juvenile court under this section shall be deemed to be an order made under that section, and all the provisions of that Act shall have effect accordingly, but subject to the modification that in relation to any such child subsection (1) of section seventy-one of the said Act shall have effect as if the words "A constable, or" were omitted therefrom.

37.—(1) Where a child of school age has not attended a public school in the area in which his parent is residing, or has attended such a school and has been withdrawn therefrom with the consent of, or excluded by, the education authority, then, if the authority are not satisfied that the parent is providing efficient education for him suitable to his age, ability and aptitude, it shall be the duty of the authority to serve a notice on the parent requiring him within such time as may be specified in the notice (not being less than seven or more than fourteen days from the service thereof) either—

- (a) to appear (with or without the child) before the authority and give such information as the authority may require regarding the means, if any, he has adopted for providing education, or
- (b) in the option of the parent, to give such information to the authority in writing.

(2) If a parent on whom a notice has been served in pursuance of the last foregoing subsection fails to satisfy the authority that he is providing efficient education for the child suitable to his age, ability and aptitude or that there is reasonable excuse for his failure to do so, the authority shall make an attendance order in respect of the child in accordance with the provisions of the next following section.

PART II
Making of
attendance
orders.

Attendance Orders

38.—(1) References in the two last foregoing sections, and in the following provisions of this Act, to an attendance order in respect of a child are references to an order in writing requiring the parent of the child to cause the child to attend a school named in the order, being a school the managers of which are willing to receive the child.

(2) In an attendance order in respect of a child—

(a) a school at which the parent will be required to pay fees shall not be named except at the request of the parent ; and

(b) a special school shall not be named unless a certificate issued under subsection (2) of section fifty-five of the Act of 1946 or subsection (2) of section sixty-four of this Act is in force certifying that the child is suffering from such disability as to require special educational treatment.

(3) Before making an attendance order under either of the two last foregoing sections, the education authority shall consider any views expressed by the parent as to the school which he desires his child to attend.

(4) The authority shall cause a copy of any attendance order made by them under either of the two last foregoing sections to be served upon the parent, and it shall thereupon be the duty of the parent, subject to an appeal to the sheriff under the next succeeding subsection, to cause the child to attend regularly at the school named in the order.

(5) A parent aggrieved by the making of an attendance order by an education authority may within fourteen days after the date upon which a copy of the order was served upon him under the last foregoing subsection appeal against it to the sheriff, who may confirm, vary or annul the order and whose decision shall be final.

Amendment
and revocation
of attendance
orders.

39.—(1) An education authority who have made an attendance order in respect of any child may at any time while the order is in force serve upon the parent of the said child a notice of their intention to amend the order by substituting the name of another school for that named in the order.

(2) Where a child in respect of whom an attendance order is in force moves his residence, the education authority of the area to which the child has moved may serve upon the parent of the said child a notice of their intention to amend that order by substituting for the name of the school appearing in the order the name of a school attended by children residing in the same neighbourhood as the child.

(3) The parent may within fourteen days of the service of a notice under subsection (1) or subsection (2) of this section intimate in writing to the authority any objections he may have

to the proposed amendment. After the expiry of the said period of fourteen days and after considering any objections made by the parent, the authority may amend the attendance order, and subsections (2), (4) and (5) of the last foregoing section shall apply in the case of the amended attendance order as they apply in the case of an attendance order.

(4) If at any time while an attendance order is in force with respect to any child the parent of the child makes application to the authority by whom the order was made or amended requesting that another school be substituted for that named in the order, or requesting that the order be revoked on the ground that arrangements have been made for the child to receive efficient education suitable to his age, ability and aptitude at a school other than that named in the order or elsewhere than at school, the authority shall amend or revoke the order in compliance with the request unless they are of opinion that the proposed change of school is unreasonable or inexpedient in the interests of the child, or that the arrangements made for the education of the child at a school other than that named in the order or elsewhere than at school are not satisfactory, as the case may be; and, if a parent is aggrieved by a failure of the authority to reach a decision upon his application within one month after the date thereof or by refusal of the authority to comply with any such request, he may appeal to the sheriff, who shall give such direction as he thinks fit.

40. An attendance order made in respect of any child shall, subject to any amendment thereof made by an education authority or variation made by the sheriff, and unless revoked by an authority or annulled by the sheriff, continue in force so long as the child is of school age: Period of operation of attendance orders.

Provided that if a certificate under subsection (2) of section fifty-five of the Act of 1946 or subsection (2) of section sixty-four of this Act certifying that a child is suffering from such disability as to require special educational treatment is withdrawn, any attendance order requiring the attendance of that child at a special school shall be deemed to be annulled.

41. Where an attendance order has been made and is in force in respect of any child, and a copy of such order has been served on the parent of the child, the parent shall, if the order is not complied with, be guilty of an offence against this section unless he satisfies the court that he has a reasonable excuse. Failure to comply with attendance order.

Reasonable Excuses

42.—(1) For the purposes of sections thirty-five, thirty-six, thirty-seven, forty-one and forty-four of this Act, there shall be deemed to be a reasonable excuse if— Reasonable excuses.

(a) there is within walking distance of the child's home measured by the nearest available route no public or

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other school the managers of which are willing to receive the child and to provide him with free education, and either—

- (i) no arrangements have been made by the education authority under section fifty of this Act with regard to the child, or
 - (ii) any arrangements so made are such as to require the child to walk more than walking distance in the course of any journey between his home and school ; or
- (b) the child has been prevented by sickness from attending school or receiving education as the case may be ; or
- (c) there are other circumstances which in the opinion of the education authority or the court afford a reasonable excuse.

(2) The fact that an application to an education authority, or an appeal to the sheriff, has been made under subsection (4) of section thirty-nine of this Act in relation to an attendance order in respect of a child shall not be deemed to be a reasonable excuse for failure to cause the child to attend regularly at the school named in the order.

(3) When a parent alleges that his child has been prevented by sickness from attending school or receiving education as the case may be, the parent shall, if required by the education authority, permit a medical officer of the education authority to examine the child, and any parent who fails to do so shall be guilty of an offence against this section.

(4) In this section the expression “ walking distance ” means, in the case of a child who has not attained the age of eight years, two miles, and, in the case of any other child, three miles.

*Prosecutions*Prosecutions
and penalties.

43.—(1) Any person guilty of an offence against section thirty-five or section forty-one or section forty-two of this Act shall be liable, on conviction by a court of summary jurisdiction, in the case of a first conviction to a fine not exceeding one pound, in the case of a second conviction, whether in respect of the same or of another child, to a fine not exceeding five pounds, and in the case of a third or subsequent conviction, whether in respect of the same or of another child, to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment.

(2) Proceedings under this section may be taken at the instance either of the public prosecutor of the court of summary jurisdiction in which the proceedings are to be taken or of another person authorised by the education authority to institute proceedings on their behalf.

44.—(1) If the court before which a prosecution is brought for an offence against section thirty-five or section forty-one or section forty-two of this Act is satisfied that the child has failed without reasonable excuse to attend regularly at school, then, whether or not the parent is convicted, the court may direct that the child be brought before a juvenile court by the education authority of the area in which the child resides, and the court shall so direct if the education authority so request. PART II
Powers of
Courts in
relation to
child.

(2) If the court before which a prosecution is brought for an offence against section thirty-five of this Act is satisfied that a child has failed without reasonable excuse to attend regularly at school, but does not, in the exercise of the powers conferred upon it by the last foregoing subsection, direct that the child be brought before a juvenile court, the court may, if the child is still of school age, make an attendance order in respect of the child requiring the parent to cause the child to attend the public school which he has been attending, or, if the child has changed his residence, a school attended by children residing in the same neighbourhood as the child ; and subsections (2) and (3) of section thirty-eight, and sections thirty-nine to forty-one, of this Act shall apply with any necessary modifications to an attendance order made by a court under this section as they apply to an attendance order made by an education authority.

(3) Any juvenile court before which a child is brought under subsection (1) of this section shall have in respect of the child the like power as is conferred on such a court by subsection (4) of section thirty-six of this Act.

(4) The provisions of subsection (5) of section thirty-six of this Act shall apply in relation to any child with respect to whom a direction has been given under subsection (1) of this section as they apply in relation to a child with respect to whom a direction has been given under subsection (3) of that section.

Attendance at Junior Colleges

45.—(1) It shall be the duty of every education authority to serve on every young person ordinarily resident in their area who is not exempt from compulsory further education a notice (hereinafter referred to as an “attendance notice”) directing him to attend a junior college named in the notice, and it shall be the duty of every young person upon whom such a notice is served to attend at the junior college in accordance with the requirements specified in the notice. The authority shall serve a copy of the notice and of any amendment thereof upon the parent of the young person. Attendance
at junior
colleges.

(2) Subject to the provisions of the next following subsection, the requirements specified in an attendance notice shall be such

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as to secure the attendance at a junior college of the young person upon whom the notice is served—

- (a) for one whole day, or two half-days, in each of forty-four weeks in every year while he remains a young person ; or
- (b) for one continuous period of eight weeks, or for two continuous periods of four weeks each in every such year, if the authority are satisfied that continuous attendance would be more suitable for the said young person ;

and in this section the expression “ year ” means, in relation to any young person, in the case of the first year, the period of twelve months beginning with the first day on which he is required by an attendance notice served on him to attend a junior college, and in the case of every subsequent year the period of twelve months beginning immediately after the expiration of the last preceding year :

Provided that—

- (i) in respect of the year in which the young person attains the age of eighteen the requirements specified in the notice shall be reduced to such extent as the education authority think expedient for securing that the attendances required of him until he attains that age shall be as nearly as may be proportionate to those which would have been required of him during a full period of twelve months ; and
- (ii) the Secretary of State may from time to time require an education authority to fix for their area two or more dates for terminating attendance at junior colleges. The education authority shall intimate to the Secretary of State the dates which they propose to fix, and the Secretary of State may approve the said dates or may, after consultation with the authority and with such other persons as he thinks fit, require the authority to fix other dates. The authority shall fix dates in accordance with the approval or requirement of the Secretary of State, and thereupon a young person resident in the area shall for the purpose of attendance at a junior college be deemed to attain the age of eighteen on the fixed date next following the day when he actually attains that age.

(3) If by reason of the nature of the employment of any young person or of other circumstances affecting him the education authority are satisfied that attendance in accordance with the provisions of the last foregoing subsection would not be suitable in his case, an attendance notice may, with the consent of the young person, require his attendance in accordance with such other arrangements as may be specified in the notice, so,

however, that the requirements specified in the notice in accordance with such arrangements as aforesaid shall be such as to secure the attendance of the young person for periods amounting in the aggregate to three hundred and thirty hours in each year, or, in the case of the year in which he attains the age of eighteen, to the proportionately reduced number of hours.

(4) Except where continuous attendance at a junior college involves residence at the college or at a hostel, no attendance notice shall require a young person to attend a junior college on a Sunday or during any holiday or half-holiday to which by any enactment regulating his employment or by agreement he is entitled, or, so far as practicable, during any holiday or half-holiday which is allowed in accordance with any custom of his employment, or between the hours of six in the evening and half past eight in the morning:

Provided that the Secretary of State may, on the application of an education authority, direct that in relation to young persons in their area or in any part thereof employed at night or otherwise employed at abnormal times this subsection shall have effect as if for the reference to the hours of six in the evening and half past eight in the morning there were substituted a reference to such other times as may be specified in the direction.

(5) The place, days, times and periods of attendance required of a young person and the period for which the notice is to be in force shall be specified in any attendance notice served on him; and the requirements of any such notice may be amended as occasion may require either by the authority by whom it was served or by any other education authority in whose area he may for the time being reside, so, however, that the provisions of every such notice shall be such as to secure that the requirements imposed on the young person during each year while he remains a young person shall comply with the provisions of the last three foregoing subsections.

(6) In determining what requirements shall be imposed upon a young person by an attendance notice or by any amendments to such a notice, the education authority shall have regard, so far as practicable, to any preference which he and, in the case of a young person under the age of sixteen years, his parent may express, to the circumstances of his employment or prospective employment, and to any representations that may be made to the authority by his employer or any person proposing to employ him.

(7) If a pupil satisfies the education authority that any religious observance or any part of the instruction at a junior college which the pupil is required to attend is contrary to his religious belief or likely to give offence to his religious feelings, the education authority shall permit the pupil to withdraw from such observance or instruction and shall, so far as practicable,

PART II

arrange for him to be suitably occupied while such observance or instruction is in progress.

(8) The following persons shall be exempt from compulsory attendance at a junior college, that is to say—

- (a) any person who is in full-time attendance at any school or other educational establishment (not being a junior college) approved by the Secretary of State for the purpose ;
- (b) any person who is shown to the satisfaction of the education authority to be receiving suitable and efficient instruction in some other manner either full-time or for such times as in the opinion of the authority are equivalent to not less than three hundred and thirty hours instruction in a period of twelve months ;
- (c) any person who having been exempt under either of the last two foregoing paragraphs did not cease to be so exempt until after he had attained the age of seventeen years and eight months ;
- (d) any person who is undergoing a course of training approved by the Secretary of State for the mercantile marine or the sea fishing industry or who, having satisfactorily completed such a course, is engaged in the mercantile marine or in the sea fishing industry ;
- (e) any person to whom, by reason of section one hundred and forty or section one hundred and forty-one of this Act, the duties of education authorities do not relate ;
- (f) any person who attained the age of fifteen years before the date when the scheme for the provision of junior colleges came into force.

(9) If any person is aggrieved by a decision of an education authority given under paragraph (b) of the last foregoing subsection, he may refer the question to the Secretary of State, who shall give such direction thereon as he thinks fit.

(10) If any young person upon whom an attendance notice has been served fails to comply with any requirement of the notice, he shall be guilty of an offence against this section unless he proves either—

- (a) that he was exempt from compulsory attendance for further education, or
- (b) that he was prevented from complying with the requirement by reason of sickness or any other unavoidable cause,

or unless the court is satisfied that there was some other reasonable cause for such failure.

46.—(1) For the purpose of facilitating the execution by education authorities of their functions under the last foregoing section, the following provisions shall have effect, that is to say—

PART II
Provisions
for securing
attendance at
junior colleges.

- (a) every young person who is not exempt from compulsory attendance at a junior college shall at all times keep the education authority concerned informed of his proper address ;
- (b) every person whose employment such a young person as aforesaid enters shall, not later than four days thereafter, if the young person has not then left his employment, notify the education authority concerned that the young person has entered his employment ;
- (c) where a young person whose entry into employment has been notified in pursuance of the last foregoing paragraph leaves that employment, the employer shall within four days thereafter notify the education authority concerned that the young person has ceased to be employed by him ;
- (d) where such a young person as aforesaid enters the employment of an employer by whom he had previously been employed, the employer shall immediately notify such entry to the education authority concerned unless the previous entry was so notified in pursuance of paragraph (b) of this subsection ;
- (e) every person by whom such a young person as aforesaid is employed shall notify the education authority concerned of any change of his address, and, if known to him, of any change of the young person's address.

In this subsection the expression "the education authority concerned" means the education authority in whose area the young person is ordinarily resident.

(2) Any person who fails to comply with any requirement imposed on him by the last foregoing subsection shall be guilty of an offence against this section.

(3) The education authority by whom an attendance notice is served upon any young person shall serve a copy thereof upon any person who notifies the authority that the young person is employed by him.

(4) The Secretary of State may by regulations make provision as to the form of attendance notices, as to consultation and the exchange of information between education authorities, as to the issue of certificates of exemption in respect of young persons who are exempt from compulsory attendance at a junior college, and generally for the purpose of facilitating the administration by education authorities of the provisions of this Act as to attendance at junior colleges.

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(5) The Secretary of State and the Minister of Labour shall give directions to education authorities and to local offices of the Ministry of Labour respectively for ensuring due consultation and exchange of information between such authorities and offices.

Enforcement
of attendance
at junior
colleges.

47.—(1) Any person guilty of an offence against either of the last two foregoing sections shall be liable on conviction by a court of summary jurisdiction in the case of a first offence against that section to a fine not exceeding one pound, in the case of a second offence against that section to a fine not exceeding five pounds, and in the case of a third or subsequent offence against that section to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment.

(2) If, in furnishing any information for the purposes of either of the last two foregoing sections, any person makes any statement which he knows to be false in any material particular, or recklessly makes any statement which is false in any material particular, he shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(3) If the parent of a young person or any person by whom a young person is employed or the servant or agent of any such person has connived at any offence committed by the young person against either of the last two foregoing sections, the person who has connived at the offence shall, whether or not any person is proceeded against or convicted in respect of the offence connived at, be guilty of the like offence and punishable accordingly.

Power to
require
attendance of
unemployed
young persons
at junior
colleges.

48.—(1) If any young person is capable of and available for work but has no work or only part-time or intermittent work, the Secretary of State may require his attendance in accordance with regulations at any junior college at which he can reasonably be expected to attend.

(2) If any young person whose attendance at a junior college has been required by the Secretary of State under this section fails, except by reason of sickness or other unavoidable cause, to attend at that college, he shall be liable on conviction by a court of summary jurisdiction in the case of a first offence to a fine not exceeding one pound, in the case of a second offence to a fine not exceeding five pounds, and in the case of a third or subsequent offence to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment.

(3) For the purposes of the last foregoing subsection and of any such proceedings as are therein mentioned, a young person who, by reason of his misbehaviour while attending at a junior

college, has been required to discontinue his attendance thereat for any period shall be deemed to have failed without unavoidable cause to attend at that college.

(4) An education authority shall have power to assist the Secretary of State with respect to the attendance at junior colleges of young persons who may be, or have been, required by the Secretary of State under this section to attend thereat.

(5) Regulations made by the Secretary of State under this section shall make provision as to the functions to be performed by education authorities with respect to young persons required under this section to attend at junior colleges, and, in particular, shall direct such authorities to make in any attendance notice served on any such young person such modifications as may be provided by the regulations, and shall make provision as to the circumstances in which and the extent to which attendances in pursuance of requirements under this section may be reckoned as attendances in pursuance of the requirements of attendance notices.

(6) The aforesaid regulations may make provision for the establishment of boards of assessors for the purpose of reporting to the Secretary of State as to the advisability of requiring young persons to attend at a junior college.

*Provision to assist Pupils to take Advantage
of Educational Facilities*

49.—(1) Subject to the following provisions of this section an education authority shall have power to grant, on such conditions as may be prescribed, and make payments in pursuance of, bursaries, scholarships or other allowances to persons over school age attending courses of full-time or part-time education (whether held in Great Britain or elsewhere) which are not courses of primary or secondary education or (in the case of courses held outside Great Britain) are not courses of education comparable to primary or secondary education in Great Britain.

Power of education authorities to assist persons to take advantage of educational facilities.

(2) Subject to the following provisions of this section an education authority shall have power, for the purpose of enabling persons to take advantage without hardship to themselves or their parents of the facilities for primary or secondary education

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available to them, to grant, on such conditions as may be prescribed, and make payments in pursuance of, allowances for the purpose of defraying in whole or in part—

- (a) such expenses of persons attending any school as may be expedient to enable them to take full part in the activities of the school;
- (b) the fees and expenses payable in respect of persons attending schools at which fees are payable;
- (c) the maintenance expenses of persons over school age who are attending schools.

(3) The Secretary of State may make regulations providing that the powers conferred on an education authority by subsections (1) and (2) of this section—

- (a) shall be exercised in accordance with such provisions as may be prescribed by or under the regulations; and
- (b) shall not be exercised in relation to a person who does not fulfil such requirements as to residence in the area of the authority, or as to other matters, as may be specified in the regulations;

and regulations made under this subsection may contain provision for the determination by the Secretary of State of any question whether any such requirements are fulfilled in any particular case.

Education of
pupils in
exceptional
circumstances.

50.—(1) Where in the opinion of an education authority—

- (a) any pupil is, owing to the remoteness of his home or the conditions under which he is living or other exceptional circumstances, unable to receive the full benefit of primary or secondary education unless special arrangements are made for him, or
- (b) primary or secondary education suitable to the age, ability and aptitude of any pupil can best be provided for him at any particular school, or
- (c) compulsory further education should in the case of any pupil be provided by requiring his continuous attendance at a junior college under section forty-five of this Act,

the authority shall, after consultation with the parent and, in any case falling under paragraph (c) of this subsection, with the pupil, make such arrangements of either a temporary or a permanent character as they think best suited to the purpose of enabling that pupil to attend an appropriate school or college.

(2) The arrangements made under the last foregoing subsection may include—

- (a) the provision of travelling facilities or the payment of travelling expenses under section fifty-one of this Act ;
or
- (b) the accommodation of the pupil at a boarding school or at a junior college where boarding is provided, or in a hostel, home or other institution ; or
- (c) other provision of board and lodging, provided that the education authority shall, so far as practicable, give effect to the wishes of the parent with respect to the religious denomination of the person with whom the pupil will reside ; or
- (d) provision for the travelling, board and lodging of teachers.

51.—(1) An education authority shall make such arrangements as they consider necessary for the provision of any of the following facilities in respect of pupils attending schools or other educational establishments—

Provision of transport and other facilities.

- (a) for their conveyance without charge for the whole or part of the journey between their homes and the schools or other educational establishments which they are attending ;
- (b) for making bicycles or other suitable means of transport available to the pupils, or to their parents for the use of the pupils, upon such terms and conditions as may be arranged, or for paying money allowances in lieu thereof ;
- (c) for paying the whole or any part, as the authority think fit, of their reasonable travelling expenses,

and any such arrangement may in respect of any pupil make provision for more than one of the facilities specified in the foregoing paragraphs of this subsection.

(2) Where the requirements of pupils, for the conveyance of whom arrangements have been made by an education authority under paragraph (a) of the last foregoing subsection, have been met, it shall be the duty of that authority, where there are any vacant places in any vehicle used for such conveyance, to allow such vacant places to be used without charge by other pupils to be selected by the authority.

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(3) Where as a condition of admission to any educational institution a person is required to attend for examination or interview at a particular place, the education authority may pay the whole or part of the expenses necessarily incurred by that person in respect of such attendance.

Recovery of
cost of board
and lodging.

52. Where an education authority have provided a pupil with board and lodging, whether at a school, junior college or hostel or elsewhere, the authority may, in their discretion, require the parent to pay to them in respect thereof such sums if any not exceeding the cost of such board and lodging as in the opinion of the authority he is able without financial hardship to pay:

Provided that—

- (i) where the board and lodging provided for any pupil were so provided under arrangements made by the authority for any of the reasons specified in subsection (1) of section fifty of this Act, no sum shall be recoverable in respect thereof under this section ; and
- (ii) where the board and lodging have been so provided for a young person in voluntary attendance at a junior college or, under section thirteen of this Act, at another educational establishment, the authority, if satisfied that he is in a financial position to pay the whole or any part of a sum recoverable from his parent under this section, may recover that sum or that part thereof from the young person instead of from the parent.

Provision of Food and Clothing

Provision of
food for pupils
at educational
establishments
managed by
education
authorities.

53.—(1) It shall be the duty of an education authority to provide milk and a midday meal, and it shall be lawful for them to provide other meals and refreshments, for pupils in attendance at public schools and junior colleges under their management on days when the schools meet or when the pupils are required by attendance notices to be present at a junior college, as the case may be, and they may make similar provision for the said pupils on other days, for children who have attained the age of five years pending their admission to school and for pupils in attendance at other educational establishments under their management.

(2) Where in the opinion of an education authority any pupil attending a public school in their area would otherwise be unable to take full advantage of the education provided, they shall make such arrangements for such period as they deem necessary for the provision to the pupil of milk and midday meals on days when the school does not meet.

PART II

(3) The Secretary of State may make regulations as to the manner in which and the persons by whom the expense of providing such milk, meals and other refreshments is to be defrayed, as to the facilities to be afforded (including any buildings or other equipment to be provided) and as to such other consequential matters as he considers expedient.

(4) For the purposes of this section, a pupil for whom an education authority have made special arrangements under section fourteen of this Act may, at the discretion of the education authority, be deemed to be in attendance at a public school under their management.

54.—(1) When it is brought to the notice of an education authority that a pupil attending a school under their management is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education provided, the education authority shall make such provision for the pupil for the purpose of ensuring that he is sufficiently and suitably clad as they may deem necessary during such period while the pupil is attending school (including days when the school does not meet) as they may determine.

Provision of clothing for pupils at public schools.

(2) Where an education authority make provision for a pupil in pursuance of this section, they shall be entitled to recover from the parent of the pupil the expense thereby incurred or, if the authority are satisfied that the parent is unable without financial hardship to pay the whole of that expense, such part thereof, if any, as he is, in the opinion of the authority, able without financial hardship to pay.

(3) Without prejudice to any powers conferred upon them by the last two foregoing subsections, an education authority may provide clothing free of charge—

- (i) for any pupil who is a boarder at a school, or
- (ii) for any pupil in attendance at a nursery school or a nursery class,

under the management of the authority.

(4) For the purposes of this section—

- (a) a pupil on attaining the age of five years shall, pending his admission to school, be deemed to be attending a school under the management of the education authority in whose area he is ordinarily resident; and
- (b) a pupil for whose education it is the duty of an education authority to provide special educational treatment shall be deemed to be attending a school under the management of that authority.

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Provision of
food and
clothing for
pupils at
schools other
than public
schools.

55. An education authority may, with the consent of the managers of any school in their area which is not a public school, and upon such financial and other terms, if any, as may be determined by agreement between the authority and the managers, make arrangements for securing—

- (a) the provision of milk, meals and other refreshment for pupils in attendance at the school ; and
- (b) the provision, for any pupil in attendance at the school who is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education (including physical exercise) provided by the school, of such clothing as is necessary for the purpose of ensuring that he is sufficiently and suitably clad while he remains a pupil at the school :

Provided that any arrangements made under this section shall be such as to secure, so far as is practicable, that the expense incurred by the authority in connection with the provision of any service or article shall not exceed the expense which would have been incurred by them if the pupils had been pupils at a public school.

Condition of
provision of
clothing by
education
authorities.

56. Save as may be otherwise prescribed, provision of clothing by an education authority under any of the powers conferred by this Act may be made in such a way as to confer, at the option of the authority, either a right of property in the clothing or a right to use it only.

Health and Cleanliness of Pupils

Regulations as
to medical
examination
and inspection.

57. The Secretary of State may make regulations as to the conduct of medical examinations and medical inspections for the purposes of this Act. Such regulations may, in particular, prescribe the special qualifications or experience to be possessed by the medical practitioners by whom any class of medical examinations may be conducted, by the persons who may assist in the conduct of such examinations, and by the medical practitioners by or under whose directions any class of medical inspections may be conducted.

Medical
inspection,
supervision
and treatment
of pupils.

58.—(1) It shall be the duty of an education authority to provide for the medical inspection, at appropriate intervals, and for the medical supervision of all pupils in attendance at any school or junior college under their management and of all young persons in attendance at any other educational establishment under their management, and an education authority shall have power to provide for such inspection and supervision of other pupils in attendance at any educational establishment under their management who desire such inspection and supervision.

(2) For the purpose of securing the proper medical inspection of the pupils for whom it is their duty to provide such inspection,

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an education authority may require the parent of any pupil in attendance at any such school to submit the pupil for medical inspection in accordance with arrangements made by the authority, and may require any young person in attendance at such junior college or other educational establishment to submit himself to such medical inspection; and any person who fails without reasonable excuse to comply with any such requirement shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding five pounds.

(3) It shall be the duty of an education authority to make such arrangements for securing the provision of free medical treatment for pupils in attendance at any such school and for young persons in attendance at any such junior college or other educational establishment as are necessary for securing that comprehensive facilities for free medical treatment are available to them either under this Act or otherwise, and an education authority shall have power to make such arrangements as aforesaid with respect to other pupils in attendance at any educational establishment under their management who desire such treatment.

59. It shall be the duty of every education authority to make such arrangements as are necessary for securing that there are available for pupils in attendance at any public school and young persons in attendance at any junior college or other educational establishment under their management comprehensive facilities for free dental treatment provided either—

Dental
treatment
of pupils.

- (a) by persons employed or engaged by, and at the expense of, the authority, either regularly (whether whole-time or part-time) or for the purposes of particular cases; or
- (b) under arrangements made by a Regional Hospital Board within the meaning of the National Health Service (Scotland) Act, 1947;

or partly in the one way and partly in the other; and every education authority shall have power to make arrangements for rendering available to other pupils in attendance at any educational establishment under their management any facilities which they have caused to be made available in the discharge of the duty imposed on them by the foregoing provisions of this section.

60.—(1) It shall be the duty of an education authority to make arrangements for encouraging and assisting pupils to take advantage of facilities for medical treatment made available under subsection (3) of section fifty-eight of this Act and of those for dental treatment made available under the last foregoing section:

Supple-
mentary
provisions.

Provided that if the parent of any child or young person gives to the authority notice that he objects to the child or

PART II

young person availing himself of the said facilities, the child or young person shall not be encouraged or assisted so to do.

(2) Where under powers conferred by section fourteen of this Act an education authority make special arrangements for any child or young person to receive primary or secondary education elsewhere than at school, the authority may provide for the medical inspection, supervision and treatment and for the dental treatment of that pupil as if he were in attendance at a school under their management.

(3) An education authority may, with the consent of the managers of any school or other educational establishment in their area which is not under their management, and upon such terms, if any, as may be determined by agreement between the authority and the managers, make arrangements for securing the medical inspection and supervision of, and the provision of medical treatment and of dental treatment for, pupils in attendance at the school or educational establishment:

Provided that the arrangements shall be such as to secure, so far as is practicable, that the expense incurred by the authority in connection with such inspection, supervision and treatment shall not exceed the expense which would have been incurred by them if the pupils had been pupils at a school or educational establishment under their management.

(4) Every education authority shall furnish to the Secretary of State such particulars as he may from time to time require of the arrangements made by the authority in the exercise of their functions relating to medical examination, inspection, supervision and treatment and to dental treatment; and the Secretary of State may give to any such authority such directions as to the discharge by the authority of those functions as appear to him to be expedient.

Power to
ensure
cleanliness.

61.—(1) An education authority may, by directions in writing issued with respect to all schools, junior colleges and other educational establishments under their management or with respect to any of such schools, colleges or establishments named in the directions, authorise a medical officer of the authority to cause examinations to be made of the bodies and clothing of all or any of the pupils in attendance at such schools and young persons in attendance at such colleges or establishments whenever in his opinion such examinations are necessary in the interests of cleanliness.

(2) Any such examination as aforesaid shall be made by the said medical officer or by a person authorised in writing by him to make such examinations (in this section referred to as an "authorised person"), and, if the body or clothing

of any pupil or young person is found upon such an examination to be infested with vermin or in a foul condition, the medical officer, the authorised person or any officer of the authority on their behalf may serve upon the parent of such pupil or upon the young person a notice requiring the parent to cause the body and clothing of the pupil to be cleansed or the young person to cause himself and his clothing to be cleansed as the case may be.

(3) A notice served under the last foregoing subsection shall inform the person upon whom it is served that, unless within the period limited by the notice, not being more than twenty-four hours after the service thereof, the body and clothing of the pupil or young person to whom the notice relates are cleansed to the satisfaction of the medical officer or an authorised person as may be specified in the notice, the cleansing thereof will be carried out under arrangements made by the education authority; and, if at the expiration of that period the medical officer or an authorised person is not satisfied that the body and clothing of the pupil or young person have been properly cleansed, the medical officer or an authorised person may issue an order directing that the body and clothing of the pupil or young person be cleansed under such arrangements. The order shall be sufficient to authorise any officer of the authority to cause the body and clothing of the pupil or young person named in the order to be cleansed in accordance with such arrangements, and for that purpose to convey him to the premises where the cleansing is to be carried out and to detain him there until such time as the cleansing has been completed.

(4) It shall be the duty of the education authority to make arrangements for securing that any cleansing under this section, whether at the request of a parent or young person or in pursuance of an order issued under this section, may be carried out in suitable premises by suitable persons and with suitable appliances.

(5) If after the cleansing of the body or clothing of any pupil or young person has been carried out under this section his body or clothing is again found to be infested with vermin or in a foul condition at any time while he is in attendance at such school, junior college or other educational establishment, and it is proved that the condition of his body or clothing is due to neglect on the part of his parent, or, in the case of a young person in attendance at a junior college or other educational establishment, to his own neglect, the parent or the young person, as the case may be, shall be liable on conviction by a court of summary jurisdiction in the case of a first conviction to a fine not exceeding one pound, in the case of a second conviction to a fine not exceeding five pounds,

PART II

and in the case of a third or subsequent conviction to a fine not exceeding ten pounds or to a term of imprisonment not exceeding one month or to both such fine and such imprisonment.

(6) Where a medical officer or authorised person has reason to believe that the body or clothing of any pupil or young person in attendance at such school, junior college or other educational establishment is infested with vermin or in a foul condition, but action for the examination or cleansing thereof cannot immediately be taken, he may, if he considers it necessary so to do in the interests either of the pupil or young person or of other children or young persons in attendance at the school, college or other educational establishment, direct that the pupil or young person be excluded from the school, college or other educational establishment until such action has been taken; and such a direction shall be a defence to any proceedings under this Act in respect of the failure of the pupil or young person to attend school or to comply with the requirements of an attendance notice, as the case may be, on any day on which he is excluded in pursuance of the direction, unless it is proved that the issue of the direction was necessitated by the wilful default of the parent or of the young person.

(7) No female shall be examined or cleansed under the powers conferred by this section except by a duly qualified medical practitioner or by a woman authorised for that purpose by a medical officer of an education authority.

Handicapped Children

Classification and educational arrangements.

62. The Secretary of State shall make regulations defining the several categories of pupils requiring special educational treatment and making provision as to the special educational arrangements appropriate for pupils of each category.

Duty of education authorities to ascertain what children are suffering from disability.

63.—(1) It shall be the duty of an education authority to ascertain what children in their area who have attained the age of five years—

(a) require special educational treatment; or

(b) are suffering from a disability of mind of such a nature or to such an extent as to make them unsuitable for education or training in a special school.

(2) If for the purpose of their duty under the last foregoing subsection an authority consider it necessary that a child should be medically examined, they shall by notice in writing served upon the parent of the child require him to submit the child for

medical examination by a medical officer of the authority in order to obtain advice as to whether the child is suffering from any disability of mind or body and as to the nature and extent of any such disability; and if a parent upon whom such a notice is served fails without reasonable excuse to comply with the requirements thereof he shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding five pounds.

(3) Before any child is so medically examined as aforesaid, the authority shall cause notice to be given to the parent of the time and place at which the examination will be held, and the parent shall be entitled to be present at the examination if he so desires.

(4) If the parent of any child who has attained the age of two years requests the education authority for the area to cause the child to be so medically examined as aforesaid, the authority shall comply with the request unless in their opinion the request is unreasonable.

(5) It shall be the duty of an education authority to disseminate in their area information as to the educational importance to any child suffering from disability of mind or body of the early ascertainment of his disability, and of the opportunity for medical examination available under this section.

64.—(1) The education authority shall consider the advice given with respect to any child in consequence of the medical examination under the last foregoing section and any reports or information which they are able to obtain from teachers or other persons with respect to the ability and aptitude of the child, and, if the authority decide that the child requires special educational treatment, they shall give to the parent notice of their decision and shall ensure that any education provided for the child is by means of special educational treatment.

Children
requiring
special
educational
treatment.

(2) The advice given with respect to any child in consequence of any such medical examination as aforesaid shall be communicated to the parent of the child, and the medical practitioner by whom the examination was made shall, if required by the parent or by the authority so to do, issue to the parent and to the authority a certificate in the prescribed form showing whether the child is suffering from any disability of mind or body and, if so, the nature and extent thereof, and any parent who is aggrieved by the terms of the certificate may within fourteen days after the date of issue thereof, refer the case to the Secretary of State:

Provided that an education authority shall not require the issue of such a certificate in respect of any child unless the certificate is, in their opinion, necessary for the purpose of securing that the child shall receive special educational treatment.

PART II

(3) Any certificate issued under the last foregoing subsection may be withdrawn by the Secretary of State or by a medical officer of the education authority, and upon the withdrawal of such a certificate the decision of the education authority under subsection (1) of this section in regard to the child with respect to whom the certificate was issued shall be deemed to have been rescinded, and the education authority shall cease to provide special educational treatment for the child and shall notify the parent accordingly.

(4) Where an education authority have decided under subsection (1) of this section that a child requires special educational treatment, and where such treatment is being provided for that child in a special school by or with the approval of the authority, the child shall not while of school age be withdrawn from that school without the consent of the authority:

Provided that if the parent of any child is aggrieved by the failure of the authority to reach a decision upon his application for their consent to such withdrawal within one month after the date of his application or by the refusal of the authority to comply with such application, he may within fourteen days after the expiry of the said period of one month or after such refusal, as the case may be, appeal to the sheriff, who shall give such direction as he thinks fit.

Children
unsuitable for
education or
training in a
special school.

65.—(1) If, after considering in accordance with the provisions of subsection (1) of the last foregoing section the advice, reports and information with respect to any child who has attained the age of two years, the education authority decide that the child is suffering from a disability of mind of such a nature or to such an extent as to make him unsuitable for education or training in a special school, it shall (subject to the next following subsection) be the duty of the authority to issue to the local health authority a report of their decision, together with a copy of any document which was taken into account for the purposes of the decision.

(2) Before issuing a report under this section with respect to any child, the education authority shall give to the parent of the child not less than twenty-one days' notice in writing of their intention to do so, and if within that period the parent refers to the Secretary of State the question whether such a report should be issued the report shall not be issued except by his direction.

(3) Any notice under subsection (2) of this section shall contain a statement of the functions of the local health authority with respect to the making of arrangements for the treatment, care or training of the child in the event of the report being issued, and, if known to the education authority, a statement of the arrangements proposed to be made by the local health authority in the discharge of those functions.

(4) Where a report has been issued under subsection (1) of this section in respect of a child—

- (a) the parent of the child may, at any time (but not earlier than twelve months after the date of the issue of the report nor more often than once in any subsequent period of twelve months) by notice in writing request the education authority to review the decision ; and
- (b) if at any time it appears to the local health authority, or to any authority or body responsible for the management of an institution in which the child is under care, that the decision ought to be reviewed, they shall give notice to that effect to the education authority ;

and thereupon the education authority shall cause the child to be medically examined, and the provisions of subsections (2) and (3) of section sixty-three of this Act shall apply for the purpose of such examination in like manner as they apply for the purpose of the duty of the authority under subsection (1) of the said section.

(5) If, after considering the advice given by the medical officer and any reports or information from the local health authority or from the parent of the child or from the authority or body responsible for the management of the institution in which the child is under care or from other persons, the education authority decide that the child is suitable for education in a school other than a special school or education or training in a special school, they shall cancel their original report and shall intimate the cancellation to the authority to whom the report was originally issued, to any other authority or body concerned, and to the parent.

(6) If, after considering the advice and reports referred to in the last foregoing subsection, the education authority refuse to cancel a report, they shall intimate such refusal to the authority to whom the report was originally issued, to the authority or body responsible for the management of the institution in which the child is under care and to the parent of the child, and it shall be competent to such authority, body or parent, within fourteen days after receipt of such intimation to appeal against such refusal to the Secretary of State.

(7) On any appeal under the last foregoing subsection the Secretary of State may require the education authority to cancel the report or may confirm their refusal to do so.

66.—(1) Where the education authority decide that a child in attendance at a school in their area or under their management, or at a special school, is suffering from mental deficiency to such an extent that he may, on leaving school, benefit from services which the local health authority have power to provide, it shall be the duty of the education authority to issue to the parent of the child and to the local health authority, not earlier than six months

Children who may benefit by local health authority services after leaving school.

PART II

before the child ceases to be of school age, a report of their decision together, in the latter case, with a copy of any document which was taken into account for the purposes of the decision.

(2) The provisions of subsections (2) and (3) of section sixty-three of this Act shall apply for the purpose of the duty of an education authority under the last foregoing subsection in like manner as those provisions apply for the purpose of the duty of the authority under subsection (1) of the said section.

PART III

ADMINISTRATION AND FINANCE

Central Administration

Inspection of
educational
establish-
ments.

67.—(1) It shall be the duty of the Secretary of State to cause inspection to be made of every educational establishment being a school or junior college at such intervals as appear to him to be appropriate, and to cause a special inspection of any such school or junior college to be made whenever he considers such an inspection to be desirable, and he may from time to time cause inspection to be made of any other educational establishment, and such inspections shall be made by Her Majesty's Inspectors or other persons appointed by the Secretary of State for the purpose.

(2) It shall be no part of the duty of a person authorised under this section to make an inspection of any educational establishment, to inquire into instruction in religious subjects given therein or to examine any pupil in religious knowledge or in any religious subject or book.

(3) If any person obstructs any person authorised to make an inspection in pursuance of this section in the execution of his duty, he shall be liable on summary conviction to a fine not exceeding twenty pounds or 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 such imprisonment.

Local
inquiries.

68. The Secretary of State may cause a local inquiry to be held for the purpose of the exercise of any of his functions under this Act, and the provisions of the First Schedule to this Act shall have effect with regard to any such inquiry.

Power to
require
submission to
medical
examination.

69. Where any question is to be decided by the Secretary of State under this Act or under any rule, regulation or order made thereunder, then, if in the opinion of the Secretary of State the medical examination of any pupil would assist the determination

PART III

of the question, the Secretary of State may by notice in writing served on the parent of that pupil, if the pupil is enrolled at a school, or on the pupil himself if he is enrolled at a junior college or other educational establishment, require the parent to submit him, or require the pupil to submit himself, as the case may be, for such examination; and if any person on whom such a notice is served fails without reasonable excuse to comply with the requirements thereof, he shall be liable on summary conviction to a fine not exceeding five pounds.

70.—(1) The Secretary of State may, after considering any representations made to him on the subject and the report of any local inquiry which may have been held under section sixty-eight of this Act, approve, either as submitted or with such modifications and amendments as he thinks proper, any scheme or revised scheme or modification of an existing scheme (in this section referred to as “the scheme”) submitted to him under this Act by an education authority; and thereupon it shall be the duty of the education authority to carry the scheme into effect as so approved.

Approval and carrying out of schemes.

(2) If an education authority inform the Secretary of State that they are aggrieved by his approval with modifications or amendments of the scheme, the Secretary of State shall cause the scheme as so approved to be laid before Parliament as soon as may be thereafter together with the report of any local inquiry which may have been held under section sixty-eight of this Act. If either House of Parliament within the period of forty days beginning with the day on which the scheme is laid before it resolves that the approval of the scheme be annulled, the scheme as so approved shall cease to have effect, but without prejudice to anything previously done thereunder or to the submission and approval with or without modifications and amendments of any new scheme, revised scheme or modification of an existing scheme.

(3) In reckoning any such period of forty 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.

71. If the Secretary of State is satisfied, either on complaint by any person interested or otherwise, that an education authority, the managers of a school or educational establishment, or other persons have failed to discharge any duty imposed on them by or for the purposes of this Act, the Secretary of State may make an order declaring them to be in default in respect of that duty and requiring them before a date stated in the order to discharge that duty. If by the said date the education authority, managers or

Powers to enforce duty of education authorities and other persons.

PART III other persons have not discharged the duty, one or other of the following steps may be taken to secure the discharge thereof—

- (a) the Secretary of State may make such arrangements as he thinks fit for the discharge of the duty, and all expenses incurred by the Secretary of State in so doing shall be recoverable as a debt due by the authority, managers or other persons to the Secretary of State ; or
- (b) the Court of Session may, on the application of the Lord Advocate, order specific performance of the duty.

**Annual
report.**

72. The Secretary of State shall in every year cause to be laid before both Houses of Parliament a report of his proceedings under this Act during the preceding year.

Advisory Councils

**Advisory
councils.**

73.—(1) It shall be lawful for Her Majesty by Order in Council to establish an advisory council consisting, as to not less than two-thirds of the members, of persons qualified to represent the views of various bodies interested in education, for the purpose of advising the Secretary of State on educational matters, and the Secretary of State shall take into consideration any advice or representation submitted to him by the advisory council.

(2) Provision may be made in the said order for the appointment by the advisory council of special committees to deal with remits on particular subjects made to the council by the Secretary of State, for such special committees to be composed of persons nominated by the Secretary of State of whom some shall be members of the council and the remainder shall be persons having special knowledge or experience of the subjects of the respective remits, and for the reports of special committees to be submitted to the Secretary of State by the advisory council, who shall be entitled in submitting the reports to make such comments thereon as they think fit.

(3) The Secretary of State may, after consultation with education authorities and other persons interested, by order establish a regional advisory council for any branch of education, to advise the education authorities and other managers of schools, junior colleges and other educational establishments in the region as to the development of the branch of education for which the council is appointed.

Finance

PART III

74.—(1) The expenses incurred by the Secretary of State in the exercise of his functions under this Act shall, in so far as they are not met under subsection (2) of section one of the Reorganisation of Offices (Scotland) Act, 1939, be defrayed out of moneys provided by Parliament. Expenses of Secretary of State.

(2) Any sum by which any grants under this Act are increased by reason of the powers and duties conferred and imposed by the provisions of section forty-eight of this Act on education authorities shall be defrayed out of moneys provided by Parliament.

75.—(1) The Secretary of State may, out of moneys provided by Parliament, apply such sums as he thinks necessary to the following purposes, that is to say:— Application of moneys provided by Parliament for education in Scotland.

- (a) to defraying the expenses incurred by him in conducting examinations for the award of certificates relating to secondary education ;
- (b) to defraying the expenses (other than administrative expenses) incurred by him in carrying Part IV of this Act and the Teachers (Superannuation) Regulations into effect ;
- (c) to making payments of grants in aid of retiring allowances to teachers.

(2) The Secretary of State may, out of moneys provided by Parliament, apply such sums as he thinks necessary to making payment to the universities of Scotland, in addition to any sums otherwise payable to them under any Act, of such sums in respect of yearly maintenance expenditure as he, on application by the university courts or any of them, may determine after consideration of the results of such inquiries as he may from time to time direct to be made by a special committee appointed by him:

Provided that each university court shall make an annual report to him as to the mode in which it has applied any sum so granted.

(3) The Secretary of State may, out of moneys provided by Parliament, apply in accordance with regulations made by him such sums as he thinks necessary to the purposes specified in the next following subsection:

Provided that no grant shall be made in respect of any school to which the provisions of subsection (1) of section sixteen of

PART III this Act apply unless the school has been transferred to the education authority.

(4) The purposes referred to in the last foregoing subsection are the following purposes, that is to say—

- (a) to making payment of such sums as the Secretary of State may think necessary for the purposes of promoting the progressive development of education and educational establishments and of promoting educational research ;
- (b) to making payment to central institutions in respect of either capital or maintenance expenditure of such sums as he may determine, being in respect of maintenance sums not less in amount than the sums paid to such institutions respectively for the like purpose in the year ending the thirty-first day of March, nineteen hundred and nine, by county councils and town councils from the amounts received by such councils under sub-paragraph (b) of paragraph (iii) of section two of the Local Taxation (Customs and Excise) Act, 1890 ;
- (c) to making payment of such sums as he may determine to any committee or other body for the training of teachers constituted under section eighty-one of this Act ;
- (d) to making payment of grants in aid of the expenditure of education authorities, not being relevant expenditure for the purposes of Part I of the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958 ;
- (e) to making payment of grants in aid of the expenditure of the managers of schools and other educational establishments, and of other persons providing educational services approved by him ;
- (f) to making payment of grants in respect of any residential institution not under the management of an education authority which is shown to his satisfaction to be either—
 - (i) a special school attended largely by pupils whose parents or guardians are resident outwith the education area in which the school is situated, or
 - (ii) an orphanage required for the proper education of pupils destitute of efficient guardianship ;
- (g) to making payment of sums by way of scholarships, bursaries and other allowances to persons attending courses of education ; and

(h) to providing for any other educational expenditure approved by him. PART III

76.—(1) The Secretary of State may by regulations make provision that any payment which he is required or authorised to make by or under this Act shall be subject to such conditions as may be prescribed in the regulations, and that education authorities and other persons to whom such payments have been made shall comply with such requirements as may be specified in the regulations. Payment of grants to be subject to conditions.

(2) Where the Secretary of State is satisfied that the persons to whom any grant is payable under this Act are, by reason of the provisions of any trust deed or other instrument, unable to fulfil any condition or comply with any requirement imposed under this section, he may, after consultation with them, by order make such modifications of the said provisions as may be necessary for the purpose of enabling the said persons to fulfil that condition or comply with that requirement; and any such trust deed or other instrument shall, during such period as may be specified in the order, have effect subject to any modifications so made.

(3) Nothing in this Act shall affect any grants in aid of university education payable out of moneys provided by Parliament otherwise than in accordance with the provisions of this Act.

77. The annual sums mentioned in the Second Schedule to this Act shall be charged on the Consolidated Fund of the United Kingdom, and the Treasury shall by equal half-yearly payments in every year pay out of that Fund or the growing produce thereof to the education authority of every education area named in the first column of the said Schedule the annual sum which in the second column of that Schedule is placed opposite to the name of such area. Highland schools grant.

Accounts and Audit

78.—(1) It shall be lawful for the Secretary of State to appoint during his pleasure a duly qualified person to be accountant, to perform the duties herein required. Appointment of accountant.

(2) The accountant shall have an office in Edinburgh, and shall be remunerated in such manner as the Secretary of State, with the consent of the Treasury, shall determine.

79. Save as may be otherwise prescribed, it shall be a condition of the payment by the Secretary of State of a grant to the managers of a school or other educational establishment Examination of accounts.

PART III

not under the management of an education authority or to other persons providing educational services approved by the Secretary of State that the accounts of the income and expenditure of such managers or persons in respect of such school, educational establishment or service shall be set out according to a form prescribed by the Secretary of State and shall together with the relative vouchers and other documents be submitted for examination and report to the accountant.

Accountant's
annual report.

80.—(1) The accountant shall prepare and submit to the Secretary of State an annual report which shall include abstracts in such detail as the Secretary of State may require of the accounts of—

- (a) all education authorities, including the accounts of educational endowments within the meaning of Part VI of this Act administered by them ;
- (b) all governing bodies of grant-aided schools and other grant-aided educational establishments ;
- (c) all other bodies providing educational services in respect of which they receive grant ;
- (d) all governing bodies of educational endowments whose accounts the accountant is empowered to examine under subsection (4) of section one hundred and twenty-four of this Act ; and
- (e) all bodies of managers of approved schools within the meaning of the Act of 1937 :

Provided that the Secretary of State may direct that abstracts of the accounts of any body or category of bodies falling within the description in paragraph (b) or paragraph (c) may be omitted from the report.

(2) The report of the accountant shall be laid before Parliament as soon as may be after it has been submitted to the Secretary of State.

Teachers

Training of
teachers and
certificates of
competency.

81.—(1) Subject to the provisions of this section, the Secretary of State may award—

- (a) certificates of competency to teach in schools or other educational establishments, and
- (b) documents recognising persons as competent to fulfil the duties of leaders in service in connection with organised cultural, social and physical training and other leisure-time occupation.

(2) The Secretary of State may by regulations constitute, alter the constitution of, incorporate and dissolve committees and other bodies for the training of teachers and leaders and may prescribe the duties to be performed by the said committees or other bodies, may confer upon them such powers as may seem appropriate, and may make such consequential, ancillary and incidental provisions as may appear to him to be expedient.

(3) Without prejudice to the generality of the provisions of the last foregoing subsection, regulations under this section may—

(a) prescribe the courses of education and training to be provided by the said committees or other bodies, and may delegate to the said committees or other bodies the power to award any of the certificates or documents which the Secretary of State is empowered to award under subsection (1) of this section ;

(b) empower any such committee or other body—

(i) to provide short courses, or to arrange conferences, for teachers, leaders or other persons either by such committee or other body alone or in co-operation with education authorities or other bodies ; and

(ii) to give assistance or advice to education authorities or other bodies in the provision by them of such courses or the arrangement of such conferences as aforesaid ; and

(c) prescribe the types of certificates and documents which may be awarded under this section, the qualifications which such certificates and documents may attest, the conditions to be fulfilled to qualify for the award of such certificates and documents and the circumstances in which the Secretary of State may suspend or withdraw such certificates and documents.

82.—(1) The function of appointing teachers for service in public schools and other educational establishments under the management of an education authority shall be in the education authority, and every appointment shall be during the pleasure of the authority. Appointment of teachers.

(2) No woman shall be disqualified for employment as a teacher in any school, junior college or other educational establishment under the management of an education authority or be dismissed from such employment by reason only of marriage.

PART III
Salaries of
teachers.

83.—(1) It shall be the duty of every education authority to pay to the teachers appointed by them salaries in accordance with such scales as may from time to time be prescribed by regulations made by the Secretary of State. An education authority shall not pay additional remuneration to any teacher in respect of services already remunerated in accordance with the prescribed scale.

(2) It shall be lawful for an education authority to pay such salary as they think fit to any teacher to whose salary no prescribed scale is for the time being applicable.

(3) Regulations made under this section may include provisions as to the application of any scales prescribed therein to the salaries of teachers, and may make such consequential, ancillary and incidental provisions as appear to the Secretary of State to be necessary or desirable.

(4) Before making regulations under this section, the Secretary of State shall intimate his intention to make such regulations to any council or other body which include among their objects the making of recommendations with regard to the salaries of teachers, being a council or other body constituted with his approval by agreement between the education authorities and the teachers employed by them, or, failing such agreement, by him, and he shall have regard to any recommendations made by the said council or other body.

Retiring
allowances.

84.—(1) An education authority may permit any teacher in a public school or other educational establishment under their management to resign his office upon the condition of receiving a retiring allowance, and may award and pay to such teacher such retiring allowance as they think fit.

(2)—(a) The governing body of any school, administered under a scheme approved in terms of the Act of 1882, or under any Act, or any Provisional Order confirmed by Act of Parliament,

(b) the governing body of a central institution, and

(c) a committee or other body for the training of teachers constituted under section eighty-one of this Act—

shall, notwithstanding anything contained in any scheme, Act, or Order, have the like power as an education authority to award and pay retiring allowances to teachers out of the funds administered by them respectively.

85.—(1) No resolution of an education authority for the dismissal from their service of a certificated teacher other than a teacher who has completed forty-five years of first class service or of first class service and second class service within the meaning of the Teachers (Superannuation) Regulations shall be valid unless—

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Dismissal of
teachers.

- (a) written notice of the motion for his dismissal shall, not less than three weeks before the meeting at which the resolution is adopted, have been sent to the teacher and to each member of the education authority; and
- (b) not less than one half of the members of the education authority are present at the meeting; and
- (c) the resolution is agreed to by two-thirds of the members so present.

(2) Where a county or town council delegate to their education committee the power of dismissing a certificated teacher from their service, the provisions of the last foregoing subsection shall apply with the substitution of the education committee for the education authority.

(3) If at any time within six weeks after the adoption of a resolution to which subsection (1) of this section applies a petition is presented to the Secretary of State by the said teacher, praying for an inquiry into the reasons for the dismissal, the Secretary of State shall make such inquiry as he sees fit, and if as the result of such inquiry he is of opinion that the dismissal is not reasonably justifiable he shall communicate such opinion to the education authority with a view to reconsideration of the resolution, and in the event of the education authority not departing from the resolution within six weeks thereafter may attach to the resolution the condition that the education authority shall pay to the teacher such sum not exceeding one year's salary as the Secretary of State may determine; and any sum so determined may be recovered by the teacher as a debt from the education authority.

(4) Notwithstanding anything in this Act, it shall be lawful for an education authority and for any sub-committee appointed under section one hundred and nine of the Local Government (Scotland) Act, 1947 (which relates to the constitution of sub-committees of the education committee of an education authority for the management of educational establishments under the control of the authority) summarily to suspend any teacher from the exercise of his duties in any school under their management; but such suspension shall not affect the teacher's rights to the salary or other emoluments attached to his office.

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(5) Subsections (1), (3) and (4) of this section shall apply in like manner as they apply to an education authority and certificated teachers in their service to—

- (a) the governing body of any school other than an independent school and the certificated teachers employed therein ;
- (b) any committee or other body for the training of teachers constituted under section seventy-seven of the Act of 1946 or section eighty-one of this Act and the certificated teachers employed by them in a school ; and
- (c) the managers of an approved school within the meaning of the Act of 1937, and the certificated teachers employed therein.

Administrative and Other Staff

Appointment
of director of
education.

86.—(1) The education authority shall employ a director of education, who shall be the chief education officer of the authority, and, on a vacancy occurring in the office, shall appoint a suitable person to fill the vacancy. The director of education shall not, except with the approval of the Secretary of State, hold any other office or appointment under the education authority whether in its capacity as such authority or in its capacity as a county or town council.

(2) The director of education shall hold office during the pleasure of the education authority, so, however, that he shall not be removed from office except by a resolution of the authority passed by not less than two-thirds of the members present at a meeting of the authority of which written notice stating that the removal from office of the director of education is to be considered shall have been given to each member of the authority and to the director at least three weeks before the meeting.

Pensions, etc.
for education
authority
officers other
than teachers.

87. Nothing in this Act shall render it illegal for an education authority to grant pensions, gratuities or retiring allowances to officers and servants of the education authority, other than teachers, who are incapacitated by age or infirmity.

Local Administration

Minutes of
education
committee
meetings.

88. The minutes of proceedings of the education committee of an education authority shall be open to the inspection of any local government elector for the area at all reasonable hours on payment of a fee not exceeding one shilling, and any such local government elector may make a copy thereof or an extract therefrom.

89. The estimates (including supplementary estimates) of capital and revenue expenditure relating to education shall be in the prescribed form, and approval by the education authority of those estimates and authorisation of the expenditure included therein shall be sufficient authority to the education committee to incur, on purposes falling within the description of any head in the prescribed form, expenditure not exceeding in amount the total under that head in the estimates so approved. Savings under one head may not be used to defray expenditure under another head without the consent of the education authority.

PART III
Education
estimates.

90. Where an education authority require to incur expenditure in the exercise of any of the powers conferred upon them by subsection (1) of section twenty of this Act, or in purchasing any moveable property, or in making any other payment, and the authority are of opinion that the expenditure cannot conveniently be met out of revenue, they shall report the position to the Secretary of State, and if he considers that by reason of—

Borrowing
powers.

- (a) the permanent character of the works involved,
- (b) the length of time for which the moveable property may be expected to remain serviceable, or
- (c) the purpose for which such other payment is to be made,

the expenditure may properly be met by borrowing, and that the repayment of the loan should be spread over a term of years, the authority may borrow money for the purpose.

91.—(1) It shall be lawful for an education authority to pay such reasonable expenses incidental to the proper discharge of their duties as may be sanctioned by regulations made by the Secretary of State.

Incidental
expenses of
education
authorities.

(2) Without prejudice to the generality of the last foregoing subsection the expenses which may be authorised under the said subsection may include—

- (a) contributions to any association of education authorities concerned in the consideration of educational questions:
- (b) travelling and other expenses necessarily incurred by a teacher or other officer of the education authority with the approval of that authority in the performance of, or for the purpose of, his functions as a teacher or officer, as the case may be; and
- (c) expenses of removal and of the temporary accommodation of any such teacher or officer ordinarily resident in the area of another education authority who has been appointed to the service of the authority concerned.

PART III

Education authorities may receive and administer bequests.

92. Every education authority shall be at liberty to accept any bequest or gift of property or funds for behoof of any school or other educational establishment under their management, whether generally or for the promotion of any particular branch or branches of education or instruction, or for increasing the income of any teacher, and it shall be the duty of the authority to administer such property, funds or money according to the wishes and intentions of the donors, and in such manner as to raise the standard of education and otherwise increase the educational efficiency of the school or other educational establishment intended to be benefited.

Funds for behoof of public schools etc., to be transferred to education authorities.

93.—(1) Where property or money has been or shall be vested in any persons as trustees for behoof of a public school or other educational establishment under the management of an education authority, or for the promotion of any branch of education in such school or educational establishment, or to increase the income of any teacher therein, the free income of such property or money shall be accounted for and paid to the education authority, and shall be applied and administered by the education authority according to the trusts attaching thereto.

(2) It shall be lawful for the education authority, with the approval of the Secretary of State, to vary or depart from the said trusts, with a view to increasing the efficiency of the school or educational establishment by raising the standard of education therein or by other means.

Education authorities to administer revenues of endowments applicable to bursaries.

94. When any part of the annual revenue administered under a scheme approved in terms of the Act of 1882, or under any Provisional Order confirmed by Act of Parliament, is applicable to the granting of bursaries, or to the payment of fees, such part of the revenue, if not on the average exceeding fifty pounds per annum, shall be paid over in each year by the governing body of the endowment to the education authority of the education area, to be applied to the granting of bursaries in conformity with the regulations made by the Secretary of State under section forty-nine of this Act, and, if on the average exceeding fifty pounds but not exceeding one thousand pounds per annum, shall, notwithstanding any provision of the scheme regulating the number, amount, conditions of tenure or method of award of the bursaries, be applied by the governing body to the granting of bursaries in conformity with the said regulations. Any question arising under this section as to the interpretation of the said regulations, or as to what revenues from an endowment are applicable to the granting of bursaries or to the payment of fees, shall be determined by the Secretary of State:

Provided that—

- (i) when under the scheme a bursary is reserved for the benefit of any particular parish or district, or for any

specially privileged class of persons, or is restricted in tenure to any particular school, college or university, and when duly qualified applicants therefor are forthcoming, the same reservation and the restriction shall hold good with regard to the said bursary by whomsoever granted, notwithstanding anything that may be contained in the said regulations, to such extent as funds derived from the endowment may be available; and

- (ii) when the governing body of any such endowment are of opinion that this section is inapplicable or is unfair in its application in the case of the endowment administered by them, they may represent their views to the Secretary of State, who, after making such inquiry as he may deem fit, may make an order either exempting the revenue of the said endowment from the provisions of the section or confirming the application of the section to such revenue.

95. The amount of every property or fund held by an education authority on a separate trust shall be kept separate. Trust funds to be kept separate.

96. Every education authority shall make such reports and returns and give such information to the Secretary of State as he may from time to time require. Reports by education authorities.

97.—(1) Every registrar of births, deaths, and marriages shall make to an education authority such returns of particulars with regard to the births and deaths of children registered by him as may be required by the authority with the approval of the Registrar-General of Births, Deaths and Marriages in Scotland. Returns by registrars of births, deaths, and marriages to education authorities.

(2) The education authority by whom any return is required under the foregoing subsection shall provide the form on which it is to be made and shall pay to the registrar (a) such fee as may be agreed upon between them not exceeding twopence for every birth or death included in the return; and (b) the cost of transmission thereof by post.

Procedure and Evidence

98. Any notice or other document required or authorised by this Act to be served on or sent to any person may be served or sent— Service of notices.

- (a) by delivering it to him personally; or
(b) by leaving it for him at his dwelling-place or place of business with some person resident or employed therein

PART III

or, if he has no known dwelling-place or place of business, at any other place in which he may at the time be resident, or, in the case of a master of or seaman or person employed in any ship or vessel, in the hands of a person on board thereof and connected therewith, or in the case of a company, association or incorporation, at their ordinary place of business in the hands of a partner, director, secretary or other official thereof, or in the case of a body of trustees in the hands of one of their number or of their known solicitor; or

- (c) by sending it in a prepaid registered letter or by the recorded delivery service addressed to him at his dwelling-place or last known place of residence, or in the case of a company, association or incorporation at their ordinary place of business, or in the case of a body of trustees at the dwelling-place or last known place of residence of one of their number or at the office of their known solicitor.

Certificates
of birth.

99.—(1) Where the age of any person is required to be ascertained or proved for the purposes of this Act or of any enactment relating to the employment of children or young persons, the registrar of births, deaths and marriages having the custody of the register of births containing the entry relating to the birth of that person shall, upon being presented by any person with a written requisition in such form and containing such particulars as may be prescribed and upon payment of a fee of sixpence, supply that person with a copy of the entry certified under his hand.

(2) Every registrar shall, upon being requested so to do, supply free of charge a form of requisition for the purposes of this section.

Presumption
of age.

100. Where in any proceedings under this Act the prosecutor alleges that any person whose age is material to the proceedings is under, of, or over, any age, then, unless the contrary is proved, the court may presume that person to be under, of, or over, the age alleged.

Admissibility
of documents.

101. In any legal proceedings any document purporting to be—

- (a) a document issued by an education authority, and to be signed by the clerk of that authority or by the director of education of that authority or by any other officer of the authority authorised to sign it;
- (b) an extract from the minutes of the proceedings of an education authority or of any committee or sub-committee thereof, and to be signed by the chairman

of the authority or of the committee or sub-committee or by the officer having the custody of the minutes ;

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- (c) a certificate giving particulars of the attendance of a pupil at a school or junior college, and to be signed by the head teacher of the school or college ;
- (d) a certificate issued by a medical officer of an education authority, and to be signed by such an officer ;
- (e) a certificate issued by an education authority that an attendance order has been made by the authority and a copy thereof served upon the parent of the child to whom the order relates, and to be signed by the clerk to the authority or by the director of education or by any other officer authorised to sign it ; or
- (f) a certificate, in the prescribed form, of exemption from attendance at a junior college, and to be authenticated in the prescribed manner ;

shall be received in evidence and shall, unless the contrary is proved, be deemed to be the document which it purports to be, and to have been signed by the person by whom it purports to have been signed, without proof of his identity, signature or official capacity, and any such extract or certificate as is mentioned in paragraph (b) (c) (d) (e) or (f) of this section shall, in the absence of evidence to the contrary, be sufficient evidence of the matters therein stated.

PART IV

SUPERANNUATION OF TEACHERS

102.—(1) The Secretary of State may make regulations providing for the superannuation of teachers. The said regulations (hereinafter referred to as “ the Teachers (Superannuation) Regulations ”) shall include regulations to give effect to the provisions set forth in Part I of the Third Schedule to this Act, and may include regulations to give effect to the provisions set forth in Part II of the said Schedule. The regulations set forth in Part III of the said Schedule shall be incorporated at the appropriate places in the said regulations.

Teachers
(Superannua-
tion) Regu-
lations.

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(2) The Teachers (Superannuation) Regulations shall prescribe the date upon which the regulations are to come into operation, and different dates may be prescribed for different parts of the regulations, and any date so prescribed may be a date earlier than the date upon which the regulations are made, so, however, that so much of any regulations as provides that any provision thereof is to have effect from a date prior to the making of the regulations shall not place any teacher affected by them in a worse position than he would have been if the regulations had been made to have effect only as from the date of the making thereof.

(3) The Teachers (Superannuation) Regulations including the regulations set forth in Part III of the Third Schedule to this Act may be amended or revoked by regulations made under this section.

Application
of Teachers
(Superannua-
tion) Regula-
tions.

103.—(1) Subject to the provisions of subsections (2) to (4) of this section the Teachers (Superannuation) Regulations shall apply to the teachers prescribed therein including—

- (a) every teacher to whom the superannuation scheme made in pursuance of section fourteen of the Act of 1908 applied on the twenty-ninth day of May, nineteen hundred and nineteen ;
- (b) every teacher who was in first class service within the meaning of the Teachers Superannuation Scheme on the first day of April, nineteen hundred and twenty-six ;
- (c) every teacher who has been in such first class service after the last mentioned date ;
- (d) every teacher who having been in such first class service before the last mentioned date has been employed on or after that date in such employment as may be prescribed ;
- (e) every teacher who was in first class service within the meaning of the Teachers (Superannuation) Regulations on the fifteenth day of March, nineteen hundred and fifty-seven ;
- (f) every teacher who has been or shall be in first class service after the last mentioned date ; and
- (g) every teacher who, having been in first class service before the last mentioned date, has been or shall be employed after that date in such employment as may be prescribed.

(2) Where a teacher—

PART IV

- (a) who was in first class service within the meaning of the Teachers Superannuation Scheme on the first day of April, nineteen hundred and twenty-six, or
- (b) who, having discontinued such service before the said day, returned to such service after the said day but before the fifteenth day of March, nineteen hundred and fifty-seven, or returned to first class service within the meaning of the Teachers (Superannuation) Regulations on or after the said fifteenth day of March,

gave relevant notice as described in the next following subsection to the Secretary of State within three months of the said first day of April, or gave such notice within three months of his return to first class service within the meaning of the Teachers Superannuation Scheme or gave or gives such notice within three months of his return to first class service within the meaning of the Teachers (Superannuation) Regulations, as the case may be, then Part III of the Teachers (Superannuation) (Scotland) Regulations, 1957, and the provisions of Parts I, II and V applicable thereto or the provisions of the Teachers (Superannuation) Regulations made under section one hundred and two of this Act corresponding to the said Part III and the last mentioned provisions of the Teachers (Superannuation) (Scotland) Regulations, 1957, as the case may be, shall apply to that teacher:

Provided that the teacher shall, notwithstanding the giving of the said notice, be entitled to elect that any provision included in the Teachers (Superannuation) Regulations by virtue of the Teachers (Superannuation) Act, 1956, or of the provisions of this Act cited in the Fourth Schedule to this Act shall apply to him.

(3) Relevant notice for the purposes of the last foregoing subsection in relation to any teacher means notice that he elects—

- (i) that the Teachers Superannuation Scheme as modified by amendments taking effect after the said first day of April shall not apply to him, or
- (ii) that Part IV of the Teachers Superannuation Scheme, 1952, and the provisions of Parts I, II and V applicable thereto shall not apply to him, or
- (iii) that Part IV of the Teachers (Superannuation) (Scotland) Regulations, 1957, and the provisions of Parts I, II and V applicable thereto shall not apply to him, or

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- (iv) that the provisions of the Teachers (Superannuation) Regulations made under section one hundred and two of this Act corresponding to those referred to in paragraph (iii) of this subsection shall not apply to him.

(4) In any case where the special circumstances seem to the Secretary of State to justify an extension of the period of three months under subsection (2) of this section, he may grant such extension as he thinks fit.

Power of governing bodies to fulfil conditions.

104. Notwithstanding any provisions regulating the trusts or management of a school (including an approved school) or other educational establishment, the governing body of such school or educational establishment shall have power to fulfil any conditions which may require to be fulfilled in order that employment as a teacher in such school or educational establishment may be recorded as first class service for the purposes of the Teachers (Superannuation) Regulations.

Contributions towards benefits under Teachers (Superannuation) Regulations.

105.—(1) In respect of every teacher employed in first class service the following contributions shall be paid to the Secretary of State towards the cost of providing benefits under the Teachers (Superannuation) Regulations, that is to say:—

- (a) an amount to be paid by the teacher equal to six per cent. of his salary for the time being; and
- (b) an amount to be paid by the education authority, governing body or other body of managers by whom the teacher is employed, equal to six per cent. of the salary for the time being of the teacher:

Provided that—

- (i) no contribution shall be payable in respect of a teacher after he has completed forty-five years of employment in first class service or in first class service and second class service for the purpose of calculating the amount of the annual allowance payable to him;
- (ii) where a teacher suffers a reduction in his salary while continuing to be employed, or upon being re-employed, in first class service, or upon being employed in first class service after employment in second class service, the teacher may, with the approval of the Secretary of State, elect that for the purposes of this Act and of the Teachers (Superannuation) Regulations his salary during any period while he is employed in first class service (not having withdrawn his election by a notice

in writing given to the Secretary of State) shall be taken to be the salary at which he was last employed before the reduction or at which he is for the time being employed, whichever is the higher; and

- (iii) where a teacher by reason of sickness is receiving part only of his salary, the amount of any contribution payable in respect of him shall be calculated as if that part were his salary, or, during any period to which the last foregoing paragraph of this proviso applies, as if he were receiving a proportionate part of the salary which is taken to be his salary by virtue of the said paragraph.

(2) Where the Government Actuary's report of any inquiry made under subsection (2) of section one hundred and seven of this Act specifies in accordance with the provisions of subsection (3) of the said section a rate at which further contributions supplementary to those payable under the last foregoing subsection are required, the contributions to be paid by the employer under the last foregoing subsection in respect of any period after the expiration of the accounting period in which the report is made, and before the expiration of the accounting period in which the next subsequent report is made in pursuance of subsection (2) of the said section, shall include supplementary contributions calculated in relation to the salary for the time being of the teacher at the rate specified in the report.

(3) Where the teacher is one to whom the provisions of Regulation 22 or of Regulation 42 of the Teachers (Superannuation) (Scotland) Regulations, 1957 (which provisions relate to the reduction of pensions in consequence of national insurance) or corresponding provisions of the Teachers (Superannuation) Regulations made under section one hundred and two of this Act apply, the amounts payable by the teacher and by his employer under subsection (1) of this section after the date on which the said provisions first applied to the teacher shall, unless the Teachers (Superannuation) Regulations otherwise require, each be reduced by an amount calculated at the rate of two pounds eight shillings a year in the case of contributions in respect of a teacher who is a man and at the rate of two pounds nineteen shillings a year in the case of contributions in respect of a teacher who is a woman.

(4) The amounts payable by the teacher and his employer under subsection (1) of this section, as reduced under the last foregoing subsection if appropriate, shall in respect of any period of service which is participating employment each be reduced by amounts calculated in accordance with the annual rate specified in the Fifth Schedule to this Act.

PART IV

(5) The payments due under this section shall be collected by the Secretary of State from the education authority, governing body or other body of managers either directly or by deduction from any grants that may accrue under any enactment, or under any regulations made by the Secretary of State, to the body or education authority, or, in the case of an education authority which is a joint county council, to any constituent council thereof, and it shall be lawful for each education authority, governing body or other body of managers to deduct from the salary of every teacher in their employment the payment due by that teacher under this section :

Provided that, where any payment due by a teacher has not been so deducted and collected, the same (together with compound interest thereon from the date when the payment became due, calculated at four per cent. per annum with yearly rests) shall be recoverable by the Secretary of State either directly from the teacher or by deduction from any sum payable to him or to his personal representatives under the Teachers (Superannuation) Regulations.

(6) For the purposes of this section the salary of a teacher shall be calculated in accordance with the Teachers (Superannuation) Regulations or rules made thereunder.

(7) All sums collected or recovered by the Secretary of State under this section shall be paid into the Exchequer.

(8) The power under subsection (4) of section sixty-nine of the National Insurance Act, 1946, to modify enactments shall extend to this section.

Increase of
annual
allowances.

106. For the purpose of determining the amount of the annual allowance granted under the Teachers (Superannuation) Regulations to any person whose service included service during the whole or any part of the period beginning on the first day of October, nineteen hundred and thirty-one, and ending with the thirtieth day of June, nineteen hundred and thirty-five, there shall be ascertained the amount of the annual allowance which would have been payable to him if, during that period, no reduction had been made in his salary in pursuance of Article 1 of the National Economy (Education) (Scotland) Order, 1931, or otherwise on account of the national economic conditions by reason whereof that Order was made ; and the annual allowance accruing to him shall be increased by such amount, if any, as is necessary to secure that the allowance shall not be less than ninety-eight per cent. of the amount so ascertained.

Account and
actuarial
inquiries.

107.—(1) There shall be kept in accordance with the directions contained in the Sixth Schedule to this Act an account (in this Part of this Act referred to as “the teachers superannuation account”) in such form and prepared in such manner as may be determined by the Secretary of State, after consultation with

PART IV

the Treasury, of all revenue and expenditure under Part IV of the Act of 1946, and under this Part of this Act. There shall be included in the said revenue or expenditure any sums which are under the said Schedule to be deemed respectively to be revenue or expenditure and any amounts which for the purposes of any provisions relating to accounts and actuarial investigations contained in regulations made by the Secretary of State under subsection (1) of section sixty-six of the National Health Service (Scotland) Act, 1947, are treated as if they were payable by or to the Secretary of State.

(2) The Secretary of State shall cause an actuarial inquiry to be made by the Government Actuary at the end of the accounting period ending on the thirty-first day of March, nineteen hundred and sixty-one and of every fifth subsequent accounting period for the purpose of determining whether, on the basis of the teachers superannuation account, the contributions payable under this Part of this Act are sufficient, or more than sufficient or less than sufficient, to support the expenditure required to be included in that account so far as attributable to service on or after the first day of June, nineteen hundred and twenty-two.

(3) If on the making of an inquiry in pursuance of the last foregoing subsection it appears that the value at the end of the period for which the inquiry is made of the expenditure attributable to service on or after the first day of June, nineteen hundred and twenty-two, required to be included in the teachers superannuation account after the end of that period in respect of teachers who then were, or had previously been, employed in service exceeds the aggregate of—

- (a) the value at the end of that period of the contributions payable after the end of that period in respect of such teachers and of the sums falling to be credited to the teachers superannuation account after the end of that period in accordance with sub-paragraphs (3) and (5) of paragraph 2 of the said Sixth Schedule ; and
- (b) the balance of revenue over expenditure remaining in the said account at the end of that period,

the Government Actuary's report of the inquiry shall specify the rate per cent. (being a rate of one quarter of one per cent. or of a multiple of one quarter of one per cent.) at which further contributions supplementary to those payable under subsection (1) of section one hundred and five of this Act are required in order to make good the deficiency by the expiration of the period of forty years beginning with the accounting period next after that in which the report by the Government Actuary is made.

PART IV

(4) The Secretary of State shall cause a report of every inquiry under this section to be laid before both Houses of Parliament.

Payment of
deferred
annuities.

108. All deferred annuities payable in respect of Scottish contributions to the deferred annuity fund established under the Elementary School Teachers (Superannuation) Act, 1898, shall be paid by the Secretary of State; and any sums required by the Secretary of State for making payments under this section shall be charged on and issued out of the Consolidated Fund.

Functions of
Government
Actuary.

109. Any functions of the Government Actuary under this Act may be performed by the Deputy Government Actuary.

Interpretation
of Part IV.

110.—(1) In this Part of, and in the Third Schedule to, this Act, unless the context otherwise requires—

- (a) “ Accounting period ” has the meaning assigned to it by paragraph 1 of the Sixth Schedule to this Act ;
- (b) “ Act of 1922 ” means the Education (Scotland) (Superannuation) Act, 1922 ;
- (c) “ Act of 1925 ” means the Education (Scotland) (Superannuation) Act, 1925 ;
- (d) “ Act of 1937 ” means the Teachers (Superannuation) Act, 1937 ;
- (e) “ Benefit ” includes any retiring allowance, additional annual payment or lump sum, gratuity, death gratuity or return of contributions under the superannuation scheme framed under the Act of 1908 or the Teachers Superannuation Scheme or the Teachers (Superannuation) Regulations as the case may be ;
- (f) “ Her Majesty’s dominions ” includes any territory which is under Her Majesty’s protection or in respect of which a mandate is being exercised by the Government of any part of Her Majesty’s dominions ;
- (g) “ Participating employment ” means any employment in respect of which a person is liable to pay graduated contributions under the National Insurance Act, 1959, or would be liable to pay such contributions if his remuneration exceeded the amount first mentioned in paragraph (b) of subsection (1) of section one of that Act ;
- (h) “ Pensionable salary ” in relation to a teacher means the amount representing the average salary of the teacher during such number of years as may be prescribed, being years immediately before—
 - (i) the day on which he retired, or
 - (ii) if he served after completing forty-five years of first class service or of first class service and second class service for the purpose of calculating

the amount of the annual allowance payable to him, the day upon which he completed the said forty-five years of first class service or of first class service and second class service:

PART IV

Provided that—

(i) if under paragraph (ii) of the proviso to subsection (1) of section one hundred and five of this Act the contributions in respect of any teacher are during any part of the prescribed period calculated upon a higher salary than the salary he is actually receiving, the said higher salary shall as respects that part of the prescribed period be taken into account in calculating the average salary of the teacher; and

(ii) if during any part of the prescribed period a teacher by reason of sickness receives part only of his salary, the salary which he would but for the said reason have received shall as respects that part of the said period be taken into account in calculating the average salary of the teacher; and

(i) "Prescribed" means prescribed by the Teachers (Superannuation) Regulations or by rules made under the said regulations;

(2) Other expressions not specially defined in this Act shall have the meanings respectively assigned thereto in the Teachers (Superannuation) Regulations.

(3) A teacher shall be deemed to be in receipt of a retiring allowance if the Secretary of State, after application made, has given direction for the payment of the allowance.

PART V

INDEPENDENT SCHOOLS

111.—(1) The Secretary of State shall appoint one of his officers to be the Registrar of Independent Schools in Scotland (hereinafter in this Part of this Act referred to as "the Registrar"), and it shall be the duty of the Registrar to keep a register of independent schools, which shall be open to public inspection at all reasonable times, and the Registrar shall register therein—

(a) where the proprietor of an independent school makes application for the purpose and furnishes the information required by regulations made under this section, such of the particulars prescribed by regulations so made as the Secretary of State may direct, and

PART V

- (b) every order of an Independent Schools Tribunal or of the Secretary of State imposing or removing any disqualification under Part V of the Act of 1946 or this Part of this Act:

Provided that—

- (i) no independent school shall be registered if, by virtue of an order made under the provisions hereinafter contained, the proprietor is disqualified from being the proprietor of an independent school, or if the school premises are disqualified from being used as a school, or if the school premises are used or proposed to be used for any purpose for which they are disqualified by virtue of any such order; and
- (ii) the registration of any school shall be provisional only until the Secretary of State, after the school has been inspected on his behalf under section sixty-seven of this Act, gives notice to the proprietor that the registration is final.

(2) If any person—

- (a) conducts an independent school which is not a registered school or a provisionally registered school, or
- (b) being the proprietor of an independent school does any act calculated to lead to the belief that the school is a registered school while it is a provisionally registered school,

he shall be liable on summary conviction to a fine not exceeding twenty pounds or 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 such imprisonment.

(3) The Secretary of State shall make regulations—

- (a) prescribing the particulars information as to which is to be furnished to the Registrar by the proprietors of independent schools and the manner in which it shall be so furnished;
- (b) requiring the notification to the Registrar of any changes in such particulars;
- (c) prescribing the circumstances in which the name of a school may be deleted from the register if the Registrar is unable to obtain sufficient information of such changes; and
- (d) dealing with such incidental matters as the Secretary of State may deem expedient.

112.—(1) If at any time the Secretary of State is satisfied that any registered or provisionally registered school is objectionable upon all or any of the following grounds—

PART V

Complaints.

- (a) that efficient and suitable instruction is not being provided at the school, having regard to the ages and sex of the pupils attending thereat ;
- (b) that the school premises or any parts thereof are unsuitable for a school ;
- (c) that the accommodation provided at the school premises is inadequate or unsuitable, having regard to the number, ages and sex of the pupils attending the school ;
- (d) that the proprietor of the school or any teacher employed therein is not a proper person to be the proprietor of an independent school or to be a teacher in any school, as the case may be,

the Secretary of State shall serve upon the proprietor of the school a notice of complaint stating the grounds of complaint together with full particulars of the matters complained of, and, except in so far as any of such matters are stated in the notice to be in the opinion of the Secretary of State irremediable, the notice shall specify the measures necessary in the opinion of the Secretary of State to remedy the matters complained of, and shall specify the time, not being less than six months after the service of the notice, within which such measures are thereby required to be taken.

(2) If it is alleged by any notice of complaint served under this section that any person employed as a teacher at the school is not a proper person to be a teacher in any school, that person shall be named in the notice and the particulars contained in the notice shall specify the grounds of the allegation, and a copy of the notice shall be served upon him at the same time as the notice is served.

(3) Every notice of complaint served under this section shall limit the time, not being less than one month after the service of the notice, within which the complaint may be referred to an Independent Schools Tribunal under the provisions hereinafter contained.

113.—(1) Any person upon whom a notice of complaint or a copy of such a notice is served under the last foregoing section may, within the time limited by the notice, appeal therefrom by referring the complaint, in such manner as may be provided by rules made under Part V of the Act of 1946 or this Part of this Act, to an Independent Schools Tribunal constituted in accordance with the provisions of the Seventh Schedule to this Act.

PART V

(2) Upon a complaint being referred to an Independent Schools Tribunal the tribunal shall, after affording to all parties concerned an opportunity of being heard, and after considering such evidence as may be tendered by them or on their behalf, have power—

- (a) to order that the complaint be annulled ;
- (b) to order that the school in respect of which the notice of complaint was served be struck off the register ;
- (c) to order that the school be so struck off unless the requirements of the notice, with such modifications, if any, as may be specified in the order, are complied with to the satisfaction of the Secretary of State before the expiration of such time as may be specified in the order :

Provided that where the Secretary of State intimates that he is not satisfied that such requirements are complied with, the person upon whom the notice of complaint or a copy thereof has been served may, within fourteen days after such intimation, refer the matter to the tribunal, who shall have power to dispose of the reference in such manner as shall appear to them to be just ;

- (d) if satisfied that the premises alleged by the notice of complaint to be unsuitable for use as a school or any part of such premises are in fact unsuitable for such use, by order to disqualify the premises or part from being so used, or, if satisfied that the accommodation provided at the school premises or any part thereof is inadequate or unsuitable having regard to the number, ages and sex of the pupils attending the school, by order to disqualify the premises or the said part, as the case may be, from being used as a school or part of a school for pupils exceeding such number or of such age or sex as may be specified in the order ;
- (e) if satisfied that any person alleged by the notice of complaint to be a person who is not proper to be the proprietor of an independent school or to be a teacher in any school is in fact such a person, by order to disqualify that person from being the proprietor of any independent school or from being a teacher in any school, as the case may be.

(3) Where a notice of complaint has been served under Part V of the Act of 1946 or this Part of this Act on the proprietor of any school and the complaint is not referred by him to an Independent Schools Tribunal within the time limited in that behalf by the notice, the Secretary of State shall have power to make

any order which such a tribunal would have had power to make if the complaint had been so referred:

Provided that—

- (i) if the Secretary of State makes any such order as is mentioned in paragraph (c) of the last foregoing subsection, the proviso to the said paragraph shall apply in like manner as if the order had been made by the tribunal; and
- (ii) if it was alleged by the notice of complaint that any person employed as a teacher at the school is not a proper person to be a teacher in any school and that person has, within the time limited in that behalf by the copy of the notice served upon him, referred the complaint to an Independent Schools Tribunal, the Secretary of State shall not have power to make an order requiring his dismissal or disqualifying him from being a teacher in any school.

(4) Where by virtue of an order made by an Independent Schools Tribunal or by the Secretary of State any person is disqualified either from being the proprietor of an independent school or from being a teacher in any school, then, unless the order otherwise directs, that person shall, by virtue of the order, be disqualified both from being the proprietor of an independent school and from being a teacher in any school.

114.—(1) Where an order is made by the Secretary of State Enforcement of orders. or by an Independent Schools Tribunal, directing that any school be struck off the register, the Registrar shall as from the date on which the direction takes effect strike the school off the register.

(2) If any person uses any premises for purposes for which they are disqualified by virtue of any order made under this Part of this Act, that person shall be liable on summary conviction to a fine not exceeding twenty pounds or in the case of a second or subsequent conviction, whether in respect of the same or of other premises, to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(3) If any person acts as the proprietor of an independent school, or accepts or endeavours to obtain employment as a teacher in any school, while he is disqualified from so acting or from being so employed by any such order as aforesaid, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or 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 such imprisonment.

PART V

(4) For the purposes of the foregoing provisions of this Part of this Act, a person who is disqualified by an order made under Part III of the Education Act, 1944, from being the proprietor of an independent school or from being a teacher in any school shall be deemed to be so disqualified by an order made under this Part of this Act.

Removal of
disqualifica-
tions.

115.—(1) If on the application of any person the Secretary of State is satisfied that any disqualification imposed by an order made under Part V of the Act of 1946 or this Part of this Act is, by reason of any change of circumstances, no longer necessary, the Secretary of State shall by order remove the disqualification.

(2) Any person who is aggrieved by the refusal of the Secretary of State to remove a disqualification so imposed may, within such time after the refusal has been communicated to him as may be limited by rules made under Part V of the Act of 1946 or this Part of this Act, appeal to an Independent Schools Tribunal, who may or may not order the removal of the disqualification, as they think fit.

Proceedings
before
Independent
Schools
Tribunals and
matters
relating
thereto.

116.—(1) The Lord President of the Court of Session may, with the concurrence of the Secretary of State, make rules as to the manner of making appeals to Independent Schools Tribunals and as to proceedings before such tribunals and matters incidental to or consequential on such proceedings; and, in particular, such rules may make provision requiring any such tribunal to sit at such places as may be directed in accordance with the rules, and may make provision as to appearance before such tribunals by counsel or solicitor and as to the payment to members of such tribunals, as part of the expenses of the Secretary of State under this Act, of such remuneration and allowances as may, with the consent of the Treasury, be provided by the rules.

(2) Rules under the last foregoing subsection may make provision for reference to the Court of Session, by way of stated case, of any question of law arising in such proceedings.

(3) An Independent Schools Tribunal shall have power to make such orders as to expenses, and as to such other consequential or incidental matters as appear to the tribunal to be necessary for giving effect to any order made by the tribunal, as the tribunal considers to be just, and any such order as to expenses may be enforced as if it were a recorded decree arbitral.

(4) The power to make rules under this section shall be exercisable by statutory instrument; and the Statutory Instruments Act, 1946, shall apply to a statutory instrument containing rules made under this section in like manner as if the Lord President of the Court of Session were a Minister of the Crown.

PART VI

REORGANISATION OF ENDOWMENTS

117.—(1) The Secretary of State shall appoint one of his officers to be Registrar of Educational Endowments, and it shall be the duty of the Registrar to keep a register of all educational endowments, which shall contain such information as may be prescribed, and shall be open to public inspection at all reasonable times. Register of educational endowments.

(2) Except as hereinafter provided, it shall be the duty of the governing body of every educational endowment within twelve months after the date upon which the deed creating the endowment came into operation, to furnish the Registrar with such information about the endowment as may be prescribed by regulations made by the Secretary of State.

(3) This section shall not apply to a university endowment, to a theological endowment, or to the Carnegie Trust, and regulations made under this section may exempt any endowment or class of endowments from any of the provisions of this section.

118.—(1) Subject to the provisions hereinafter contained, the Secretary of State shall have power to prepare draft schemes for the future government and management of educational endowments, which schemes may provide— Schemes for reorganisation of educational endowments.

- (a) for altering the purposes to which such endowments are applied or applicable and the conditions and provisions regarding such application ;
- (b) for the application of the capital or income of such endowments to such educational purposes, mental or physical, moral or social, as the Secretary of State thinks fit having regard to the public interest and to existing conditions, social and educational: Provided always that the capital of any such endowment shall not be expended except on a purpose to which capital may properly be devoted ;
- (c) for grouping, amalgamating, combining or dividing any such endowments ;
- (d) for altering the constitution of the governing body of any such endowment, or uniting two or more existing governing bodies or establishing new governing bodies with such powers as shall seem necessary, and for incorporating any governing body, whether old or new, and for dissolving any governing body whose endowment is transferred to another governing body ; and
- (e) for altering the powers as to the investment of the funds of any such endowment.

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(2) It shall be the duty of the Secretary of State in reorganising any endowment in pursuance of the powers conferred by this Part of this Act to have special regard—

- (a) to the spirit of the intention of the founders as embodied either—
 - (i) in the original deed constituting the endowment where it is still the governing instrument, or
 - (ii) in the scheme approved under any Act, or in any Provisional Order affecting the endowment ;
- (b) to the interest of the locality to which the endowment belongs ;
- (c) to the possibility of effecting economy in administration by the grouping, amalgamation or combination of any two or more endowments ; and
- (d) to the need for continuing the provision from endowments of competitive bursaries at universities, central institutions, colleges of education or other educational institutions of a similar character.

(3) In every scheme which abolishes or modifies any privileges or educational advantages to which a particular class of persons is entitled, whether as inhabitants of a particular area or as belonging to a particular class in life or otherwise, the Secretary of State shall have regard to the educational interests of such class of persons :

Provided always that, where the governing instrument of any educational endowment has expressly provided for the education of children belonging to the poorer classes, either generally or within a particular area, or otherwise for their benefit, such endowment for such education or otherwise for their benefit shall continue, so far as requisite, to be applied for the benefit of such children.

(4) The powers of the Secretary of State under this section shall not extend—

- (a) to a university endowment, or
- (b) to the Carnegie Trust, or
- (c) to a theological endowment, or
- (d) to a new endowment :

Provided that if the founder or the governing body of a theological endowment or of a new endowment shall intimate in writing to the Secretary of State his or their consent to the endowment being dealt with under this section, the said powers shall extend to the endowment.

(5) If the founder or the governing body or the university court of any university, with respect to a university endowment, or the Carnegie Trustees with respect to the Carnegie

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Trust, shall intimate in writing to the Scottish Universities Committee of the Privy Council their consent to the endowment or the Trust being dealt with under this section, the Scottish Universities Committee shall have the like powers and duties with regard to the endowment or the Trust as are conferred by this Part of this Act upon the Secretary of State with regard to an educational endowment; so, however, that subsection (7) (in so far as it relates to the presentation of a petition to the Court of Session), paragraph (a) of subsection (8) and subsection (9) of section one hundred and twenty-five and subsection (5) of section one hundred and twenty-seven of this Act shall not apply.

119.—(1) Where it appears to the Secretary of State to be desirable that a scheme under this Part of this Act should make provision for the sale of any land forming an endowment or part thereof and for the application of the proceeds of sale in accordance with the provisions of the scheme, but that such provision cannot be made by reason of the third proviso to section two of the School Sites Act, 1841 (which provides that if any land granted in accordance with the provisions of that section ceases to be used for the purposes mentioned in that Act, the land shall revert to the grantor), or by reason of any condition of a similar nature relating to the land in any Act, deed or other instrument, he may by order direct that the said proviso or condition shall not have effect in relation to the land:

Provided that no such direction shall be given in relation to any land unless the Secretary of State is satisfied either—

- (a) that the person to whom the land would revert in accordance with the said proviso or condition cannot after due inquiry be found; or
- (b) that, if that person can be found, he has consented to relinquish his rights in relation to the land under the said proviso or condition, and that, if he has consented so to do in consideration of the payment of a sum of money to him, adequate provision can be made for the payment to him of that sum out of the proceeds of the sale of the land.

(2) A scheme under this Part of this Act relating to any endowment which includes land in respect of which an order has been made under the last foregoing subsection may make provision for the payment out of the proceeds of the sale of the land of any sum which is payable to any person in consideration of the relinquishment of his rights in relation to the land under the said proviso or condition.

(3) For the purpose of this section, any land conveyed under section two of the School Sites Act, 1841, or held under a condition of the nature referred to in subsection (1) of this section

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shall be deemed to be an educational endowment or part thereof notwithstanding anything in the third proviso to that section or in the said condition.

Educational endowments applicable in part to non-educational purposes.

120.—(1) Where an endowment is an educational endowment within the meaning of this Part of this Act, and part of it is applicable or applied to other charitable purposes, the scheme shall be in conformity with the provisions of subsections (2) to (6) of this section (except so far as the governing body of such endowment assent to the scheme departing therefrom).

(2) The proportion of the endowment or annual income for the time being derived therefrom which is applicable to such other charitable purposes shall not be diverted by the scheme from such purposes unless in the opinion of the Secretary of State—

- (i) there are no persons who are entitled to benefit out of such part of the endowment ; or
- (ii) the purposes of such part of the endowment have failed altogether or have become obsolete or useless or are otherwise sufficiently provided for ; or
- (iii) such purposes have become insignificant in comparison with the magnitude of such part of the endowment ; or
- (iv) such purposes have become prejudicial to the public welfare.

(3) The proportion of the endowment or annual income for the time being so applicable to such other charitable purposes shall be deemed to be the proportion which, in the opinion of the Secretary of State, is the proportion which has according to the average of such number of years as the Secretary of State shall determine been appropriated as regards capital or applied as regards income to such purposes, or if that proportion differs from the proportion which ought to have been so appropriated or applied according to the express directions of the instrument of foundation or the decree of any competent court or the statutes or regulations governing such endowment, the proportion applicable to such other charitable purposes shall be the proportion which ought, according to the express directions of such instrument, or such decree or such statutes or regulations, to have been appropriated or applied to such other charitable purposes.

(4) If the proportion applicable to other charitable purposes amounts to or exceeds one half of the whole of the endowment, the governing body of such endowment existing at the date of the scheme shall, so far as regards its non-educational purposes, remain unaltered by the scheme.

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(5) Where the governing body remains so unaltered, that body shall pay or apply for educational purposes such proportion as under the former provisions of this section is applicable to those purposes, or such less sum as may be fixed by the Secretary of State.

(6) When any portion of the endowment or the annual income of such portion has been accumulated and not applied to any purpose, the Secretary of State shall determine whether, and in what proportion, such portion or income is to be considered for the purposes of this section as having been appropriated or applied for educational purposes or for other charitable purposes.

(7) Subject to the foregoing provisions of this section, the Secretary of State shall have power by any scheme to deal with any such endowment, and with the governing body thereof, in the same manner in all respects as if it were an endowment applied wholly to educational purposes.

121.—(1) Where the governing body of any endowment (not being an educational endowment) are of opinion that it is expedient that the endowment should be dealt with by the Secretary of State on any of the following grounds, that is to say:—

Non-
educational
endowments.

- (a) that there are no persons entitled to benefit out of the endowment; or
- (b) that the purposes of the endowment have failed altogether or have become obsolete or useless or prejudicial to the public welfare, or are otherwise sufficiently provided for, or are insignificant in comparison with the magnitude of the endowment, or are not substantially beneficial to the class of persons for whom the endowment was originally intended; or
- (c) that it is impossible, owing to the inadequacy of the endowment or to the impracticable character of the founder's intentions, to carry these intentions into effect,

the governing body may intimate in writing to the Secretary of State their consent to the endowment being dealt with under this Part of this Act and thereafter such endowment may be dealt with in all respects as if it were an educational endowment.

(2) Where the Lord Advocate is of opinion on any such ground as is specified in the last foregoing subsection that a scheme should be framed for the future government and management of any endowment which is not an educational

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endowment or of any new endowment the governing body of which have not intimated their consent to its being dealt with under this Act, he may present a petition to the Court of Session for such a scheme, and on any such petition the Court shall have power to frame a scheme for the future government and management of the endowment and for the application of the capital or income of the endowment to any purposes, as nearly as may be analogous to those contained in the governing instrument, as the Court shall think fit.

Provisions regarding interests of individuals.

122.—(1) Where at the third day of August, nineteen hundred and twenty-eight, any individual held a vested interest in any office, place, employment, pension, compensation allowance, bursary or emolument under or arising out of an endowment being dealt with in a scheme, the Secretary of State shall in such scheme save or make due compensation for the said vested interest.

(2) Every interest, right, privilege or preference which any person may acquire or may have acquired since the third day of August, nineteen hundred and twenty-eight, in or relative to any endowment, or in the governing body thereof, or as member of any such governing body, or in or relative to any office, place, employment, pension, compensation allowance, bursary or emolument in the gift of any such governing body, shall be subject to the provisions of any scheme made under this Part of this Act.

Provisions as to beneficiaries and teachers.

123.—(1) In framing a scheme for any endowment, the Secretary of State shall—

(a) provide that in making a selection from amongst those eligible for the benefits of the endowment, due regard shall be paid to diligence, attainment and promise as ascertained in such manner as the Secretary of State shall determine, and

(b) so far as can be equitably arranged and as the circumstances of each particular locality require, provide for extending to both sexes the benefit of the endowment.

(2) In every scheme the Secretary of State shall provide for the dismissal at pleasure of every officer in the employment of the governing body and of every teacher and officer in any endowed school to which the scheme relates:

Provided that—

(i) the scheme shall make provision for the application in the case of the dismissal of a certificated teacher

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of the provisions of section eighty-five of this Act, with the substitution of the governing body for the education authority, and with any other necessary modifications; and

(ii) the scheme may confer on any such officer or teacher (other than a certificated teacher) as aforesaid a right of appeal to such authority and on such conditions as to the Secretary of State may seem fit.

(3) Any such scheme may contain provision for the removal of any religious test or qualification applicable to teachers.

124.—(1) It shall be the duty of the governing body of every educational endowment administered under a scheme made by the Court of Session which provides for the audit of the accounts of that endowment in such manner as the Secretary of State may prescribe, or administered under a provisional order made under the Act of 1878, or under a scheme made under the Act of 1882, the Acts of 1928 to 1935, Part VI of the Act of 1946 or under this Part of this Act, other than any such endowment to which the provisions of subsection (2) of section one hundred and ninety-six of the Local Government (Scotland) Act, 1947, apply, to comply with the following provisions of this section.

Accounts and
audit of
educational
endowments.

(2) The governing body of every endowment to which this section applies shall keep proper accounts and other records in relation to the functioning of that body, and shall prepare in respect of each financial year a statement of accounts in such form as the Secretary of State, or, in the case of a university endowment or the Carnegie Trust, the Scottish Universities Committee of the Privy Council, may by order direct.

(3) The accounts of every endowment to which this section applies shall be audited each year by an auditor appointed by the governing body with the approval of the Secretary of State, or, in the case of a university endowment or the Carnegie Trust, of the Scottish Universities Committee of the Privy Council.

(4) The governing body of every endowment to which this section applies, other than a theological endowment, a university endowment or the Carnegie Trust, shall, within such period after the end of the financial year of the endowment as the Secretary of State may direct, send such copies as the accountant may require of the audited accounts of the endowment to the accountant, who may examine these accounts and call for any other records kept in pursuance of subsection (2) of this section and for such additional information as he may require.

(5) Where the accountant is of the opinion that the governing body of any endowment, the accounts of which he has examined in pursuance of the last foregoing subsection, have not complied in any respect with any enactment, deed or other instrument

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applying to them, he shall so report to that body and shall afford to them an opportunity of satisfying him that they are not in default.

(6) Where the accountant is not satisfied as aforesaid, he shall, unless in his opinion any default is of minor importance, report such default to the Secretary of State.

(7) The accountant shall each year send a copy of the audited accounts of every endowment which he has power to examine under subsection (4) of this section to the Registrar of Educational Endowments, who shall make such accounts available for public inspection at all reasonable times.

(8) Any provision in a governing instrument referred to in subsection (1) of this section prescribing the financial year of an endowment shall remain in operation notwithstanding the repeal by this Act of subsection (2) of section eleven of the Education (Scotland) Act, 1956.

**Procedure in
preparation
of schemes.**

125.—(1) Before preparing the draft of a scheme for any endowment, the Secretary of State may cause a local inquiry to be held, and shall give the governing body an opportunity of being heard at such inquiry. The provisions of the First Schedule to this Act, with the exception of paragraphs 7 and 8 thereof, shall apply to such inquiry.

(2) When the Secretary of State has prepared the draft of a scheme, he shall cause it to be printed, and printed copies of it to be sent to the governing body of the endowment to which it relates, and shall also cause the draft to be published in such manner as he thinks sufficient for giving information to all persons interested.

(3) During one month after the first publication of the draft of a scheme, the Secretary of State shall receive any objections made to him in writing by any public body or persons interested respecting such scheme, and any amendments proposed thereon, and at any time after the expiration of such month the Secretary of State, if he thinks fit, may cause a local inquiry to be held concerning the subject-matter of such scheme, and the provisions of the First Schedule to this Act, with the exception of paragraphs 7 and 8 thereof, shall apply to such inquiry.

(4) As soon as may be after the expiration of the said month or the receipt by the Secretary of State of the report of such inquiry the Secretary of State shall proceed to consider any objections made to him in writing respecting the draft scheme, and any amendments proposed thereon, and the report (if any), and thereupon he shall, if he thinks fit, frame a scheme in such form as he thinks expedient.

(5) The Secretary of State, as soon as may be after framing a scheme shall, before confirming it, cause it to be published

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in such manner as he thinks sufficient for giving information to all persons interested, together with a notice stating that during one month after the first publication of such notice the Secretary of State will receive any objections made to him in writing by any public body or persons interested respecting such scheme. Subject to the provisions of the next following section, the Secretary of State may, after the expiration of the said month, if he thinks fit, confirm the scheme or may frame an amended scheme, and so on from time to time as often as occasion may require. The provisions of this section with regard to the procedure to be followed and to the confirmation of a scheme shall apply to an amended scheme as they apply to a scheme.

(6) (a) Where the Secretary of State causes the draft of a scheme or a scheme or an amended scheme to be printed under this section, he shall prefix to such draft or scheme or amended scheme a memorandum setting forth—

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

(b) For the purposes of the provisions of subsections (2) and (5) of this section relating to publication, a memorandum prefixed to the draft of a scheme or to a scheme or to an amended scheme in pursuance of the last foregoing paragraph shall be deemed to be part thereof.

(7) The Secretary of State as soon as he confirms a scheme shall forthwith, in such manner as he thinks sufficient for giving information to all persons interested, publish a notice that the scheme has been confirmed by him and that, unless within one month after the first publication of such notice a petition is presented to the Court of Session or to the Secretary of State as in this section mentioned, the scheme may be approved by Her Majesty by an Order in Council without being laid before Parliament.

(8) During the said month—

- (a) a petition to the Court of Session for amendment of the scheme or for the substitution of a new scheme may be presented by the governing body, or
- (b) a petition to the Secretary of State praying that the scheme may be laid before Parliament may be presented by the governing body, or by the town council

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of any burgh directly affected by the scheme, or by any education authority so affected, or by any ratepayers (not less than twenty) of any burgh or parish or place directly affected by the scheme, or by any person or persons having a vested interest in the endowment or any part of it.

(9) On any petition presented to them under the last foregoing subsection the Court of Session may amend the scheme or may frame a new scheme, and for such purposes the Court shall have the like powers as are conferred by this Part of this Act on the Secretary of State regarding schemes for the future government and management of endowments.

(10) When a petition is presented to the Secretary of State under paragraph (b) of subsection (8) of this section, he shall unless a petition has been presented to the Court of Session under paragraph (a) of the said subsection, cause the scheme to be laid as soon as may be before both Houses of Parliament.

Appeal against educational endowment schemes on questions of law.

126. If—

- (a) the governing body of any endowment to which a scheme or an amended scheme relates, or any other person directly affected by any such scheme, feels aggrieved by the scheme on the ground that it is not within the scope of, or is not made in conformity with, this Part of this Act, or
- (b) any person holding any office, place or employment, or receiving any pension, compensation allowance, bursary or emolument under or arising out of any endowment dealt with by such a scheme, feels aggrieved by the scheme on the ground that it does not comply with the provisions of this Part of this Act as to saving or making due compensation for his vested interests,

such governing body or other person may, within one month after the publication of the scheme, appeal to the Court of Session, and, if the Court decides that the scheme is contrary to law on any of the grounds in this section mentioned, the Secretary of State shall not confirm the said scheme, but he may, if he thinks fit, frame an amended scheme.

Approval and effect of schemes.

127.—(1) If at the expiration of the month allowed by subsection (8) of section one hundred and twenty-five of this Act for the presentation of a petition to the Court of Session or to the Secretary of State no such petition has been presented, or if the Court of Session have refused the prayer of a petition presented to them under the said subsection, it shall be lawful for Her Majesty, by Order in Council, to approve the scheme without the same being laid before Parliament.

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(2) Where a scheme has been laid before Parliament under subsection (10) of the said section, it shall be lawful for Her Majesty, after it has lain one month before Parliament, by Order in Council—

- (a) to approve such scheme if no Address has been presented within such month by either of the said Houses praying Her Majesty to withhold her approval, or
- (b) to approve any part of the scheme to which any Address so presented does not relate.

(3) A scheme when approved by Her Majesty in Council shall have full operation and effect from the date of such Order in Council, in the same manner as if it had been enacted in this Act; and thereupon every Act of Parliament, letters patent, statute, deed, instrument, trust or direction relating to the subject-matter of the scheme, so far as inconsistent with the provisions thereof, shall be repealed and abrogated.

(4) The Order in Council approving a scheme shall be conclusive evidence that such scheme was within the scope of and made in conformity with this Act, and the validity of such scheme and order shall not be questioned in any legal proceedings whatever.

(5) Where the Court of Session have, in pursuance of the powers conferred upon them by subsection (9) of section one hundred and twenty-five of this Act, amended a scheme or framed a new scheme, the scheme as so amended or the new scheme as so framed shall have the like effect as a scheme approved by Her Majesty in Council.

128. In the case of an educational endowment of less annual value than fifty pounds, the procedure hereinbefore prescribed shall not apply, if the governing body of such endowment frame and submit to the Secretary of State a scheme respecting such endowment. The Secretary of State may approve such scheme with or without any modifications as he thinks fit. In framing and approving such scheme the same powers may be exercised, and subject to the same conditions, as nearly as may be, as in the case of any scheme under this Part of this Act; and such scheme, when approved by the Secretary of State, shall have effect as if it were a scheme approved by Order in Council under this Part of this Act.

Schemes
for small
endowments.

129. Schemes may be from time to time framed and approved for amending any scheme approved under the Acts of 1928 to 1935 or under Part VI of the Act of 1946, or under this Part of this Act, and all the provisions of this Part of this Act relative to an original scheme shall, with any necessary modifications, apply also to an amending scheme.

Amending
schemes.

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Cost of
publishing
scheme, etc.

130. The cost of publishing and circulating any draft scheme, or scheme, or amended scheme, under this Part of this Act shall be paid out of the funds of the endowment or endowments to which the same relates :

Provided that, if the Secretary of State causes any draft scheme, or scheme, or amended scheme, to be published in the Edinburgh Gazette, no fees shall be exigible in respect of such publication.

Reports by
governing
body.

131. Every governing body shall make such reports and returns and give such information to the Secretary of State as he may from time to time require.

Quorum of
governing
body.

132. The majority of members of a governing body who are present at a meeting of their body duly constituted shall have power to do anything that may be required to be done by a governing body for the purposes of this Part of this Act :

Provided that this power shall be in addition to and not in restraint of any power which any meeting of such governing body may have independently of this Part of this Act.

Provision
for default
of governing
body.

133. If the governing body of any educational endowment fail to give effect to the provisions of any Provisional Order or of any scheme approved under the Act of 1882 or the Acts of 1928 or 1935 or Part VI of the Act of 1946 or this Part of this Act, it shall be lawful for the Secretary of State, after such inquiry as he shall think proper, to send a requisition to such governing body, requiring them to give effect to the provisions of the Provisional Order or scheme, and the governing body shall comply with the said requisition without undue delay, and, if they fail, may be summarily compelled to do so by the Court of Session, on the application of the Lord Advocate.

Judgment of
Court of
Session final.

134. In any proceeding before the Court of Session authorised by this Part of this Act—

- (a) the judgment or deliverance of the Court shall be final and not subject to review ; and
- (b) the Court shall dispose of all questions of expenses, and may, if they think fit, direct the expenses or any part thereof (including the expenses of the Secretary of State) to be paid out of the funds of the educational endowment to which the proceeding relates : Provided always that it shall not be lawful for the Court to find the Secretary of State liable in expenses.

135.—(1) In this Part of this Act, unless the context otherwise requires—

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Interpretation
of Part VI.

- (a) “Carnegie Trust” means the property vested in the Carnegie Trustees for the Universities of Scotland ;
- (b) “Educational endowment” means any endowment which has been applied or is applicable in whole or in part, whether by the declared intention of the founder, or by the consent of the governing body, or in pursuance of any scheme approved under any Act or of any Provisional Order or by custom or otherwise, to educational purposes ;
- (c) “Educational purposes” includes—
- (a) the payment of apprenticeship fees,
 - (b) the advancement in life, and
 - (c) the maintenance, clothing, and other provision for the benefit, of poor persons under the age of twenty-one years ;
- (d) “Endowment” means any property, heritable or moveable, dedicated to charitable purposes, but shall not, except with the consent of the governing body, include the funds, whether capital or revenue, of any incorporation or society contributed or paid by the members of such incorporation or society by way of entry moneys or other fixed or stated payments, nor burgess or guildry fines paid to any such incorporation or society, nor funds bequeathed or given to any such incorporation or society for the benefit solely of members or widows or families of members of such incorporation or society ;
- (e) “Governing body” means the managers, governors or trustees of any endowment or other person having the administration of the revenue thereof ;
- (f) “Governing instrument” means, with regard to any endowment, the scheme approved under any Act or any Provisional Order, in accordance with which the endowment is governed and managed or, where there is no such scheme or Provisional Order, the deed constituting the endowment ;
- (g) “Provisional Order” means Provisional Order confirmed by Act of Parliament and Provisional Order made under the Act of 1878 ;
- (h) “Theological endowment” means an endowment solely or mainly applicable or applied for the purposes of theological instruction or belonging to any theological institution ;
- (i) “University endowment” means an endowment vested in, or administered by, or in the gift of any of the

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universities of Scotland or any of the colleges of such universities.

(2) An educational endowment shall be deemed to be a "new endowment" until the expiry of twenty years from the date when the deed creating the endowment comes into operation, so, however, that where part of an endowment has been given at one time and another part has been given at a later time and the two portions cannot in the opinion of the Secretary of State be conveniently separated from each other, the date of the older part of the endowment shall be held to be the date of the endowment.

PART VII

MISCELLANEOUS PROVISIONS

Employment

Children not to be employed in factories, mines, or quarries.

136. No child shall be employed—

- (a) in any factory to which the Factories Act, 1961, applies ;
or
- (b) at any mine or quarry within the meaning of the Mines and Quarries Act, 1954 ;

and those Acts respectively shall have effect as respects Scotland as if this section, so far as it relates to the subject matter thereof, were incorporated therein.

Power of education authorities to prohibit or restrict employment of children.

137.—(1) If it appears to an education authority that the employment of a child attending a school under their management is or is likely to be prejudicial to his health or otherwise to render him unfit to obtain the full benefit of the education provided for him, the authority shall serve upon the parent and upon any person who is employing him for the time being a notice prohibiting the employment of the child in any employment or imposing such restrictions upon the employment of the child as appear to them to be expedient in the interests of the child :

Provided that if the parent or the employer feels aggrieved by the prohibition or restriction, he may appeal to the Secretary of State, who shall have power to confirm, vary or annul the notice as he thinks fit.

(2) An education authority may, by notice in writing served upon the parent or employer of any child attending a school under their management, require the parent or employer to provide the authority, within such period as may be specified in the notice, with such information as appears to the authority to be necessary for the purpose of enabling them to ascertain whether the child is being employed in such a manner as to be or to be likely to be prejudicial to his health or to render him unfit to obtain the full benefit of the education provided for him.

(3) Any person who knowingly employs a child in contravention of any prohibition or restriction imposed under subsection (1) of this section, or who fails to comply with the requirements of a notice served under subsection (2) of this section, shall be guilty of an offence against this section, and liable on conviction by a court of summary jurisdiction to a fine not exceeding five pounds, or, in the case of a second or subsequent offence, not exceeding twenty pounds.

(4) Subsections (1) and (3) of section thirty-six of the Act of 1937 (which relate to powers of entry for the enforcement of the provisions of Part III of that Act with respect to the employment of children), shall apply with respect to the provisions of any notice served under this section as they apply with respect to the provisions of the said Part III.

138.—(1) Where a young person is employed in any employment with respect to which a limitation upon the number of working hours during which he may be employed in that employment otherwise than by way of overtime in any week is imposed by or under any enactment, any period of attendance at a junior college required of him during that week by an attendance notice served on him shall, for the purposes of the limitation, be deemed to be time during which he has been so employed in that week.

Effect of attendance notices on computation of working hours.

(2) Where a young person employed in any employment is entitled by or under the provisions of any enactment or of any agreement to overtime rates of pay in respect of any time during which he is employed in that employment on any day or in any week in excess of any specified number of hours or before or after any specified hour, any period of attendance at a junior college required of him on that day or during that week by an attendance notice served on him shall, for the purposes of those provisions, be deemed to be a period during which he was employed in that employment otherwise than in excess of the specified number of hours or before or after the specified hour, as the case may be.

139.—(1) For the purpose of any enactment relating to the prohibition or regulation of the employment of children or young persons, any person who is not for the purposes of this Act over school age shall be deemed to be a child within the meaning of that enactment.

Adaptation of enactments relating to employment of children and young persons.

(2) For the purposes of any byelaws under Part III of the Act of 1937, the expression "child" shall have the same meaning as it has for the purposes of the said Part III.

Savings and Exceptions

140. No power or duty conferred or imposed by this Act on the Secretary of State, on education authorities, on parents or on young persons shall be construed as relating to any child or

Saving as to persons in the service of the Crown.

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young person who is employed by or under the Crown in any service or capacity with respect to which the Secretary of State certifies that, by reason of the arrangements made for the education of children and young persons employed therein, the exercise and performance of those powers and duties with respect to such children and young persons is unnecessary.

Saving as to persons suffering from mental disorder and persons detained by order.

141.—(1) Unless the context otherwise requires, no power or duty conferred or imposed by this Act on the Secretary of State, on education authorities or on parents or young persons shall be construed as relating to any person to whom this section applies:

Provided that nothing in this section shall prevent an education authority from providing or securing the provision of education for any such person if he is in their opinion capable of deriving benefit therefrom.

(2) The persons to whom this section applies are:—

- (a) any person who is receiving treatment for mental disorder as an in-patient in a hospital within the meaning of the Mental Health (Scotland) Act, 1960;
- (b) any person who is for the time being the subject of a report in force under section fifty-six of the Act of 1946 or section sixty-five of this Act; and
- (c) any person who is detained in pursuance of an order made by any court or of an order of recall made by the Secretary of State.

General

Amendment of enactments.

142.—(1) In relation to any young person punishable under this Act or under section seventy-eight of the Unemployment Insurance Act, 1935, section fifty-eight of the Act of 1937 (which relates to the substitution of other punishments for imprisonment), shall have effect as if references therein to a young person included references to any person who has not attained the age of eighteen years.

(2) Any reference in an enactment passed before the second day of July, nineteen hundred and forty-five, to a school in receipt of a parliamentary grant shall, unless the context otherwise requires, be construed as a reference to a school other than an independent school.

Orders in Council.

143. Any Order in Council made under section twenty of the Act of 1918 or section sixty-eight of the Act of 1946 or section seventy-three of this Act may be revoked or varied as occasion requires by a subsequent Order in Council.

144.—(1) Any power conferred by this Act on the Secretary of State to make regulations shall be exercisable by statutory instrument. PART VII
Regulations
etc.

(2) Subject to the provisions of the next following subsection, the Secretary of State shall, not less than forty days before making regulations under this Act, cause a draft of the regulations to be published and send a copy thereof to every education authority, and shall have regard to any representations made by an education authority or by any person interested before he makes the regulations. The regulations may be made in the same form as in the published draft or in an amended form.

(3) Where the Secretary of State certifies that on account of urgency or any special reason any regulations ought to come into immediate operation, he may make such regulations to come into operation immediately as provisional regulations, and shall include a regulation prescribing a period for which the provisional regulations are to remain in force. The provisional regulations shall cease to have effect at the end of the said period unless continued in force by regulations made in accordance with the provisions of the last foregoing subsection or by further provisional regulations.

(4) Any statutory instrument containing regulations made by the Secretary of State under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Any regulation, rule or order made or direction given by the Secretary of State or an education authority under the provisions of this Act may be varied or revoked by a further rule, regulation or order made or direction given by the Secretary of State or that authority, as the case may be :

Provided that where the power to make or give any such regulation, rule, order or direction is exercisable only upon the application or with the consent of any person, or after consultation with or intimation to any person or is otherwise subject to any conditions, no regulation, rule, order or direction made or given under such power shall be varied or revoked except upon the like application, with the like consent, after the like consultation or intimation or subject to the like conditions, as the case may be.

145. In this Act, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them :— General
definitions.

- (1) “ Accountant ” means the accountant appointed in pursuance of section seventy-eight of this Act and includes any person appointed from time to time by the Secretary of State for the purpose of exercising the powers or performing the duties conferred or imposed upon the accountant or of any of such powers or duties ;

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- (2) "Act of 1878" means the Endowed Institutions (Scotland) Act, 1878 ;
- (3) "Act of 1882" means the Educational Endowments (Scotland) Act, 1882 ;
- (4) "Act of 1908" means the Education (Scotland) Act, 1908 ;
- (5) "Act of 1918" means the Education (Scotland) Act, 1918 ;
- (6) "Acts of 1928 to 1935" means the Educational Endowments (Scotland) Acts, 1928 to 1935 ;
- (7) "Act of 1937" means the Children and Young Persons (Scotland) Act, 1937, except in Part IV and the Third Schedule ;
- (8) "Act of 1946" means the Education (Scotland) Act, 1946 ;
- (9) "Attendance order" has the meaning assigned to it by section thirty-eight of this Act ;
- (10) "Central institution" means an educational establishment for the provision of further education recognised as a central institution by regulations made by the Secretary of State ;
- (11) "Certificated teacher" means a teacher holding or who is deemed to hold a certificate of competency issued in accordance with regulations made under the Education (Scotland) Acts, 1872 to 1945, or under subsection (2) of section seventy-seven of the Act of 1946 or section eighty-one of this Act ;
- (12) "Child" means a person who is not over school age ;
- (13) "Clothing" includes boots and other footwear ;
- (14) "College of education" means one of the colleges administered by a governing body constituted by the Teachers (Training Authorities) (Scotland) Regulations, 1958 ;
- (15) "County" means a county inclusive of any burgh situate therein other than a county of a city ;
- (16) "Education authority" means—
 - (a) in relation to a burgh being a county of a city, the town council ;
 - (b) in relation to counties combined for the purposes mentioned in subsection (1) of section one hundred and eighteen of the Local Government (Scotland) Act, 1947, the joint county council ; and

(c) in the case of any other county the county council ;

and "area" in relation to an education authority shall be construed accordingly ;

(17) "Educational establishment"—

(i) means a school, a junior college and any other institution for the provision of any form of further education and the premises of such school, junior college or institution, and

(ii) without prejudice to the foregoing generality, includes a central institution, a college of education, a hostel used mainly by pupils attending such schools or junior colleges or institutions, and a residential institution conducted under a scheme under the Acts of 1928 to 1935, or Part VI of the Act of 1946, or Part VI of this Act, but

(iii) does not include a university, a theological college, a hostel or other residence used exclusively by students attending a university or a theological college, or a club or other centre conducted by a voluntary society or body for the purpose of providing facilities or organising activities of a character similar to those which may be provided by an education authority under subsection (1) of section six of this Act, unless the society or body are in receipt of a grant from the Secretary of State or of a contribution from an education authority or apply in writing to the Secretary of State for the club or centre to be treated in all respects as an educational establishment ;

(18) "Employment" includes employment in any labour exercised by way of trade or for purposes of gain whether the gain be to the child or to the young person or to any other person, and a person who assists in a trade or occupation carried on for profit shall be deemed to be employed notwithstanding that he receives no reward for his labour ; and "employ" shall be construed accordingly ;

(19) "Employer" includes a parent who employs his children ;

(20) "Functions" includes powers and duties ;

(21) "Further education" includes the facilities described in subsection (4) of section one and the forms of instruction, occupation and teaching described in section four, both of this Act ;

(22) "Grant-aided school" means a school in respect of which grants are made by the Secretary of State to the

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managers of the school other than grants in aid of the managers' contributions under Part IV of this Act, but does not include a public school ;

- (23) "Independent school" means a school at which full-time education is provided for five or more pupils of school age (whether or not such education is also provided for pupils under or over that age), not being a public school or a grant-aided school ;
- (24) "Her Majesty's inspectors" means the inspectors of schools appointed by Her Majesty on the recommendation of the Secretary of State ;
- (25) "Junior college" has the meaning assigned to it by paragraph (a) of section four of this Act ;
- (26) "Managers", in relation to an educational establishment, means the governing body, trustees, or other person or body of persons responsible for the management of the establishment but does not include an education authority ;
- (27) "Medical examination" means examination by a duly qualified medical practitioner : Provided that in conducting an examination of any such class as may be prescribed, such practitioner may be assisted by other persons having such special qualifications or experience as may be prescribed ;
- (28) "Medical inspection" and "medical supervision" mean, respectively, inspection and supervision by or under the directions of a duly qualified medical practitioner or in appropriate cases by a person registered under the Dentists Act, 1957 ;
- (29) "Medical officer" means, in relation to any education authority, a duly qualified medical practitioner employed or engaged, whether regularly or for the purposes of any particular case, by that authority ;
- (30) "Medical treatment" includes prevention and treatment of diseases by any duly qualified medical practitioner, and the supply of appliances on the recommendation of such practitioner, but does not, in relation to any pupil other than a pupil receiving primary or secondary education elsewhere than at school under arrangements made by an education authority under section fourteen of this Act, include treatment in that pupil's home ;
- (31) "Nursery school" and "nursery class" have the respective meanings assigned to them by paragraph (a) of subsection (2) of section two of this Act ;
- (32) "Officers" includes servants ;

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- (33) "Parent" includes guardian and any person who is liable to maintain or has the actual custody of a child or young person ;
- (34) "Premises" in relation to any educational establishment includes the site of such establishment, any building in which pupils attending such establishment are boarded whether managed by the managers of such establishment or by any other person by arrangement with such managers, and any playing fields used in connection with such establishment whether contiguous to or detached therefrom ;
- (35) "Prescribed", except in Part IV of this Act, means prescribed by the Secretary of State ;
- (36) "Primary education" has the meaning assigned to it by subsection (2) of section two of this Act ;
- (37) "Proprietor" in relation to an independent school means the managers of such school, and for the purposes of the provisions of this Act relating to applications for the registration of independent schools includes any person or body of persons proposing to be the managers ;
- (38) "Provisionally registered school" means an independent school registered in the register of independent schools whereof the registration is provisional only ;
- (39) "Public school" means any school under the management of an education authority ;
- (40) "Pupil" where used without qualification means a person of any age for whom education is or is required to be provided under this Act ; and a pupil shall be deemed to be attending or in attendance at a school if he is shown by the register of admission and withdrawal kept at the school in accordance with regulations made under this Act, or by any other register approved by the Secretary of State and kept for a similar purpose, to have been admitted to, but not to have been withdrawn from, or to have been readmitted to, and not thereafter to have been withdrawn from, the school ; and similar expressions, whether relating to schools or to other educational establishments, shall be similarly interpreted ;
- (41) "Registered school" means an independent school the registration of which in the register of independent schools is final ;
- (42) "School" means an institution for the provision of primary or secondary education or both primary and secondary education being a public school, a grant-aided school or an independent school, and includes a

PART VII

nursery school and a special school; and the expression "school" where used without qualification includes any such school or all such schools as the context may require, but does not include an approved school within the meaning of the Act of 1937;

- (43) "School age" has the meaning assigned to it by subsection (1) of section thirty-two of this Act;
- (44) "Secondary education" has the meaning assigned to it by subsection (2) of section three of this Act;
- (45) "Special educational treatment" has the meaning assigned to it by subsection (1) of section five of this Act;
- (46) "Special school" includes special classes forming part of primary schools or secondary schools, child guidance clinics and occupational centres;
- (47) "Teachers Superannuation Scheme" means the superannuation scheme framed and approved under the Education (Scotland) (Superannuation) Acts, 1919 to 1939, or under Part IV of the Act of 1946, and any amendment thereof;
- (48) "Teachers (Superannuation) Regulations" means regulations made, or deemed under section one hundred and forty-seven of this Act to have been made, under section one hundred and two of this Act; and
- (49) "Young person" means a person over school age who has not attained the age of eighteen years.

Interpretation. 146.—(1) In this Act, unless the context otherwise requires, references to any enactment or any provision of any enactment shall be construed as references to that enactment or provision as amended by any subsequent enactment, including this Act, or to that enactment or provision as appearing in any enactment in which that enactment or provision is consolidated as amended by any subsequent enactment.

(2) In this Act, unless the context otherwise requires, references to any statutory instrument or to any provision of a statutory instrument shall be construed as references to that statutory instrument or provision as amended by any subsequent statutory instrument, or to that statutory instrument or provision as appearing in any statutory instrument in which that statutory instrument or provision is consolidated as amended by any subsequent statutory instrument.

Repeals. 147. The enactments set out in the Eighth Schedule to this Act are hereby repealed to the extent specified in the third column of the said Schedule:

Provided that without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889—

PART VII

- (a) any rule, regulation, order or scheme made, any appointment made or certificate, notice, direction or approval given, or thing done under any enactment repealed by this Act shall, if in force immediately before the commencement of this Act, continue in force notwithstanding such repeal in like manner as if it had been made, given or done under this Act and, in so far as it could have been made, given or done under a particular provision of this Act, shall be deemed to have been made, given or done under that provision ;
- (b) nothing in this repeal shall affect—
- (i) the title of an education authority to any property vested in or held in trust for them immediately before the commencement of this Act ; or
 - (ii) the terms and conditions upon which any officer of an education authority holds his office or the powers of an education authority in relation thereto ; and
- (c) a conviction for an offence against any enactment repealed and re-enacted (whether with or without modification) by this Act, shall for the purposes of any provision of this Act relating to penalties be deemed to be a conviction for an offence against the enactment as so re-enacted.

148.—(1) This Act, except the provisions set forth in the second column of the Ninth Schedule, shall come into operation on the first day of October, nineteen hundred and sixty-two. Commence-
ment.

(2) The provisions of this Act set forth in the second column of the Ninth Schedule shall respectively come into operation on the days mentioned opposite to them in the third column of the said Schedule, and, where days are to be appointed by the Secretary of State for the coming into operation of any of the said provisions, he may appoint different days for different purposes and different provisions.

149.—(1) This Act may be cited as the Education (Scotland) Act, 1962. Citation and
extent

(2) This Act shall extend to Scotland only.

(3) The Education (Scotland) (War Service Superannuation) Act, 1939, the Education (Scotland) Act, 1945, the Education (Scotland) Act, 1946, the Education (Exemptions) (Scotland) Act, 1947, the Education (Scotland) Act, 1949, and this Act shall be construed as one and may be cited together as the Education (Scotland) Acts, 1939 to 1962.

SCHEDULES

Section 68.

FIRST SCHEDULE**LOCAL INQUIRIES**

1. The Secretary of State shall appoint a person to hold the inquiry and to report thereon to him.

2. The person appointed shall notify the bodies and persons appearing to him to be interested of the time when and the place where the inquiry is to be held.

3. The person appointed may by notice in writing require any person—

(a) to attend at the time and place set forth in the notice to give evidence or to produce any books or documents in his custody or under his control which relate to any matter in question at the inquiry ; or

(b) to furnish within such reasonable period as is specified in the notice such information relating to any matter in question at the inquiry as the person appointed may think fit and as the person so required is able to furnish :

Provided that—

(i) no person shall be required in obedience to such a notice to attend at any place which is more than ten miles from the place where he resides unless the necessary expenses are paid or tendered to him ; and

(ii) nothing in this paragraph shall empower the person appointed to hold the inquiry to require any person to produce any book or document or to answer any question which he would be entitled, on the ground of privilege or confidentiality, to refuse to produce or to answer if the inquiry were a proceeding in a court of law.

4. The person appointed to hold the inquiry may administer oaths and examine witnesses on oath and may accept, in lieu of evidence on oath by any person, a statement in writing by that person supported by a declaration of the truth thereof in such form as the person appointed may require.

5. The inquiry shall unless the Secretary of State otherwise directs be held in public.

6. Any person who refuses or wilfully neglects to attend in obedience to a notice issued under paragraph 3 of this Schedule, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or document which he may be required to produce by any such notice, or who refuses or wilfully neglects to comply with any requirement of the person appointed to hold the inquiry under paragraph 3 of this Schedule, shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a period not exceeding three months.

7. The Secretary of State may make orders as to the expenses incurred by the parties appearing at the inquiry and as to the parties by whom such expenses shall be paid.

1st SCH.

8. Any order by the Secretary of State under paragraph 7 of this Schedule requiring any party to pay expenses may be enforced in like manner as a recorded decree arbitral.

SECOND SCHEDULE

Section 77.

ANNUAL SUMS CHARGED ON THE CONSOLIDATED FUND

<i>Serial number</i>	<i>Education Area</i>	<i>Annual sum £</i>
1. Argyll	353
2. Banff	30
3. Caithness	58
4. Inverness	128
5. Orkney	30
6. Perth	62
7. Ross and Cromarty	149
8. Sutherland	89
		<hr/> £899 <hr/>

THIRD SCHEDULE

Section 102.

TEACHERS (SUPERANNUATION) REGULATIONS

PART I

PROVISIONS TO WHICH THE TEACHERS (SUPERANNUATION)
REGULATIONS SHALL GIVE EFFECT*Provisions to be included in Regulations*

1. The Teachers (Superannuation) Regulations shall include provision for the purposes set forth in the following paragraphs of this Part of this Schedule.

Payment of retiring allowances

2. Provision shall be made for the payment on retirement after attaining the prescribed age, or on retirement in case of permanent incapacity, of a retiring allowance which shall be—

- (1) an annual allowance during life not exceeding an amount calculated by reference to the whole period of first class service of a teacher at the rate of one-eightieth of his pensionable salary for a year of first-class service, and

3RD SCH.

- (2) by way of additional allowance, a lump sum not exceeding an amount calculated by reference to the whole period of first class service of the teacher at the rate of three-eighths of the pensionable salary of the teacher for a year of first class service:

Provided that—

- (i) a retiring allowance shall not be granted to a teacher who has given less than ten completed years of first class service or of first class service and second class service; and
- (ii) a retiring allowance shall not be granted on grounds of permanent incapacity to a teacher who has qualified for a retiring allowance on grounds of age; and
- (iii) the amount of the additional allowance in respect of the period before the first day of October nineteen hundred and fifty-six shall be calculated at the rate of one-thirtieth of the pensionable salary of the teacher for a year of first class service.

Calculation of length of service

3. Provisions shall be made for securing that the period of first class service or of first class service and second class service of which account may be taken shall not exceed forty-five years, of which, for the calculation of the annual allowance, not more than forty shall be years before the teacher attained the age of sixty years; that where a teacher is granted a retiring allowance in case of permanent incapacity and has not completed twenty years of first class service or of first class service and second class service, his retiring allowance shall be calculated as it would have been if he had completed twenty years of first class service or such shorter period as he would have completed if he had continued to be employed in first class service until the prescribed age; and for such consequential, transitional and other matters as appear to the Secretary of State to be necessary for the carrying out of the purposes of this paragraph.

Gratuities to infirm teachers

4. Provision shall be made for the payment on retirement in case of permanent incapacity, after first class service for a prescribed period less than ten years, of a gratuity not exceeding the prescribed proportion of the pensionable salary of the teacher.

Death gratuities

5. Provision shall be made for the payment to the personal representatives of a teacher who dies in first class service after completing the prescribed period of first class service, of a death gratuity of an amount calculated in the prescribed manner.

Return of contributions made by teacher to Scottish Teachers Superannuation Fund

6. Provision shall be made for the return to a teacher of any contributions made by him to the Scottish Teachers Superannuation Fund established in accordance with section fourteen of the Act of 1908.

*Return of contributions under the Education (Scotland)
Superannuation Act, 1922 and subsequent Acts*

3RD SCH.

7. Provision shall be made for the repayment to a teacher or to his personal representatives, in circumstances and on conditions to be prescribed, of contributions made by him in terms of the Act of 1922, the Act of 1925, the Act of 1946 or of this Act, together with compound interest on each contribution as from the prescribed date calculated at the rate of three per cent per annum with yearly rests, and for the cancellation on such repayment of the service in respect of which the said contributions were paid.

Repayment by teachers of contributions returned to them

8. Provision shall be made for permitting a teacher in circumstances and on conditions to be prescribed to repay the sums repaid to him under provisions included in the Teachers Superannuation Scheme by virtue of section two of the Act of 1922 or paragraph (a) of subsection (1) of section four of the Act of 1925, or subparagraph (5) of paragraph 2 of Part I of the Third Schedule to the Act of 1946, or under provisions included in the Teachers (Superannuation) Regulations by virtue of the said subparagraph (5) as read with subsection (3) of section one hundred and one of the Act of 1946 as set out in section ten of the Education (Scotland) Act, 1956, or of the last foregoing paragraph, together with compound interest thereon calculated from the date of repayment to him at the rate of three and half per cent per annum with yearly rests, and for the restoration to such teacher, on such repayment by him, of such claims under the Teachers Superannuation Scheme or the Teachers (Superannuation) Regulations as he would have had if no repayment had been made to him.

Minimum amount of benefits

9. Provision shall be made for securing that the total amount of benefit payable under the Teachers (Superannuation) Regulations to any teacher or to his personal representatives together with compound interest on any benefit calculated from the date of payment at three per cent per annum with yearly rests shall not (save as may be otherwise provided in cases where benefit is payable also under the Teachers (Superannuation) Acts, 1918 to 1956), be less than the total amount of the contributions paid by him under the Act of 1922, the Act of 1925, the Act of 1946 and this Act together with compound interest on such contributions from the prescribed date calculated at three per cent per annum with yearly rests.

Exchange of part of annual allowance for other benefits

10. Provision shall be made for securing that, in such circumstances and subject to such conditions as to proof of good health and other matters as may be prescribed, a teacher who has attained the age of sixty years shall be allowed to surrender as from the date of commencement of an annual allowance granted or to be granted to him under the Teachers (Superannuation) Regulations such part not exceeding one third of the allowance as may be specified, in return for benefits to be prescribed, and for enabling the Secretary of State to grant, in return for such surrender as aforesaid, according as

3RD SCH. the teacher may in conformity with rules made under the Teachers (Superannuation) Regulations elect, either—

- (1) to the spouse or to a dependant of the teacher a pension payable in respect of the period, if any, for which the spouse or dependant survives the teacher ; or
- (2) to the teacher an annuity payable as from the date of commencement of the annual allowance in respect of the period of the joint lives of himself and his spouse and to the spouse a pension payable in respect of the period, if any, for which the spouse survives the teacher :

Provided that—

- (i) for the purposes of this paragraph a teacher who dies in first class service after having surrendered part of the annual allowance to be awarded to him, shall be deemed to have been granted the annual allowance which would have been granted to him if he had retired on the day before his death ;
- (ii) the amount of the said pension or the amounts of the said annuity and pension, as the case may be, shall be such that the value or the aggregate value shall be actuarially equivalent (according to tables to be prepared from time to time by the Government Actuary), at the date of the commencement of the annual allowance, to the value of that part of the allowance which is surrendered ; and
- (iii) in ascertaining for the purpose of the last foregoing sub-paragraph of this proviso the actuarial equivalent of the part of the annual allowance which is surrendered by the teacher before retirement, it shall be assumed that there has been no change in the teacher's state of health between the date on which he makes the surrender and the date as from which the annual allowance is awarded or deemed to be awarded.

Calculation of benefits where part of annual allowance has been surrendered

11. Provision shall be made for determining, in the case where a teacher has surrendered part of a retiring allowance under any provision included in the Teachers Superannuation Scheme by virtue of subsection (3) of section four of the Act of 1937, or of sub-paragraph (8) of paragraph 2 of Part I of the Third Schedule to the Act of 1946, or under any provision included in the Teachers (Superannuation) Regulations by virtue of the said sub-paragraph (8) as read with subsection (3) of section one hundred and one of the Act of 1946 as set out in section ten of the Education (Scotland) Act, 1956, or of the last foregoing paragraph, how the amounts of any payments to him or his personal representatives are to be calculated for the purpose of any provision of the Teachers (Superannuation) Regulations, and for applying any provision of the said Regulations, with or without modifications, in respect of pensions and annuities granted under subsection (3) of section four of the Act of 1937 or under any provisions included in the Teachers (Superannuation) Regulations by virtue of the said sub-paragraph (8) or of the last foregoing paragraph and of persons entitled thereto.

Reckoning of breaks in service as service

12. Provision shall be made for enabling a teacher whose first class service is discontinued—

(1) for a period not exceeding five years, or not exceeding such longer period as the Secretary of State may in any case direct, in the case of a teacher who during that period is employed—

(a) as a teacher in any part of Her Majesty's dominions outside the United Kingdom, or

(b) as a teacher in any school in a foreign country which is shown to the satisfaction of the Secretary of State to be a school in which it is expedient to facilitate the employment of British teachers, or

(c) in an educational service outside the United Kingdom in employment which to a substantial extent involves the control or supervision of teachers, or

(d) as a teacher in any school maintained within the United Kingdom by the Government of any part of Her Majesty's Dominions outside the United Kingdom ; or

(2) for such period not exceeding five years as the Secretary of State may approve for the purpose of enabling a teacher to gain special experience of value in teaching ; or

(3) for a period not exceeding one year in any other case,

to pay to the Secretary of State with his consent sums equal to the aggregate of the contributions which would have been payable if the teacher had continued to be employed in first class service at his salary as at the date of discontinuing first class service ; for enabling the said period to be reckoned as a period of first class service ; and for determining the amount of such payments which shall be reckoned as contributions by the teacher.

Reckoning of periods of experience of value to teachers as service

13. Provision shall be made for enabling the Secretary of State on the application of a teacher who entered first class service or second class service after gaining experience which, in the opinion of the Secretary of State, is or is likely to be of value to him as a teacher, to approve the said experience and to intimate to the teacher the period not exceeding five years which, in respect of the said experience, may be deemed a period of first class service and the purposes for which and the conditions (including payment of additional contributions) on which the said first class service may be recorded ; and, if the teacher intimates his agreement and undertakes to fulfil the said conditions, for the said period to be deemed a period of first class service and to be recorded accordingly ; and for such consequential and other matters as may appear to the Secretary of State to be necessary for the carrying out of this paragraph :

3RD SCH.

Provided that a period during which the teacher was undergoing whole-time education or whole-time training for the teaching profession or apprenticeship to a profession or trade or was engaged in service by virtue of an enlistment notice or a training notice served under Part I of the National Service Act, 1948, or any work or training in pursuance of an order made or direction given under the said Part I in respect of a conditionally registered conscientious objector shall not be so approved.

Additional provisions

14. Provision shall be made for such other matters as appear necessary to carry out the purposes of Part IV of this Act.

PART II**PROVISIONS TO WHICH THE TEACHERS (SUPERANNUATION)
REGULATIONS MAY GIVE EFFECT***Provisions which may be included in Regulations*

15. The Teachers (Superannuation) Regulations may, without prejudice to the generality of paragraph 14 of Part I of this Schedule, include provisions for the purposes set forth in the following paragraphs of this Part of this Schedule.

Adjustment of interests under earlier schemes

16. Provision may be made for the adjustment of existing interests under the Elementary School Teachers (Superannuation) Act, 1898, or the scheme framed in pursuance of section fourteen of the Act of 1908.

Resumption of service by retired teachers

17. Provision may be made for the adjustment of retiring allowances, gratuities or death gratuities in the case of teachers re-entering service after retirement therefrom.

Age of retirement

18. Provision may be made for the retirement from first class service at a prescribed age of teachers to whom the Teachers (Superannuation) Regulations apply.

Retirement from posts of special responsibility

19. Provision may be made for a teacher who holds a post of special responsibility within the meaning of the regulations for the time being in force made by the Secretary of State under section seventy-nine of the Act of 1946 or section eighty-three of this Act and will not, on completion of forty-five years of first class service or of first class service and second class service, have attained the age for retirement prescribed under the last foregoing paragraph, to be deemed to have offered to resign from the said post on the day on which he completes the said forty-five years, and for the retirement of the teacher from the said post on the said day if his resignation is accepted, so, however, that nothing in any provision included in the

Teachers (Superannuation) Regulations under this paragraph shall prevent the employer from offering and the teacher from accepting appointment to another post.

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Pensions for widows, widowers, children and dependants of teachers

20. Provision may be made for the payment of pensions of such amounts, in such cases and subject to such conditions as may be prescribed, to and for the benefit of the widows or widowers and the children (including children over school age) or other dependants of teachers who die after such date as may be prescribed and who when they die are in receipt of or eligible for an annual allowance or are employed in first class service and are in such circumstances that, if they had not died, they could have established a claim to an annual allowance on the grounds of infirmity, or, having been employed for not less than ten years in first class service or in first class service and second class service, die within such period after ceasing to be so employed as may be prescribed. Provision may be made for the application of such provisions in so far as they relate to pensions for widows, widowers and children, irrespective of election, to male teachers or to both male and female teachers who enter first class service or second class service on or after such date as may be prescribed, and to such male and female teachers to whom such provisions so relating do not apply as may elect that such provisions so relating shall apply to them or as do not elect that such provisions shall not apply to them. Provision may be made for the application of such provisions in so far as they relate to pensions for dependants to such male and female teachers as may elect that such provisions so relating shall apply to them or as do not elect that such provisions shall not apply to them. Provision may be made for the surrender or repayment in exchange for the said pensions of so much of the lump sums or death gratuities payable or paid, or of contributions returnable or returned, to or in respect of the said teachers as may be prescribed as being sufficient in the opinion of the Secretary of State to support the said pensions, and for such consequential and other matters as may appear to the Secretary of State to be necessary for the carrying out of the purposes of this paragraph :

Provided that the power to include in the Teachers (Superannuation) Regulations provisions for the purposes of this paragraph shall not be exercised except with the approval of the Treasury and after consultation with representatives of education authorities and of teachers.

Exchange of lump sum for additional pension

21. Provision may be made for enabling a teacher to whom a retiring allowance is awarded to surrender, subject to such conditions as may be prescribed, the lump sum, or so much thereof as remains after a surrender under the last foregoing paragraph, in exchange for an additional annual allowance which shall be actuarially equivalent to the value of the lump sum surrendered under this paragraph ; and for such consequential and other matters (including the adaptation of enactments) as may appear to the Secretary of State to be necessary for the carrying out of the purposes of this paragraph.

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Teachers guilty of misconduct

22. Provision may be made for the refusal, reduction or suspension of any benefit in the case of any teacher who has been guilty of misconduct.

Protection of benefits against diligence of creditors

23. Provision may be made for the protection of benefits against the diligence of creditors.

Proof of title of personal representatives of teacher

24. Provision may be made for dispensing with the necessity for confirmation before payment of benefits to the personal representatives of a deceased teacher.

Mutual arrangements with countries of Her Majesty's dominions

25. Provision may be made for giving effect to any arrangements made with any authority administering any statutory scheme of superannuation for school teachers in any part of Her Majesty's dominions, providing for the extension (whether with or without modification) of the Teachers (Superannuation) Regulations to service in the capacity of a teacher in that part of Her Majesty's dominions and for the extension of such statutory scheme to first class service within the meaning of the Teachers (Superannuation) Regulations.

Extension of Regulations to teachers in schools not otherwise within scope of Regulations

26. Provision may be made for applying on such conditions and with such modifications in regard to contributions and otherwise as may be prescribed the provisions of the Teachers (Superannuation) Regulations to teachers in schools which are not otherwise within the scope of the said Regulations:

Provided that the contributions payable by and in respect of such teachers shall be at rates prescribed from time to time after consultation with the Government Actuary with a view to securing that the contributions paid shall be equal in value to the benefits to be accorded in respect of such contributions.

Calculation of length of first class service of temporary teachers

27. Provision may be made where the part of the salary of a teacher which has vested in him in respect of a day of first class service after the thirty-first day of March, nineteen hundred and fifty-two, is greater than one three-hundred-and-sixty-fifth part of the annual rate of his salary on that day, that that day shall be reckoned in the calculation of the length of first class service of the teacher as a day and such fraction of a day as the Secretary of State may determine:

Provided that the teacher shall not be credited in any year beginning on the first day of April with a greater number of days of first class service than there are days in that year.

Power to make Rules

28. Provision may be made for the making by the Secretary of State of rules for the purpose of giving effect to the provisions of Part IV of this Act and for carrying the Teachers (Superannuation) Regulations into effect.

Power to apply Acts and Provisional Orders

3RD SCH.

29. Provision may be made for applying, with such modifications as appear necessary, any provisions contained in any Act of Parliament or Provisional Order confirmed by Parliament dealing with superannuation, including any penal provisions thereof.

Power to settle questions

30. Provision may be made for the final settlement by the Secretary of State of any questions which may arise as to the application of any part of the scheme framed in pursuance of section fourteen of the Act of 1908 or of the Teachers Superannuation Scheme or of the Teachers (Superannuation) Regulations to any person, or as to the amount of any benefit, or as to the payment, refusal, reduction or suspension of any benefit, or as to the return of any contribution to the Scottish Teachers Superannuation Fund established in accordance with section fourteen of the Act of 1908, or as to the reckoning of any service.

*Modifications consequential on National Insurance
Acts 1946 to 1959*

31. Provision may be made for making modifications upon the Teachers (Superannuation) Regulations consequential upon the passing of the National Insurance Acts 1946 to 1959.

Matters arising under National Health Service (Scotland) Act, 1947

32. Provision may be made for such other matters as appear necessary to carry out the purposes of the National Health Service (Scotland) Act, 1947.

PART III

REGULATIONS TO BE INCORPORATED IN THE TEACHERS
(SUPERANNUATION) REGULATIONS*Regulations to be incorporated*

33. The following regulations shall, subject to the provisions of subsection (3) of section one hundred and two of this Act, be incorporated in the Teachers (Superannuation) Regulations:—

Independent superannuation schemes

“ 1.—(1) Notwithstanding anything in any enactment, a teacher employed in first class service within the meaning of these Regulations shall not be subject to an independent superannuation scheme in respect of that service.

(2) Where a teacher who becomes employed in first class service within the meaning of these Regulations,—

- (a) has, not more than one year before he so becomes employed in such first class service, been subject to an independent superannuation scheme, and
- (b) would, but for the foregoing paragraph, be subject to such a scheme in respect of the first class service in which he so becomes employed,

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the first class service in which he so becomes employed shall not be treated as first class service within the meaning of these Regulations, and he shall be subject to the independent superannuation scheme accordingly:

Provided that if any teacher who is subject to an independent superannuation scheme by virtue of the foregoing provisions of this paragraph elects within the prescribed time and in the prescribed manner to withdraw from the scheme, the said provisions shall not have effect in relation to any first class service in which he is employed after the election takes effect.

(3) Where any teacher makes such an election, the election shall take effect as from the time when he entered the first class service in which he is for the time being employed.

(4) Where any such election is made by a teacher who is a contributory employee or a local Act contributor as defined by the Local Government Superannuation (Scotland) Act, 1937, he shall be entitled to receive out of the appropriate superannuation fund a sum equal to the aggregate amount of his contributions to that fund calculated in accordance with subsection (5) of section ten of the said Act of 1937, or, as the case may be, in accordance with the corresponding provision of the local Act scheme, together with compound interest on those contributions, calculated to the date on which he ceases to be a contributory employee or a local Act contributor at the rate of three per cent per annum with half-yearly rests.

(5) In this Regulation the expression "independent superannuation scheme" means:—

- (a) any superannuation scheme other than these Regulations (including a superannuation scheme established by or under any public general or local Act of Parliament or Provisional Order confirmed by Act of Parliament) which provides for the payment of contributions to a fund by any local authority or the persons responsible for the management of any educational establishment or other educational institution, and for the payment out of that fund, in respect of service rendered to the authority or to those persons, of benefits on disablement, retirement, attainment of any specified age, or death; and
- (b) any system of superannuation (not being a system established by or under any public general or local Act of Parliament or Provisional Order confirmed by Act of Parliament) operated jointly by a number of educational establishments or other educational institutions for the purpose of providing such benefits as aforesaid in respect of the service of persons employed by them.

Recording of employment not previously recordable

2.—(1) Subject to the provisions of this Regulation, where a teacher who is or has been employed in first class service within the meaning of these Regulations after the second day of July, nineteen hundred and forty-five, by an education authority has before the said day been in whole-time paid employment in connection with education in Scotland, such employment shall, if he makes application to the Secretary of State for that purpose within the prescribed

time and in the prescribed manner, be treated for the purposes of these Regulations as if it had been first class service within the meaning thereof :

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Provided that if upon making such an application he requests that his employment before any date specified by him shall not be treated as if it had been first class service within the meaning of these Regulations, his said employment before that date shall not be so treated by virtue of this Regulation.

(2) Where an application made by a teacher under this Regulation relates, whether wholly or in part, to employment after the thirty-first day of May, nineteen hundred and twenty-two, he shall be liable to pay the appropriate contributions to the Secretary of State in respect of that employment in accordance with rules made by the Secretary of State ; and no employment after the said date shall be treated as first class service within the meaning of these Regulations by virtue of this Regulation unless the appropriate contributions are so paid in respect thereof.

(3) For the purposes of this Regulation, the appropriate contributions are the contributions which would have been payable by the teacher in respect of the employment in question under the Education (Scotland) (Superannuation) Acts, 1919 to 1939, or the Education (Scotland) Act, 1946, or the Education (Scotland) Act, 1962, if that service had been first class service within the meaning of these Regulations.

(4) Where a teacher has ceased to be in employment which is treated as first class service within the meaning of these Regulations by virtue of this Regulation in order to undertake war service, the provisions of the Education (Scotland) (War Service Superannuation) Act, 1939, shall have effect accordingly with respect to his period of war service, including any such period which falls after the second day of July, nineteen hundred and forty-five.

Employer's contributions in respect of service not previously recorded

3.—(1) Subject to the provisions of this Regulation, where any period of employment after the fifteenth day of May, nineteen hundred and twenty-three, including any period of war service, is treated as first class service within the meaning of these Regulations by virtue of the last foregoing Regulation, the contributions (hereinafter referred to as " employer's contributions ") which would have been payable under the Education (Scotland) (Superannuation) Acts, 1919 to 1939, or the Education (Scotland) Act, 1946, or the Education (Scotland) Act, 1962, by the teacher's employer in respect of that employment shall be paid to the Secretary of State by the education authority by whom the teacher in question is employed in first class service within the meaning of these Regulations when he first becomes entitled to make an application under the last foregoing Regulation.

(2) Where a teacher who has been a contributory employee or a local Act contributor as defined by the Local Government Superannuation (Scotland) Act, 1937 (hereinafter referred to as a Local Government Superannuation Act employee), becomes, not more than one year after ceasing to be a Local Government Superannuation Act employee, entitled to make an application under the last

3RD SCH. foregoing Regulation, no employer's contributions shall be payable in respect of any employment which he was, immediately before he last ceased to be a Local Government Superannuation Act employee, entitled to reckon for superannuation purposes under the said Act of 1937 or under any local Act scheme as defined by that Act.

(3) In lieu of the employer's contributions which would have been payable in respect of any employment but for the last foregoing paragraph, there shall be paid to the Secretary of State in respect of that employment, out of the appropriate superannuation fund, a sum equivalent to the difference between the sum which has become or will become payable out of that fund in respect of the past contributions of the teacher who made the application (including any sum payable as interest upon such contributions) and the transfer value which would have been payable out of that fund under section twenty-four of the Local Government Superannuation (Scotland) Act, 1937, if, after he last ceased to be entitled to participate in the benefits of the fund, the said teacher had forthwith become entitled to participate in the benefits of some other superannuation fund maintained under that Act or under a local Act scheme as defined by that Act:

Provided that the sum paid to the Secretary of State by virtue of this paragraph in respect of any employment shall not exceed the aggregate amount of the contributions which would have been payable under the Education (Scotland) (Superannuation) Acts, 1919 to 1939, or the Education (Scotland) Act, 1946, or the Education (Scotland) Act, 1962, by the teacher's employer in respect of that employment.

(4) For the purpose of the last foregoing paragraph—

(a) the appropriate superannuation fund is the fund in the benefits of which the teacher in question was last entitled to participate as a Local Government Superannuation Act employee before becoming entitled to make the application under the last foregoing Regulation; and

(b) the expression "past contributions" includes in relation to a contributory employee all such contributions as are mentioned in subsection (5) of section ten of the Local Government Superannuation (Scotland) Act, 1937, and in relation to a local Act contributor shall be construed accordingly.

(5) Where a teacher ceased to be employed in any capacity in respect of which he was a Local Government Superannuation Act employee in order to undertake service which he was entitled to reckon for superannuation purposes by virtue of the Education (Scotland) (War Service Superannuation) Act, 1939, paragraphs (2), (3) and (4) of this Regulation shall have effect as if he had continued to be a Local Government Superannuation Act employee during the period of service which he was so entitled to reckon.

(6) Any reference in this Regulation to the contributions which would have been payable under the Education (Scotland) (Superannuation) Acts, 1919 to 1939, or the Education (Scotland) Act, 1946, or the Education (Scotland) Act, 1962, by the teacher's employer in respect of the employment of any teacher shall, in relation to a period of war service, be construed as a reference to

such employer's contributions only as would have been payable in respect of his service during that period, if immediately before undertaking war service he had been employed by an education authority, governing body or other body of managers.

3RD SCH.

Contributions returnable exceeding death gratuities

4. A death gratuity shall not be payable to the personal representative of a teacher where the amount thereof would be less than the amount of the contributions made by the teacher in terms of the Education (Scotland) (Superannuation) Acts, 1919 to 1939, and Part IV of the Education (Scotland) Act, 1946, and Part IV of the Education (Scotland) Act, 1962, together with compound interest on each contribution as from the prescribed date calculated at the rate of three per cent per annum with yearly rests, but under deduction of—

- (1) any contributions returned to the teacher and not repaid by him, and
- (2) any other sums paid or payable under these Regulations to him or to his personal representative."

FOURTH SCHEDULE

Section 103(2)

ELECTION BY CERTAIN TEACHERS FOR APPLICATION TO THEM OF PROVISIONS RELATING TO RETIRING ALLOWANCES INTRODUCED IN 1956

Serial Number	Subject	Provisions of this Act
1	Definition of "pensionable salary".	Section 110 in so far as it defines "pensionable salary".
2	Payment of retiring allowances.	Schedule III, Part I, paragraph 2.
3	Service of which account may be taken for the calculation of annual allowances.	Schedule III, Part I, paragraph 3.
4	Surrender of part of annual allowance in exchange for benefits for spouse or dependants.	Schedule III, Part I, paragraph 10.
5	Reckoning of breaks in service as service.	Schedule III, Part I, paragraph 12.
6	Reckoning of periods spent in gaining experience of value to teachers as first class service.	Schedule III, Part I, paragraph 13.
7	Retirement of teachers in posts of special responsibility on completion of 45 years of service.	Schedule III, Part II, paragraph 19.
8	Pensions for widows, widowers, children and dependants of teachers.	Schedule III, Part II, paragraph 20.
9	Surrender of lump sums for additional annual allowances.	Schedule III, Part II, paragraph 21.
10	Calculation of number of days of first class service in special cases.	Schedule III, Part II, paragraph 27.

Section 105 (4).

FIFTH SCHEDULE

REDUCTION OF CONTRIBUTIONS OF TEACHERS IN
PARTICIPATING EMPLOYMENT

Annual rate of salary	Annual rate of reduction of contributions
	£ s. d.
Up to £468	NIL
Over £468 but not exceeding £520	8 0
„ £520 „ „ „ £572	1 5 0
„ £572 „ „ „ £624	2 2 0
„ £624 „ „ „ £676	2 19 0
„ £676 „ „ „ £728	3 16 0
„ £728 „ „ „ £780	4 13 0
„ £780 „ „ „ „ „ „	5 2 0

Section 107.

SIXTH SCHEDULE

TEACHERS SUPERANNUATION ACCOUNT

1. The accounting periods for which the account shall be made up shall be from the first day of April in each year to the thirty-first day of March in the next year.

2. There shall be treated as having been paid into the revenue for each accounting period—

- (1) by teachers the amount of teachers' contributions attributable to the period, and by the education authorities, governing bodies or other bodies of managers by whom such teachers are employed the amount of the employers' contributions attributable to the period, including any supplementary contributions ;
- (2) out of moneys provided by Parliament a sum equal to the expenditure during the period upon superannuation and other allowances attributable to service before the first day of June, nineteen hundred and twenty-two ;
- (3) a sum representing interest at the rate of three and a half per cent. per annum on the mean balance, if any, of revenue over expenditure during the period ; such mean balance being calculated by adding together one half of the balance (exclusive of any interest under this paragraph) remaining at the end of the period and one half of the balance, if any, carried forward from the last preceding accounting period ;
- (4) the amount of any balance of revenue over expenditure remaining at the end of the last preceding accounting period ; and

(5) any other revenue attributable to the period.

6TH SCH.

3. There shall be shown the expenditure upon allowances and gratuities attributable to service before the first day of June, nineteen hundred and twenty-two, separately from expenditure upon allowances, gratuities, and the return of contributions attributable to service since that date.

4. There shall be shown in such manner as may be determined by the Secretary of State after consultation with the Treasury the expenditure incurred by the Secretary of State in respect of payments in lieu of contributions made under the National Insurance Act, 1959.

SEVENTH SCHEDULE

Section 113 (1).

CONSTITUTION OF INDEPENDENT SCHOOLS TRIBUNALS

1. For the purpose of enabling Independent Schools Tribunals to be constituted as occasion may require, there shall be appointed by the Secretary of State a panel (hereinafter referred to as the "educational panel") of persons to act when required as members of any such tribunal.

2. No officer of any government department and no person employed by an education authority in any capacity other than that of a teacher shall be qualified to be appointed to the educational panel, and no person shall be so qualified unless he has had such experience in teaching or in the conduct, management or administration of schools as the Secretary of State considers suitable.

3. Any person appointed to be a member of the educational panel shall hold office for such period and subject to such conditions as may be determined by the Secretary of State.

4. Where any complaint is required to be determined by an Independent Schools Tribunal, the tribunal shall consist of the sheriff (or, if he is unable to act, a person qualified for appointment as sheriff nominated by the Lord President of the Court of Session), who shall be chairman, and two other members appointed from the educational panel by the Secretary of State, of whom at least one shall be a woman in the case of a complaint concerning a school for girls or a complaint concerning the proprietor of a school, or a teacher therein, who is a woman.

5. In this Schedule the expression "sheriff" does not include sheriff-substitute, and means the sheriff of the county in which the school to which the complaint relates is situated, or, in the case of an appeal against a refusal to remove a disqualification, the sheriff of the county where the appellant resides.

Section 147.

EIGHTH SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
8 & 9 Geo. 5. c. 48.	The Education (Scotland) Act, 1918.	The whole Act so far as unrepealed.
9 & 10 Geo. 6. c. 72.	The Education (Scotland) Act, 1946.	The whole Act so far as unrepealed.
10 & 11 Geo. 6. c. 27.	The National Health Service (Scotland) Act, 1947.	Eleventh Schedule, Part I, in so far as it relates to the Education (Scotland) Act, 1946.
12, 13 & 14 Geo. 6. c. 19.	The Education (Scotland) Act, 1949.	The whole Act.
12, 13 & 14 Geo. 6. c. 94.	The Criminal Justice (Scotland) Act, 1949.	Twelfth Schedule, in so far as it relates to the Education (Scotland) Act, 1946.
4 & 5 Eliz. 2. c. 53.	The Teachers (Superannuation) Act, 1956.	Sections twenty-seven to thirty-six so far as unrepealed; in section forty, the words "or the Education (Scotland) Acts, 1939 to 1956".
4 & 5 Eliz. 2. c. 75.	The Education (Scotland) Act, 1956.	The whole Act.
6 & 7 Eliz. 2. c. 64.	The Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958.	In section five, subsections (1) and (3); section fourteen; in the Fourth Schedule, in Part I, paragraph 6; in Part III, paragraph 24, in so far as it relates to paragraph 6 of Part I; in the Fifth Schedule, paragraphs 2 to 7.
7 & 8 Eliz. 2. c. 72.	The Mental Health Act, 1959.	The Eighth Schedule, Part II, in so far as it relates to the Education (Scotland) Act, 1946.
8 & 9 Eliz. 2. c. 61.	The Mental Health (Scotland) Act, 1960.	Section eleven; the First Schedule; the Fifth Schedule, in so far as it relates to the Education (Scotland) Act, 1945, the Education (Scotland) Act, 1946, the Education (Scotland) Act, 1949.
10 & 11 Eliz. 2. c. 12.	The Education Act, 1962.	Sections five, six and ten.

NINTH SCHEDULE

Section 148.

POSTPONEMENT OF THE COMMENCEMENT OF CERTAIN PROVISIONS

Serial number	Provision	Day upon which the provision shall come into operation
1	In section one, subsection (3) so far as relating to compulsory further education and junior colleges.	Such day as the Secretary of State may by statutory instrument appoint.
2	In section ten, subsection (1) so far as relating to junior colleges.	do.
3	Section eleven so far as relating to junior colleges.	do.
4	Section twenty-four so far as relating to junior colleges.	Such day as the Secretary of State may by statutory instrument appoint.
5	Sections thirty-two and thirty-three.	1st August, 1963.
6	Sections forty-five to forty-seven.	Such day as the Secretary of State may by statutory instrument appoint, being as early a day as he considers practicable.
7	Section forty-eight.	Such day as the Secretary of State may by statutory instrument appoint.
8	Section fifty so far as relating to junior colleges and in subsection (1), paragraph (c).	do.
9	Section fifty-two so far as relating to junior colleges.	do.
10	Section fifty-three so far as relating to junior colleges.	do.
11	Section fifty-eight so far as relating to junior colleges.	do.
12	Section sixty-one so far as relating to junior colleges.	do.
13	Section sixty-seven so far as relating to junior colleges.	do.
14	Section sixty-nine so far as relating to junior colleges.	do.
15	In section seventy-four, subsection (2).	do.
16	Section eighty-two so far as relating to junior colleges.	do.
17	Section one hundred and one so far as relating to junior colleges.	do.
18	Section one hundred and thirty-six.	do.
19	Section one hundred and thirty-eight.	Such day as the Secretary of State may by statutory instrument appoint, being as early a day as he considers practicable.
20	In section one hundred and forty-five, paragraph (43).	1st August, 1963.

9TH SCH.

Serial number	Provision	Day upon which the provision shall come into operation
21	Eighth Schedule so far as relating to— The Education (Scotland) Act, 1946, section thirty-two, section thirty-three, in section one hundred and forty-three, subsection (1) so far as it relates to the interpretation of the expression " school age ", and subsection (2); The Education (Scotland) Act, 1949, section three and section five and the Schedule, Part I, so far as they relate to section thirty-two of the Education (Scotland) Act, 1946; and The Education Act, 1962, section ten.	1st August, 1963. do. do.

— 50 —

Table of Statutes referred to in this Act

Short Title	Session and Chapter
School Sites Act, 1841	4 & 5 Vict. c. 38.
Endowed Institutions (Scotland) Act, 1878 ...	41 & 42 Vict. c. 48.
Educational Endowments (Scotland) Act, 1882	45 & 46 Vict. c. 59.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Local Taxation (Customs and Excise) Act, 1890	53 & 54 Vict. c. 60.
Elementary School Teachers (Superannuation) Act, 1898	61 & 62 Vict. c. 57.
Education (Scotland) Act, 1908	8 Edw. 7. c. 63.
Education (Scotland) Act, 1918	8 & 9 Geo. 5. c. 48.
Education (Scotland) Superannuation Act, 1922	12 & 13 Geo. 5. c. 48.
Education (Scotland) Superannuation Act, 1925	15 & 16 Geo. 5. c. 55.
Unemployment Insurance Act, 1935	25 & 26 Geo. 5. c. 8.
Children and Young Persons (Scotland) Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 37.
Teachers (Superannuation) Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 47.
Factories Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 67.
Local Government Superannuation (Scotland) Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 69.
Unemployment Insurance Act, 1938	1 & 2 Geo. 6. c. 8.
Reorganisation of Offices (Scotland) Act, 1939	2 & 3 Geo. 6. c. 20.
Education (Scotland) (War Service Superannuation) Act, 1939	2 & 3 Geo. 6. c. 96.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Education (Scotland) Act, 1945	8 & 9 Geo. 6. c. 37.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
National Insurance Act, 1946	9 & 10 Geo. 6. c. 67.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
National Health Service (Scotland) Act, 1947...	10 & 11 Geo. 6. c. 27.
Education (Exemptions) (Scotland) Act, 1947	11 & 12 Geo. 6. c. 36.

Table of Statutes referred to in this Act—cont.

Short Title	Session and Chapter
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947	11 & 12 Geo. 6. c. 42.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
National Service Act, 1948	11 & 12 Geo. 6. c. 64.
Education (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 19.
Criminal Justice (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 94.
Mines and Quarries Act, 1954	2 & 3 Eliz. 2. c. 70.
Teachers (Superannuation) Act, 1956	4 & 5 Eliz. 2. c. 53.
Education (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 75.
Dentists Act, 1957	5 & 6 Eliz. 2. c. 28.
Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958	6 & 7 Eliz. 2. c. 64.
National Insurance Act, 1959	7 & 8 Eliz. 2. c. 47.
Mental Health Act, 1959	7 & 8 Eliz. 2. c. 61.
Mental Health (Scotland) Act, 1960	8 & 9 Eliz. 2. c. 61.
Factories Act, 1961	9 & 10 Eliz. 2. c. 34.
Local Government (Financial Provisions etc.) (Scotland) Act, 1962	10 & 11 Eliz. 2. c. 9.
Education Act, 1962	10 & 11 Eliz. 2. c. 12.

Table of Statutory Instruments referred to in this Act

Short Title	Year, Number and Volume Reference
The National Economy (Education) (Scotland) Order, 1931.	S.R. & O. 1931/812 (1931, p. 394).
The Teachers (Superannuation) (Scotland) Regulations, 1957.	S.I. 1957/356 (1957 I, p. 733).
The Teachers (Training Authorities) (Scotland) Regulations, 1958.	S.I. 1958/1634 (1958 I, p. 1025).

CHAPTER 48

An Act to amend the law with respect to civil proceedings
between husband and wife.

[1st August, 1962]

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

1.—(1) Subject to the provisions of this section, each of the parties to a marriage shall have the like right of action in tort against the other as if they were not married.

Actions in
tort between
husband
and wife.

(2) Where an action in tort is brought by one of the parties to a marriage against the other during the subsistence of the marriage, the court may stay the action if it appears—

- (a) that no substantial benefit would accrue to either party from the continuation of the proceedings; or
- (b) that the question or questions in issue could more conveniently be disposed of on an application made under section seventeen of the Married Women's Property Act, 1882 (determination of questions between husband and wife as to the title to or possession of property);

45 & 46 Vict
c. 75.

and without prejudice to paragraph (b) of this subsection the court may, in such an action, either exercise any power which could be exercised on an application under the said section seventeen, or give such directions as it thinks fit for the disposal under that section of any question arising in the proceedings.

(3) Provision shall be made by rules of court for requiring the court to consider at an early stage of the proceedings whether the power to stay an action under subsection (2) of this section should or should not be exercised; and rules under the County Courts Act, 1959, may confer on the registrar any jurisdiction of the court under that subsection.

7 & 8 Eliz. 2.
c. 22.

(4) This section does not extend to Scotland.

Proceedings
between
husband and
wife in respect
of delict.

2.—(1) Subject to the provisions of this section, each of the parties to a marriage shall have the like right to bring proceedings against the other in respect of a wrongful or negligent act or omission, or for the prevention of a wrongful act, as if they were not married.

(2) Where any such proceedings are brought by one of the parties to a marriage against the other during the subsistence of the marriage, the court may dismiss the proceedings if it appears that no substantial benefit would accrue to either party from the continuation thereof; and it shall be the duty of the court to consider at an early stage of the proceedings whether the power to dismiss the proceedings under this subsection should or should not be exercised.

(3) This section extends to Scotland only.

Short title,
repeal,
interpretation,
saving and
extent.

3.—(1) This Act may be cited as the Law Reform (Husband and Wife) Act, 1962.

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

(3) The references in subsection (1) of section one and subsection (1) of section two of this Act to the parties to a marriage include references to the persons who were parties to a marriage which has been dissolved.

(4) This Act does not apply to any cause of action which arose, or would but for the subsistence of a marriage have arisen, before the commencement of this Act.

(5) This Act does not extend to Northern Ireland.

SCHEDULE

Section 3.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
45 & 46 Vict. c. 75.	The Married Women's Property Act, 1882.	Section twelve, except so far as it relates to criminal proceedings. Section twenty-three.
25 & 26 Geo. 5. c. 30.	The Law Reform (Married Women and Tortfeasors) Act, 1935.	In section one, the words "and subject, as respects actions in tort between husband and wife, to the provisions of section twelve of the Married Women's Property Act, 1882".

CHAPTER 49

An Act to restrict the use and possession of air guns, shot guns and similar weapons.

[1st August, 1962]

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

1.—(1) No person under the age of fourteen shall accept as a gift any air weapon or ammunition for an air weapon, and no person shall give any air weapon or ammunition for an air weapon to any person under that age. Restrictions upon the use and possession of air weapons.

(2) Subject to subsections (4) and (5) of this section, no person under the age of fourteen shall have in his possession any air weapon or ammunition for an air weapon; and no person shall part with the possession of an air weapon or ammunition for an

air weapon to any person under that age, except where, by virtue of subsection (4) or subsection (5) of this section, the possession thereof by that person is not prohibited.

(3) Subject to subsection (5) of this section, no person under the age of seventeen shall have an air weapon in his possession in any public place, except an air gun or air rifle which is so covered with a securely fastened gun cover that it cannot be fired.

(4) Subsection (2) of this section shall not prohibit the possession of an air weapon or any ammunition by any person while under the supervision of a person of or over the age of twenty-one; but where a person has possession of an air weapon on any premises in circumstances where its possession by him would be prohibited but for the preceding provisions of this subsection he shall not use it for firing any missile beyond those premises, and the person under whose supervision he is shall not allow him so to use it.

(5) Subsections (2) and (3) of this section shall not prohibit or restrict the possession of any air weapon or ammunition—

(a) by a member of a club for the time being approved by the Secretary of State for the purposes of this section or of subsection (8) of section four of the Firearms Act, 1937, while engaged as such a member in or in connection with target practice; or

(b) by any person while using the weapon or ammunition at a shooting gallery where the only firearms used are either air weapons or miniature rifles not exceeding .23 calibre.

1 Edw. 8. &
1 Geo. 6. c. 12.

Shot guns.

2. No person under the age of fifteen shall have an assembled shot gun in his possession except while under the supervision of a person of or over the age of twenty-one or while the shot gun is so covered with a securely fastened gun cover that it cannot be fired.

Offences.

3.—(1) Any person who contravenes any of the provisions of this Act shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds or both (or, as the case may be, to be dealt with as for an offence which, if committed by an adult, is punishable on summary conviction with such imprisonment or such a fine or both); and the court by whom he is convicted may make such order as to the forfeiture or disposal of the air weapon or ammunition in respect of which the offence was committed or any firearm or ammunition found in his possession as the court thinks fit.

(2) In any proceedings for an offence under this Act committed by giving or parting with the possession of an air weapon or

ammunition for an air weapon to a person under the age of fourteen it shall be a defence to prove that the person charged with the offence believed the other person to be of or over that age and had reasonable ground for the belief.

4. In this Act—

- “air weapon” means such a weapon as is specified in paragraph (b) of subsection (1) of section sixteen of the Firearms Act, 1937 (that is to say, an air gun, air rifle or air pistol not being of a type declared by rules made by a Secretary of State under that Act to be specially dangerous); Interpretation.
- “firearm” has the same meaning as in the said Act of 1937;
- “premises” includes any land;
- “public place” includes any highway and any other premises to which at the material time the public have or are permitted to have access, whether on payment or otherwise; and
- “shot gun” means such a weapon as is specified in paragraph (a) of subsection (1) of section sixteen of the said Act of 1937 (that is to say, a smooth-bore gun having a barrel not less than twenty inches in length).

5. In subsection (9) of section four of the said Act of 1937 (which makes with respect to exemption from firearm certificates provision similar to that made by paragraph (b) of subsection (5) of section one of this Act) after the words “other than” there shall be inserted the words “such weapons as are specified in paragraph (b) of subsection (1) of section sixteen of this Act or” Amendment of
Firearms Act,
1937.

6.—(1) This Act may be cited as the Air Guns and Shot Guns, etc., Act, 1962. Short title and
extent.

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

CHAPTER 50

An Act to require the giving of information by landlords to tenants; and for purposes connected therewith.

[1st August, 1962]

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

1.—(1) Where a person (hereafter in this Act referred to as the “tenant”) has a right granted to him or any predecessor in title Provision of
rent books.

of his by a contract or conferred by an enactment to occupy any premises as a residence in consideration of a rent, and that rent is payable weekly, it shall be the duty of the landlord to provide a rent book or other similar document for use in respect of the premises.

(2) The foregoing subsection shall not apply to any premises if the rent includes a payment in respect of board and the value of that board to the tenant forms a substantial proportion of the whole rent.

Information to
be contained
in rent books.

2.—(1) A rent book or other similar document provided in pursuance of section one of this Act shall contain—

(a) notice of the name and address of the landlord of the premises in respect of which the rent book or document is to be used; and

(b) if the premises are occupied by virtue of a contract to which the Furnished Houses (Rent Control) Act, 1946, applies, particulars of the rent and of the other terms and conditions of the contract and notice of such other matters as may be prescribed; and

(c) if the premises are a dwelling-house to which the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, apply, notice of such matters in addition to the name and address of the landlord as may be prescribed;

and if the premises are occupied as aforesaid or are such a dwelling-house as aforesaid any such notice or particulars shall be in the prescribed form.

(2) In the Rent Restrictions Regulations, 1957, regulations 4 and 5 and the Second Schedule shall be deemed to have been made under the foregoing subsection and shall continue to have effect accordingly until varied or revoked under this Act.

9 & 10 Geo. 6.
c. 34.

Information
to be supplied
by companies.

3.—(1) Where the landlord of any premises to which subsection (1) of section one of this Act applies is a company, and the tenant serves on the landlord a request in writing to that effect, the landlord shall furnish to the tenant in writing particulars of the name and address of every director and of the secretary of the company.

(2) A request by the tenant of any premises under the foregoing subsection shall be deemed to be duly served on the landlord if it is served on any agent of the landlord named as such in the rent book or other similar document or on the person who receives the rent of the premises, and any such agent or person on whom such a request is served shall as soon as may be forward it to the landlord.

Offences.

4.—(1) If the landlord of any premises to which subsection (1) of section one of this Act applies fails to comply with any relevant requirement of the foregoing provisions of this Act, he and (except

in the case of a failure to comply with subsection (1) of section three of this Act and subject to subsection (5) of this section) any person who on his behalf demands or receives rent in respect of the premises while any such requirement is not complied with, shall be guilty of an offence.

(2) If any person fails to comply with any requirement imposed upon him by subsection (2) of section three of this Act, he shall be guilty of an offence.

(3) Any person guilty of an offence under subsection (1) or subsection (2) of this section shall be liable on summary conviction to a fine not exceeding fifty pounds or, in the case of a second or subsequent conviction for an offence under either of those subsections, to a fine not exceeding one hundred pounds.

(4) If any default in respect of which a landlord is convicted of an offence under subsection (1) or any other person is convicted of an offence under subsection (2) of this section continues for more than fourteen days after the conviction, that landlord or other person shall be deemed to have committed a further offence under that subsection in respect of that default.

(5) If any person other than the landlord is charged with an offence under subsection (1) of this section, it shall be a defence for him to show that he neither knew nor had reasonable cause to suspect that any requirement such as is mentioned in that subsection had not been complied with.

(6) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

5. Sections ten and eleven of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933 (which relate to the powers of local authorities with respect respectively to the publishing of information and to the prosecution of offences) shall have effect as if any reference therein to the principal Acts included a reference to this Act. Powers of local authorities. 23 & 24 Geo. 5. c. 32.

6. In this Act—

Interpretation.

- (a) the expression "landlord", in relation to any premises occupied by a tenant under a right granted by a contract, means the person who granted that right or any successor in title of his, as the case may require, and, in relation to any premises occupied by a tenant under a right

conferred by an enactment, means the person who, apart from that right, would be entitled to possession of the premises;

- (b) the expression "prescribed" means prescribed by regulations made by statutory instrument by the Minister of Housing and Local Government which may make different provision for different cases and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Short title,
commence-
ment, extent
and repeals.

7.—(1) This Act may be cited as the Landlord and Tenant Act, 1962.

(2) This Act shall come into operation on the expiration of the period of three months beginning with the date on which it is passed.

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

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

Section 7.

SCHEDULE

REPEALS

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 32.	The Rent and Mortgage Interest Restrictions (Amendment) Act, 1933.	In section fourteen, paragraph (b) of subsection (1) and subsection (3).
1 & 2 Geo. 6. c. 26.	The Increase of Rent and Mortgage Interest (Restrictions) Act, 1938.	Section six.
5 & 6 Eliz. 2. c. 25.	The Rent Act, 1957 ...	In section twelve, subsection (6). In the Sixth Schedule, paragraph 20.
5 & 6 Eliz. 2. c. 56.	The Housing Act, 1957...	Section eight.

CHAPTER 51*Licensing (Scotland) Act, 1962*

ARRANGEMENTS OF SECTIONS

Restaurants and hotels

Section

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2. Additional provisions regarding restaurant and restricted hotel certificates.

The permitted hours

3. Application and effect of permitted hours provisions.
4. Permitted hours in licensed premises, registered clubs and licensed canteens.
5. Alternative permitted hours in certain athletic clubs during winter.
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8. Restaurants in public houses may have permitted hours on Sundays in certain cases.
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The general licensing system

11. Certificates not to be granted for premises on special roads.
12. Amendment of law relating to provisional grant of certificates.
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Provisions regulating sale and supply of exciseable liquor

14. Protection of young persons.
15. Amendment of law relating to sale of exciseable liquor on credit.
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Clubs

17. Sale of exciseable liquor in registered clubs to members of other clubs.
18. Special permissions for clubs.
19. Persons under 18 not to be employed to serve exciseable liquor in clubs.

Miscellaneous

20. Trading hours for off-sale premises, etc.
21. Sale of exciseable liquor on passenger vessels on Sundays.
22. Restriction on carriage of exciseable liquor in crates, etc., on contract carriages.
23. Repeal of ss. 131 (6) and 133 (2) of principal Act.
24. Amendment of s. 151 of principal Act.

Supplementary

Section

25. Interpretation, and application of certain provisions of principal Act for purposes of this Act.
26. Amendments and repeals, and transitional provisions consequential thereon.
27. Citation, extent and commencement.

SCHEDULES:

First Schedule—New Forms of Certificate.

Second Schedule—Amendments of the Principal Act.

Third Schedule—Repeal of Enactments.

An Act to make provision in Scotland for the grant by licensing courts of new forms of certificate for the sale by retail of exciseable liquor; to amend the law in Scotland regarding the sale and supply of exciseable liquor and regarding licensed premises and clubs; to prescribe the hours during which premises in Scotland licensed for the sale and supply of exciseable liquor for consumption off the premises may remain open for the serving of customers with such liquor; to restrict the carriage of exciseable liquor on public service vehicles used as contract carriages; and for purposes connected with the matters aforesaid.

[1st August, 1962]

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

Restaurants and hotels

Licensing courts may grant restaurant certificates and restricted hotel certificates.

1.—(1) The power to grant certificates for the sale by retail of exciseable liquor conferred on licensing courts by subsection (1) of section thirty-two of the Licensing (Scotland) Act, 1959 (hereafter in this Act referred to as "the principal Act"), shall include, in addition to the power to grant hotel, public house and off-sale certificates as provided in subsection (2) of the said section, a power to grant under the principal Act restaurant certificates and restricted hotel certificates, as defined respectively in the next two following subsections.

(2) A restaurant certificate is a certificate which—

(a) is granted in respect of premises which—

(i) are structurally adapted and bona fide used, or intended to be used, for the purpose of habitually providing meals for the accommodation of persons frequenting the premises ;

(ii) so far as they are used, or intended to be used, for the said purpose, are principally used, or intended to be used, for providing the customary main meal at midday or in the evening, or both ; and

(iii) do not contain a bar counter ; and

(b) authorises the holder thereof, in accordance with the appropriate excise licence, to sell or supply exciseable liquor in the said premises to persons taking table meals there, for consumption by such a person as an ancillary to his meal.

(3) A restricted hotel certificate is a certificate which—

(a) is granted in respect of a hotel which—

(i) is structurally adapted and bona fide used, or intended to be used, for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises of such hotel ;

(ii) so far as it is used, or intended to be used, for the purpose of providing meals to persons who are not residing there, is principally used, or intended to be used, for providing the customary main meal at midday or in the evening, or both ; and

(iii) does not contain a bar counter ; and

(b) authorises the holder thereof, in accordance with the appropriate excise licence,—

(i) to sell or supply exciseable liquor in the said premises to persons taking table meals there, for consumption by such a person as an ancillary to his meal ;

(ii) to sell or supply exciseable liquor in those premises to persons residing there, for consumption on the premises by such a person or by a private friend of such a person who is bona fide entertained by, and at the expense of, that person ;

(iii) to supply exciseable liquor in those premises to any private friends of a person residing there who are bona fide entertained by, and at the expense

of, that person, for consumption on the premises by such a friend entertained as aforesaid ;

(iv) to sell or supply exciseable liquor in those premises to persons residing there, for consumption by such a person or by a private friend of such a person who is bona fide entertained by, and at the expense of, that person as an ancillary to a meal supplied at, but to be consumed off, the premises.

(4) Subject to the provisions of the principal Act and this Act, a restaurant certificate and a restricted hotel certificate shall be in the appropriate form set out in the First Schedule to this Act.

Additional provisions regarding restaurant and restricted hotel certificates.

2.—(1) On granting or transferring a restaurant or a restricted hotel certificate in respect of any premises a licensing court shall, if as regards the use of the premises for the provision of the customary main meals it appears to them that it is only for the customary main meal at midday, or only for the customary main meal in the evening, that the premises fall within sub-paragraph (ii) of paragraph (a) of subsection (2) or, as the case may be, sub-paragraph (ii) of paragraph (a) of subsection (3) of the last foregoing section, insert in the certificate a condition that there shall be no permitted hours in the premises in the evening, or that there shall be permitted hours in the premises only in the evening, as the case requires.

(2) Where—

- (a) the holder of a public house certificate in respect of any premises applies to the licensing court under Part II of the principal Act for a new certificate, being a restaurant certificate, in respect of those premises, or
- (b) the holder of a hotel certificate in respect of any premises applies as aforesaid for a new certificate, being a restricted hotel certificate, in respect of those premises,

then—

- (i) if such new certificate is granted by the licensing court, the grant shall not require confirmation by the court of appeal as provided in section forty-four of the principal Act ; and
- (ii) if such application is refused by the licensing court, it shall be competent to appeal to the court of appeal under section forty-nine of the principal Act.

(3) Section fifty-four of the principal Act (which provides for the provisional grant of hotel and public house certificates), together with the provisions of section twelve of this Act, shall apply for the purpose of the provisional grant of restaurant and restricted hotel certificates as they apply for the purpose of the provisional grant of hotel and public house certificates.

(4) Section sixty of the principal Act (which relates to the grant of a special permission to the holder of a hotel or a public house certificate) shall apply for the purpose of the grant of a special permission to the holder of a restaurant or a restricted hotel certificate as it applies for the purpose of the grant of a special permission to the holder of a hotel or a public house certificate so, however, that a special permission granted to the holder of a restaurant or a restricted hotel certificate shall be subject to a condition that the sale of exciseable liquor under the authority of the permission shall be ancillary to the provision of substantial refreshment.

(5) Sections sixty-one and sixty-two of the principal Act (which provide for control by licensing courts over the structure of premises for which a hotel or a public house certificate is held) shall have effect in relation to premises for which a restaurant or a restricted hotel certificate is held as they have effect in relation to the first-mentioned premises.

(6) Section eighty-two of the principal Act (which restricts the sale and supply of exciseable liquor in State management districts) shall not apply to anything done under the authority of a restaurant or a restricted hotel certificate.

(7) Section one hundred and eleven of the principal Act (which provides that while a no-licence resolution is in force in any area the licensing court within whose jurisdiction such area is situated shall have power, subject to certain conditions, to grant hotel or public house certificates for premises situated in the area, and that certificates so granted shall be deemed to contain certain special conditions) shall have effect as if it provided instead that such a licensing court may, if they are satisfied that in the special circumstances of the case a certificate is reasonably required, grant one or more restaurant or restricted hotel certificates for premises situated in the area.

(8) A certificate granted by a licensing court by virtue of the said section one hundred and eleven and subsisting at the date on which this section comes into force shall as from such date—

- (a) if it is a hotel certificate, be deemed to be a restricted hotel certificate, and
- (b) if it is a public house certificate, be deemed to be a restaurant certificate,

and in either case shall have effect as from the said date as if it had been so granted in the appropriate form set out in the First Schedule to this Act.

The permitted hours

3.—(1) The provisions of the principal Act, and the following provisions of this Act, relating to the permitted hours shall not apply to off-sale premises.

Application
and effect of
permitted
hours
provisions.

2 N* 2

(2) On granting or transferring a hotel or a public house certificate in respect of any premises a licensing court shall, if the applicant so requests and if they are satisfied—

(a) that a part of the premises (hereafter in this subsection referred to as “the off-sale part”) is structurally adapted for the sale and supply of exciseable liquor for consumption off the premises; and

(b) that there is no internal communication to which customers have access connecting the off-sale part with a part of the premises used, or intended to be used, for the sale and supply of exciseable liquor for consumption on the premises, or that any such internal communication is capable of being closed to customers;

insert in the certificate the following conditions, namely—

(i) a condition that the off-sale part (which shall be specified in the condition) shall not be used for the sale or supply of exciseable liquor for consumption on the premises;

(ii) a condition that any internal communication to which customers have access connecting the off-sale part with a part of the premises used for the sale and supply of exciseable liquor for consumption on the premises shall be closed to customers during any time when customers are present in any part of the premises; and

(iii) a condition that no customers shall be permitted to use any internal communication for the purpose of passing from one part of the premises to another part thereof;

and so long as the certificate is subject to the said conditions, the provisions of the principal Act, and the following provisions of this Act, relating to the permitted hours shall not apply to the off-sale part.

At the general half-yearly meeting of any licensing court held in October, nineteen hundred and sixty-two, the holder of a hotel or a public house certificate may, notwithstanding that such certificate does not require to be renewed by the court at that meeting, request the court to insert in the certificate the conditions set out in paragraphs (i) to (iii) of this subsection, and in relation to such a request this subsection shall have effect as if for the words from the beginning of the subsection to “so requests” there were substituted the words “A licensing court shall, if the holder of a hotel or a public house certificate so requests”.

(3) Nothing in subsection (1) of section one hundred and twenty-one, or subsection (1) of section one hundred and twenty-two, of the principal Act (which sections restrict the sale and supply of exciseable liquor in licensed premises, clubs and licensed canteens except during the permitted hours) shall prohibit or restrict—

- (a) the taking of exciseable liquor from any premises by a person residing there ; or
- (b) the consumption of exciseable liquor in any premises at any time within ten minutes after the conclusion of the permitted hours in the afternoon or evening, as the case may be, if such liquor was supplied in those premises during the permitted hours ; or
- (c) the taking of exciseable liquor from any premises at any time within ten minutes after the conclusion of the permitted hours in the afternoon or evening, as the case may be, if such liquor was supplied in those premises during the permitted hours and was not supplied or taken away in an open vessel ; or
- (d) the supply of exciseable liquor in any premises, for consumption on those premises, to any private friends of a person residing there who are bona fide entertained by, and at the expense of, that person, or the consumption by such friends of exciseable liquor so supplied to them.

(4) Nothing in the principal Act or this Act shall be taken to require any premises to be open for the sale or supply of exciseable liquor during the permitted hours.

4.—(1) Subject to the provisions of the principal Act and this Act, the permitted hours in licensed premises (other than public houses) and in registered clubs and licensed canteens shall—

Permitted hours in licensed premises, registered clubs and licensed canteens.

- (a) on weekdays, be the period between eleven in the morning and half-past two in the afternoon and the period between five and ten in the evening ; and
- (b) on Sundays, be the period between half-past twelve and half-past two in the afternoon and the period between half-past six and ten in the evening so, however, that for the purpose of the sale or supply of exciseable liquor for consumption off the premises there shall be no permitted hours in such licensed premises or clubs on Sundays.

(2) Subject to the provisions of the principal Act and this Act, the permitted hours in public houses shall on weekdays be the period between eleven in the morning and half-past two in the afternoon and the period between five and ten in the evening, and (except as provided in section eight of this Act) there shall be no permitted hours in public houses on Sundays.

(3) The following provisions of the principal Act shall cease to have effect, namely—

sections one hundred and twenty-three, one hundred and twenty-four and one hundred and twenty-five (permitted

hours in licensed premises, registered clubs and licensed canteens);

section one hundred and twenty-seven (early-closing certificates);

sections one hundred and forty-seven and one hundred and sixty-six (offences in connection with sale of liquor to travellers);

condition (4) in the form of certificate for a hotel set out in the Second Schedule (hotel not to be open for sale of exciseable liquor on Sundays except for accommodation of lodgers and travellers);

and a condition in any certificate subsisting at the date on which this section comes into force, being a condition inserted in such certificate by the licensing court by virtue of the said section one hundred and twenty-seven, shall also cease to have effect as from the said date.

Alternative permitted hours in certain athletic clubs during winter.

5.—(1) A registered club may apply to the sheriff for any one of the following orders, that is to say—

(a) an order providing that during the winter period the permitted hours in the club on weekdays shall not be those set out in paragraph (a) of subsection (1) of section four of this Act, but shall instead be the period between eleven in the morning and two in the afternoon and the period between four and half-past nine in the evening; or

(b) an order providing that during the winter period the permitted hours in the club on Sundays shall not be those set out in paragraph (b) of the said subsection (1), but shall instead be the period between half-past twelve and two in the afternoon and the period between four and eight in the evening, and that for the purpose of the sale or supply of exciseable liquor for consumption off the premises there shall be no permitted hours in the club on Sundays; or

(c) an order which contains both the aforesaid provisions; and the sheriff shall, if in his opinion the conditions set out in the next following subsection are satisfied, make the order applied for.

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

(a) that the premises of the club are structurally adapted and bona fide used, or intended to be used, wholly or mainly for the purpose of providing facilities in connection with the carrying on by members of the club and their guests of athletic sports or athletic games;

- (b) that one or more of such sports or games is or are usually carried on out of doors and, when so carried on, can (unless artificial lighting is used) only be carried on during the hours of daylight ;
- (c) that the said premises are regularly used, or are intended regularly to be used, during the winter period, for providing facilities in connection with the carrying on by members of the club and their guests, during the hours of daylight, of such a sport or game as is mentioned in the last foregoing paragraph ;
- (d) that having regard to the time at which the said sport or game is usually carried on by members of the club and their guests, the permitted hours set out in paragraph (a) or (b) or paragraphs (a) and (b) (as the case may be) of subsection (1) of section four of this Act are not suitable for the supply of exciseable liquor in the said premises to persons who participate in that sport or game.

(3) On an application for an order being made under subsection (1) of this section by any club the sheriff clerk shall forthwith give notice thereof to the chief constable who may, within twenty-one days of the date of the receipt by him of such notice, lodge with the sheriff clerk objections to the making of such order on the ground that one or more of the conditions set out in paragraphs (a) to (d) of the last foregoing subsection has not or have not been satisfied in relation to the club, and shall, on lodging any such objections, send a copy thereof to the secretary of the club ; and if any such objections are lodged and not withdrawn, the sheriff shall as soon as may be hear parties upon the application and objections and may order such enquiry as he thinks fit, and shall thereafter make or refuse to make the order applied for, and may award expenses against the unsuccessful party.

(4) An order made under this section by the sheriff in respect of any club shall expire on the date on which the certificate of registration which is in force in respect of the club expires.

(5) In this section the expression " the winter period " means the period beginning with the first day of October and ending with the thirty-first day of March.

6.—(1) This section shall apply to any premises for which a certificate (other than an off-sale certificate) is held or to the premises of a registered club—

- (a) if the holder of the certificate or, as the case may be, the club gives notice of the application of the section to the premises in accordance with the provisions of subsection (6) of this section, and

Extension of permitted hours in the afternoon in certain licensed premises and clubs.

(b) as from such date as may be specified in the said notice :

Provided that, in the case of premises for which a hotel or a public house certificate is held or the premises of a club, the certificate-holder or the club, as the case may be, shall not give notice of application as aforesaid, and this section shall not apply to such premises, unless the licensing court for the licensing area within which the premises are situated are satisfied that the premises are structurally adapted and bona fide used, or intended to be used, for the purpose of habitually providing the customary main meal at midday for the accommodation of persons frequenting the premises.

(2) While this section applies to any premises the effect shall be that, for the purposes mentioned in the next following subsection, on weekdays the permitted hours in those premises in the afternoon, as fixed by section four or, as the case may be, section five of this Act, shall be increased by the addition of half an hour at the end thereof.

(3) The purposes referred to in the last foregoing subsection are—

(a) the sale or supply to persons taking table meals in the premises of exciseable liquor supplied in a part of the premises usually set apart for the service of such persons, and supplied for consumption by such a person in that part of the premises as an ancillary to his meal ; and

(b) the consumption of exciseable liquor so supplied.

(4) While this section applies to any premises, then for purposes other than those mentioned in the last foregoing subsection, or in parts of the premises other than the part so mentioned, the permitted hours shall be the same as if this section did not apply to the premises.

(5) This section shall cease to apply to any premises on the expiry of the twenty-seventh day of May in any year if the holder of the certificate or the club, as the case may be, gives notice of the disapplication of the section from the premises in accordance with the provisions of the next following subsection :

Provided that this section shall cease to apply to premises for which a hotel or a public house certificate is held, or to the premises of a club, at any time on the licensing court ceasing to be satisfied as mentioned in the proviso to subsection (1) of this section.

(6) A notice of the application of this section to, or of the disapplication of this section from, any premises—

(a) shall be in writing ;

(b) shall, in the case of a club, be given by the secretary of the club on its behalf ;

(c) shall, in the case of a notice of application, specify the date from which the section is to apply to the premises and, in the case of a notice of disapplication, state that the section is to cease to apply to the premises on the expiry of the twenty-seventh day of May next following the giving of the notice ;

(d) shall be served on the chief constable not later than fourteen days before the date specified as aforesaid, or not later than fourteen days before the twenty-seventh day of May, as the case may be.

(7) The secretary of any club to the premises of which this section applies shall notify the licensing court for the licensing area within which such premises are situated of any reconstruction or extension of, or alteration in, the premises which affects the facilities available in the premises for the provision of the customary main meal at midday, and if the secretary of any club contravenes this subsection he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding twenty pounds.

(8) The holder of the certificate for premises to which this section applies shall keep posted in some conspicuous place in the premises a notice stating that this section applies thereto and setting out the effect of its application, and if any person contravenes this subsection he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding ten pounds.

7.—(1) For section one hundred and twenty-six of the principal Act (which provides for the extension of the permitted hours in the evening in certain licensed premises and clubs) there shall be substituted the following section :—

“ Extension of permitted hours in the evening in certain licensed premises and clubs.

126.—(1) This section shall apply to any premises for which a certificate (other than an off-sale certificate) is held or to the premises of a registered club—

(a) if the holder of the certificate or, as the case may be, the club gives notice of the application of the section to the premises in accordance with the provisions of subsection (6) of this section, and

(b) as from such date as may be specified in the said notice :

Provided that, in the case of premises for which a hotel or a public house certificate is held or the premises of a club, the certificate-holder or the club, as the case may be, shall not give notice of application as aforesaid, and this section shall not apply to such premises. unless the licensing

Extension of permitted hours in the evening in certain licensed premises and clubs.

court for the licensing area within which the premises are situated are satisfied that the premises are structurally adapted and bona fide used, or intended to be used, for the purpose of habitually providing, for the accommodation of persons frequenting the premises, substantial refreshment to which the sale and supply of exciseable liquor is ancillary.

(2) While this section applies to any premises the effect shall be that for the purposes mentioned in the next following subsection the permitted hours in those premises in the evening, as fixed by section four or section five or, as the case may be, eight of the Licensing (Scotland) Act, 1962, shall be increased by the addition of one hour at the end thereof.

(3) The purposes referred to in the last foregoing subsection are—

(a) the sale or supply to persons taking table meals in the premises of exciseable liquor supplied in a part of the premises usually set apart for the service of such persons, and supplied for consumption by such a person in that part of the premises as an ancillary to his meal ; and

(b) the consumption of exciseable liquor so supplied.

(4) While this section applies to any premises, then for purposes other than those mentioned in the last foregoing subsection, or in parts of the premises other than the part so mentioned, the permitted hours shall be the same as if this section did not apply to the premises.

(5) This section shall cease to apply to any premises on the expiry of the twenty-seventh day of May in any year if the holder of the certificate or the club, as the case may be, gives notice of the disapplication of the section from the premises in accordance with the provisions of the next following subsection :

Provided that this section shall cease to apply to premises for which a hotel or a public house certificate is held, or to the premises of a club, at any time on the licensing court ceasing to be satisfied as mentioned in the proviso to subsection (1) of this section.

(6) A notice of the application of this section to, or of the disapplication of this section from, any premises—

(a) shall be in writing ;

(b) shall, in the case of a club, be given by the secretary of the club on its behalf ;

(c) shall, in the case of a notice of application, specify the date from which the section is to apply to the

premises and, in the case of a notice of disapplication, state that the section is to cease to apply to the premises on the expiry of the twenty-seventh day of May next following the giving of the notice ;

- (d) shall be served on the chief constable not later than fourteen days before the date specified as aforesaid, or not later than fourteen days before the twenty-seventh day of May, as the case may be.

(7) The secretary of any club to the premises of which this section applies shall notify the licensing court for the licensing area within which such premises are situated of any reconstruction or extension of, or alteration in, the premises which affects the facilities available in the premises for the provision of substantial refreshment, and if the secretary of any club contravenes this subsection he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding twenty pounds.

(8) The holder of the certificate for premises to which this section applies shall keep posted in some conspicuous place in the premises a notice stating that this section applies thereto and setting out the effect of its application, and if any person contravenes this subsection he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding ten pounds."

(2) Nothing in this section shall affect anything done under section one hundred and twenty-six of the principal Act before the date on which this section comes into force, but anything so done shall, if in force immediately before the said date, have effect as if it had been done under the said section one hundred and twenty-six as set out in the preceding subsection.

8.—(1) This section shall apply to any premises for which a public house certificate is held—

- (a) if the holder of the certificate gives notice of the application of the section to the premises in accordance with the provisions of subsection (6) of this section, and
- (b) as from such date as may be specified in the said notice :

Restaurants in public houses may have permitted hours on Sundays in certain cases.

Provided that a certificate-holder shall not give notice of application as aforesaid, and this section shall not apply to the premises for which he holds his certificate, unless—

- (i) the licensing court for the licensing area within which the premises are situated are satisfied that the premises are structurally adapted and bona fide used, or intended to be used, for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises, and that the part of the

premises mentioned in subsection (3) of this section does not contain a bar counter ; and

- (ii) in the case of premises situated in a new town as defined in section eighty of the principal Act, the committee constituted under section seventy-four of that Act for the new town have notified the certificate-holder that they have no objection to the application of this section to the premises.

(2) While this section applies to any premises the effect shall be that for the purposes mentioned in the next following subsection there shall be permitted hours in those premises on Sundays, such permitted hours being the period between half-past twelve and half-past two in the afternoon and the period between half-past six and ten in the evening.

(3) The purposes referred to in the last foregoing subsection are—

- (a) the sale or supply to persons taking table meals in the premises of exciseable liquor supplied in a part of the premises usually set apart for the service of such persons, and supplied for consumption by such a person in that part of the premises as an ancillary to his meal ; and

(b) the consumption of exciseable liquor so supplied.

(4) While this section applies to any premises, then for purposes other than those mentioned in the last foregoing subsection, or in parts of the premises other than the part so mentioned, there shall be no permitted hours on Sundays.

(5) This section shall cease to apply to any premises on the expiry of the twenty-seventh day of May in any year if the holder of the certificate gives notice of the disapplication of the section from the premises in accordance with the provisions of the next following subsection :

Provided that this section shall cease to apply to premises at any time on the licensing court ceasing to be satisfied as mentioned in paragraph (i) of the proviso to subsection (1) of this section.

(6) A notice of the application of this section to, or of the disapplication of this section from, any premises—

(a) shall be in writing ;

(b) shall, in the case of a notice of application, specify the date from which the section is to apply to the premises and, in the case of a notice of disapplication, state that the section is to cease to apply to the premises on the expiry of the twenty-seventh day of May next following the giving of the notice ;

(c) shall be served on the chief constable not later than fourteen days before the date specified as aforesaid.

or not later than fourteen days before the twenty-seventh day of May, as the case may be.

(7) The holder of the certificate for premises to which this section applies shall keep posted in some conspicuous place in the premises a notice stating that this section applies thereto and setting out the effect of its application, and if any certificate-holder contravenes this subsection he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding ten pounds.

9.—(1) For section one hundred and twenty-eight of the principal Act (which relates to six-day certificates) there shall be substituted the following section:—

“Six-day certificates 128.—(1) On granting or transferring a hotel certificate, a restaurant certificate or a restricted hotel certificate in respect of any premises a licensing court shall, if the applicant so requests, insert in the certificate a condition that there shall be no permitted hours in those premises on Sundays.

(2) A certificate in which such a condition has been inserted is in this Act referred to as a six-day certificate.”

(2) A hotel certificate subsisting at the date on which this section comes into force, being a six-day certificate, shall as from such date be deemed to contain a condition that there shall be no permitted hours in the premises of the hotel on Sundays.

10.—(1) On granting or transferring a certificate in respect of any premises a licensing court may, if the applicant so requests and if they are satisfied that the requirements of the licensing area for which they are constituted make it desirable, insert in the certificate a condition that, during such part or parts of the year as may be specified in the condition (being a part which is not longer, or parts which taken together are not longer, than one hundred and eighty days),—

(a) in the case of premises other than off-sale premises, there shall be no permitted hours in the premises;

(b) in the case of off-sale premises, the certificate-holder shall not open the premises for the serving of customers with exciseable liquor.

(2) A certificate in which such a condition has been inserted is in this Act referred to as a seasonal certificate.

The general licensing system

11.—(1) Premises shall be disqualified for receiving a certificate if they are situated on land acquired or appropriated by a special road authority, and for the time being used, for the provision of facilities to be used in connection with the use of a special road.

special road provided for the use of traffic of class I (with or without other classes).

(2) For the purposes of this section—

- (a) “special road” and “special road authority” have the same meanings respectively as in the Special Roads Act, 1949; and
- (b) “class I” means class I in the Second Schedule to that Act, as varied from time to time by any order under section two of the Act, but if that Schedule is amended by such an order so as to add to it a further class of traffic, the order may adapt the reference in this section to traffic of class I so as to take account of the additional class.

Amendment
of law
relating to
provisional
grant of
certificates.

12.—(1) If on an application under section fifty-four of the principal Act for the provisional grant of a certificate in respect of any premises the applicant lodges with the licensing court, instead of the plan of the premises referred to in section forty-two of that Act, a plan sufficient to identify the site of the premises, together with such description of the premises as will give a general indication of their proposed size and character (with reference in particular to the sale of exciseable liquor), then—

- (a) the licensing court shall deal with the application as if the site plan and description lodged as aforesaid were a plan lodged in pursuance of the said section forty-two, and shall assume that the premises will be fit and convenient for their purpose; but
- (b) any provisional grant of a certificate made on such application shall become ineffective unless affirmed under subsection (3) of this section by the licensing court.

(2) Where a licensing court make a provisional grant of a certificate by virtue of the foregoing subsection, the holder of such certificate may—

- (a) in the case of a grant which requires confirmation by the court of appeal, within the period of twelve months immediately following the date on which the grant is confirmed;
- (b) in the case of a grant which does not require confirmation, within the period of twelve months immediately following the date of the grant or, where there is an appeal, the date the appeal is disposed of;

apply to the court for the grant to be affirmed and in making such application shall lodge with the court a plan of the premises in respect of which the said provisional grant was made.

(3) A licensing court may consider any application made to them under the last foregoing subsection at any meeting of the

court held not earlier than fourteen days after the making of the application and shall affirm the provisional grant if they are satisfied that the premises, if completed in accordance with the plan thereof lodged with the court as aforesaid, will be fit and convenient for their purpose and that the said plan does not deviate materially from the site plan and description of the premises lodged under subsection (1) of this section.

(4) A licensing court shall declare final a provisional grant of a certificate notwithstanding that they are not satisfied that the premises in respect of which the grant was made have been completed in accordance with the plan thereof lodged with the court in pursuance of section forty-two of the principal Act or, as the case may be, subsection (2) of this section, if they are satisfied that the premises have been completed and that the deviations from the said plan are of minor importance and have not materially altered the character of the premises or the facilities for the supply of exciseable liquor thereat.

(5) Section fifty-four of the principal Act, together with the foregoing provisions of this section, shall apply for the purpose of the provisional grant of off-sale certificates as they apply for the purpose of the provisional grant of hotel and public house certificates.

(6) Subsection (4) of this section shall, with any necessary modifications, apply in relation to the grant of a provisional licence in respect of a seamen's canteen under Part II of the Sixth Schedule to the principal Act.

13.—(1) Section sixty-one of the principal Act (under which the consent of the licensing court is required for any reconstruction of or alteration in certain licensed premises or the premises of a licensed canteen) shall apply, and be deemed always to have applied, in relation to an extension of premises as it applies in relation to a reconstruction of or alteration in premises.

Amendment of law relating to control by licensing courts over structure of licensed premises.

(2) The consent of the licensing court under the said section sixty-one—

(a) shall be required only if the proposed reconstruction, alteration or extension will affect a public or common part of the premises in question or any communication with such a part ;

(b) shall not be given to any reconstruction, alteration or extension which will materially alter the character of the premises in question.

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

(a) "public part" means a part open to customers who are not residents or guests of residents ; and

(b) "common part" means a part open generally to all residents or to a particular class of them.

Provisions regulating sale and supply of exciseable liquor

Protection of
young persons.

14.—(1) Subject to the provisions of section sixteen of this Act, in licensed premises the holder of the certificate or his servant or agent shall not knowingly sell exciseable liquor to a person under eighteen, or knowingly allow a person under eighteen to consume exciseable liquor in a bar, nor shall the holder of the certificate knowingly allow any person to sell exciseable liquor to a person under eighteen.

(2) A person under eighteen shall not in licensed premises buy or attempt to buy exciseable liquor, nor consume exciseable liquor in a bar.

(3) A person shall not knowingly act as agent for a person under eighteen in the purchase of exciseable liquor, nor shall any person buy or attempt to buy exciseable liquor for consumption in a bar in licensed premises by a person under eighteen.

(4) In the foregoing subsections and in sections one hundred and forty-three and one hundred and forty-four of the principal Act (which contain other provisions for the protection of children and young persons), references to a bar shall not apply to a bar at any time when it is, as is usual in the premises in question, set apart for the service of table meals and not used for the sale or supply of exciseable liquor otherwise than to persons having table meals there and for consumption by such a person as an ancillary to his meal; and nothing in subsection (1) or (2) of this section shall prohibit the sale to or purchase by a person who has attained the age of sixteen of beer, porter, cider or perry for consumption at a meal in a part of the premises usually set apart for the service of meals which is not a bar, or in a bar at any such time as aforesaid, and nothing in subsection (3) of this section shall prohibit the acting by any person as agent for a person who has attained the age of sixteen in the purchase of beer, porter, cider or perry for consumption as aforesaid.

(5) The holder of the certificate or his servant or agent shall not knowingly deliver, nor shall the holder of the certificate knowingly allow any person to deliver, to a person under eighteen exciseable liquor sold in licensed premises for consumption off the premises, except where the delivery is made at the residence or working place of the purchaser, nor shall any person knowingly send a person under eighteen for the purpose of obtaining exciseable liquor sold or to be sold as aforesaid from the licensed premises or other premises from which the liquor is delivered in pursuance of the sale:

Provided that this subsection shall not apply where the person under eighteen is a member of the certificate-holder's family or

his servant or apprentice and is employed as a messenger to deliver exciseable liquor.

(6) Subsections (1) to (3) of this section (but not subsection (4)) shall apply in relation to any licensed canteen as if the canteen were licensed premises, but with the substitution for any reference to a bar of a reference to the canteen.

(7) If any person contravenes this section (other than subsection (2) thereof), then—

- (a) if he holds a certificate in respect of the premises where the exciseable liquor in respect of which such contravention took place was sold or consumed, he shall be deemed to be guilty of a breach of such certificate and shall be liable accordingly ;
- (b) in any other case, he shall be guilty of an offence and on conviction thereof shall be liable, in the case of a first conviction to a fine not exceeding twenty-five pounds, and in the case of a second or subsequent conviction to a fine not exceeding fifty pounds ;

and if any person contravenes subsection (2) of this section he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding twenty pounds.

(8) Sections one hundred and forty-five and one hundred and forty-six of the principal Act (which contain provisions for the protection of children and young persons) and condition (5) in each of the forms of certificate set out in the Second Schedule to that Act (which condition restricts the sale and supply of exciseable liquor to children) shall cease to have effect.

15. Section one hundred and fifty of the principal Act (which restricts the sale of exciseable liquor on credit) shall not apply to the sale, supply or consumption of exciseable liquor in any premises if the liquor is sold or supplied in those premises for consumption by a person residing in the premises or by a private friend of such a person who is bona fide entertained by, and at the expense of, that person, and if it is paid for with that person's accommodation. Amendment of law relating to sale of exciseable liquor on credit.

16.—(1) No provision of the principal Act or this Act as to the sale, supply, purchase, delivery or consumption of exciseable liquor, except subsection (2) of this section, and no enactment requiring the authority of an excise licence for the sale or supply of exciseable liquor shall have effect in relation to exciseable liquor in confectionery which— Liqueur chocolates.

- (a) does not contain exciseable liquor in a proportion greater than one fiftieth of a gallon of liquor (computed as proof spirit) per pound of the confectionery ; and

- (b) either consists of separate pieces weighing not more than one and a half ounces or is designed to be broken into such pieces for the purpose of consumption.

(2) Exciseable liquor in confectionery shall not be sold to a person under sixteen, and if any person knowingly contravenes this subsection he shall be guilty of an offence and on conviction thereof shall be liable, in the case of a first conviction to a fine not exceeding ten pounds, and in the case of a second or subsequent conviction to a fine not exceeding twenty-five pounds.

Clubs

Sale of exciseable liquor in registered clubs to members of other clubs.

17.—(1) Notwithstanding anything in the principal Act, the rules of a registered club may provide for the admission to the premises of the club of persons who are members of another club, and for the sale and supply of exciseable liquor to such persons by or on behalf of the club for consumption on the premises, if—

- (a) the other club is a registered club whose premises are in the locality and are temporarily closed ; or
- (b) both clubs exist for learned, educational or political objects of a similar nature ; or
- (c) each of the clubs is primarily a club for persons who are qualified by service or past service, or by any particular service or past service, in Her Majesty's Forces and are members of an organisation established by Royal Charter, and consists wholly or mainly of such persons ; or
- (d) each of the clubs is primarily a club for persons who carry on the same trade, profession or occupation, and that trade, profession or occupation is the same in the case of either club ; or
- (e) each of the clubs is a working men's club (that is to say, a club which is, as regards its purposes, qualified for registration as a working men's club under the Friendly Societies Act, 1896, and is a registered society within the meaning of that Act or of the Industrial and Provident Societies Act, 1893).

(2) Notwithstanding anything in any enactment, the authority of a certificate or licence shall not be required for such a sale of exciseable liquor as is mentioned in the foregoing subsection and, where the rules of a club provide as aforesaid, exciseable liquor may be supplied in the premises of the club to such persons as are mentioned in that subsection and their guests for consumption on the premises as it may to members of the club and their guests.

18.—(1) The secretary of a registered club may, if it is intended that any special activity arising out of or related to the functions of the club shall take place in the premises thereof, apply for a special permission to any two members of the licensing court within whose jurisdiction those premises are situated, and such members may, if they are satisfied that the premises possess the necessary accommodation and if they otherwise think fit, grant the special permission applied for.

Special permissions for clubs.

(2) Subject to the provisions of the following subsection, a special permission granted under this section to any club shall authorise the sale or supply, for the purpose of the special activity in question, of exciseable liquor in the premises of the club in accordance with the rules of the club during such period, and between such hours, as may be specified in the permission; and nothing in section one hundred and twenty-one of the principal Act shall prohibit the sale or supply of exciseable liquor in accordance with a special permission granted as aforesaid.

(3) The provisions of subsections (2), (4), (6), (7) and (8) of section sixty of the principal Act (which relates to the grant of a special permission to the holder of a hotel or a public house certificate) shall, subject to any necessary modifications, apply for the purposes of this section as they apply for the purposes of the said section sixty.

19.—(1) A person under eighteen shall not be employed in a registered club if the purpose, or one of the purposes, of his employment is to serve exciseable liquor to persons in that club.

Persons under 18 not to be employed to serve exciseable liquor in clubs.

(2) If this section is contravened as regards any club, every person entered in the register of clubs as an official or member of the committee of management or governing body of that club shall be guilty of an offence and on conviction thereof shall be liable, in the case of a first conviction, to a fine not exceeding five pounds, and in the case of a second or subsequent conviction, to a fine not exceeding twenty pounds:

Provided that a person shall not be convicted of an offence under this section if he proves that the contravention in question took place without his knowledge or consent.

(3) For the purposes of this section a person shall be deemed to be employed in a club where he works notwithstanding that he receives no wages for his work.

(4) Where in any proceedings under this section it is alleged that a person was at any time under eighteen, and he appears to the court then to have been under that age, for the purposes of the proceedings he shall be deemed to have been then under that age unless the contrary is shown.

(5) A conviction for any offence shall not after five years from the date of the conviction be receivable in evidence against any person for the purpose of subjecting him under this section to an increased fine.

Miscellaneous

Trading hours
for off-sale
premises, etc.

20.—(1) Off-sale premises shall not be opened for the serving of customers with exciseable liquor earlier than eight o'clock in the morning, and shall be closed for the serving of customers with such liquor not later than ten o'clock in the evening, on weekdays ; and such premises shall not be opened for the serving of customers with such liquor on Sundays.

(2) Where by virtue of subsection (2) of section three of this Act a licensing court inserts such conditions as are mentioned in that subsection in a hotel or a public house certificate held in respect of any premises, the provisions of the foregoing subsection shall apply to the off-sale part (as defined in the said subsection (2)) of those premises as they apply to off-sale premises.

(3) In the case of any contravention of this section as regards any licensed premises, the holder of the certificate in respect of those premises shall be deemed to be guilty of a breach of that certificate and shall be liable accordingly.

Sale of
exciseable
liquor on
passenger
vessels on
Sundays.

21.—(1) Subsection (3) of section one hundred and fifty-three of the Customs and Excise Act, 1952 (which provides as regards Scotland that an excise licence for the sale of exciseable liquor granted in respect of any passenger vessel may be endorsed with a condition that no exciseable liquor shall be supplied during voyages on Sundays), shall cease to have effect, but no person shall, except during the period between half-past twelve and half-past two in the afternoon or the period between half-past six and ten in the evening, himself, or by his servant or agent, sell or supply exciseable liquor on a passenger vessel during any voyage commencing on a Sunday and terminating on the same day, being—

(a) a voyage between any two places in Scotland ; or

(b) a voyage in a vessel going from and returning on the same day to the same place in Scotland.

(2) If any person contravenes this section he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding one hundred pounds.

(3) In this section the expression “ passenger vessel ” has the same meaning as in section one hundred and fifty-three of the Customs and Excise Act, 1952.

Restriction
on carriage
of exciseable
liquor in
crates, etc.,
on contract
carriages.

22.—(1) If the holder of a public service vehicle licence in respect of any vehicle, either himself or by his servant or agent, or if the servant or agent of such holder, permits any exciseable liquor to be carried on the said vehicle in such a container or other device as is mentioned in subsection (5) of this section at any time when that vehicle is being used as a contract carriage, he shall be guilty of an offence.

(2) If any person procures or attempts to procure a contravention of the foregoing subsection he shall be guilty of an offence.

(3) Any person guilty of an offence under this section shall on conviction thereof be liable—

(a) if he is the holder of a public service vehicle licence in respect of the vehicle on which the exciseable liquor in question was carried, in the case of a first conviction to a fine not exceeding twenty-five pounds, and in the case of a second or subsequent conviction to a fine not exceeding fifty pounds;

(b) in any other case to a fine not exceeding ten pounds.

(4) Where the holder of a public service vehicle licence is charged with an offence under this section by reason only of a contravention of subsection (1) thereof committed by any servant or agent of his, it shall be a defence for him to prove that the contravention took place without his consent or connivance and that he exercised all due diligence to prevent it.

(5) This section applies to any container or other device (including a container or device fixed to, or forming part of, a vehicle) constructed or adapted for the purpose of holding two or more bottles or cans or of holding liquid in excess of six pints.

(6) In this section “public service vehicle licence” and “contract carriage” have the like meanings as in Part III of the Road Traffic Act, 1960.

23. Subsection (6) of section one hundred and thirty-one, and subsection (2) of section one hundred and thirty-three, of the principal Act (which provide that a contravention of any of the conditions contained in a certificate, and the offence of trafficking in exciseable liquor without a certificate or licence, respectively, may be proved by the evidence of one witness) are hereby repealed. Repeal of ss. 131 (6) and 133 (2) of principal Act.

24. Section one hundred and fifty-one of the principal Act (under which it is an offence for any person to attempt to enter a public house while in a state of intoxication) shall apply also to a person attempting to enter any licensed premises (not being premises where he is residing), and any person who after the coming into force of this section contravenes the said section one hundred and fifty-one shall be liable to a fine not exceeding ten pounds (instead of the fine not exceeding forty shillings provided for in that section). Amendment of s. 151 of principal Act.

Supplementary

Interpretation, and application of certain provisions of principal Act for purposes of this Act.

25.—(1) In this Act the expression “the principal Act” means the Licensing (Scotland) Act, 1959, and in the principal Act and this Act the following expressions shall, unless the context otherwise requires, have the meanings hereby respectively assigned to them:—

- “off-sale premises” means premises in respect of which an off-sale certificate has been granted and is in force;
- “restaurant certificate” has the meaning assigned to it by subsection (2) of section one of this Act;
- “restricted hotel certificate” has the meaning assigned to it by subsection (3) of section one of this Act;
- “seasonal certificate” has the meaning assigned to it by section ten of this Act;
- “table meal” means a meal eaten by a person sitting at a table, or at a counter or other structure which serves the purpose of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purpose of a table.

(2) References in this Act to a bar counter in any premises shall not include references to a counter in such premises which is bona fide used, or intended to be used,—

- (a) as a place at which meals are served to persons sitting thereat and at which exciseable liquor is supplied to persons taking such meals for consumption by such a person while seated at such counter and as an ancillary to his meal; or
- (b) as a place at which exciseable liquor is dispensed to the holder of a certificate in respect of the premises or any servant or agent of his, but to no other person, and is so dispensed in order that it may be supplied to persons frequenting the premises; or
- (c) for both of the purposes mentioned in the two foregoing paragraphs;

and for no other purpose.

(3) For the purposes of the principal Act and this Act a person shall be treated as residing in any premises, notwithstanding that he occupies sleeping accommodation in a separate building, if he is provided with that accommodation in the course of a business of providing board and lodging for reward at those premises and the building is habitually used for the purpose by way of annex or overflow in connection with those premises and is occupied and managed with those premises.

(4) The following provisions of the principal Act shall apply for the purposes of this Act as they apply for the purposes of the principal Act—

section ten (disqualification of interested persons for acting as members of licensing courts or courts of appeal);

section twenty-seven (citation and examination of witnesses before licensing courts);

section twenty-nine (fees payable to clerks of court);

section thirty (clerks to licensing courts, etc., not to act professionally in licensing matters);

sections one hundred and eighty-nine to one hundred and ninety-one and section one hundred and ninety-four (provisions regarding prosecution of offences and appeals);

section one hundred and ninety-five (limitation of actions against sheriffs, etc.);

section one hundred and ninety-six (service of notices, etc.);

section one hundred and ninety-eight (exemptions and savings);

section one hundred and ninety-nine (interpretation).

26.—(1) The principal Act shall have effect subject to the amendments specified in the Second Schedule to this Act, being minor amendments or amendments designed to give effect to, or consequential on, the provisions of this Act.

Amendments and repeals, and transitional provisions consequential thereon.

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

(3) Any certificate granted by a licensing court, being a certificate which is subsisting at the date on which this section comes into force, shall as from such date have effect as if it had been so granted in the appropriate form set out in the Second Schedule to the principal Act as amended by paragraph 36 of the Second Schedule to this Act.

27.—(1) This Act may be cited as the Licensing (Scotland) Act, 1962, and the principal Act and this Act may be cited together as the Licensing (Scotland) Acts, 1959 and 1962.

Citation, extent and commencement.

(2) This Act shall extend to Scotland only.

(3) This Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and different days may be appointed for different provisions of this Act or for different purposes of the same provision.

SCHEDULES

Sections 1 and 2.

FIRST SCHEDULE

NEW FORMS OF CERTIFICATE

Form of certificate for restaurant

The licensing court for the county [*or* licensing district *or* burgh, *as the case may be.*] of _____ at their general half-yearly meeting held at _____ on the _____ day of _____, nineteen hundred and _____, did authorise and empower A.B. (hereinafter referred to as "the certificate-holder"), residing at _____, to keep a restaurant at _____, in the parish of _____ and county [*or* licensing district *or* burgh] aforesaid, and to sell by retail, under the appropriate excise licence, in the premises of the said restaurant but not elsewhere, victuals, spirits, wine, porter, ale, beer, cider, perry and any other exciseable liquor [*or* victuals, wine, porter, ale, beer, cider and perry, *or* victuals, porter, ale, beer, cider and perry], and the certificate-holder is accordingly authorised and empowered to sell such victuals and exciseable liquor on the following conditions:—

- (1) the certificate-holder shall not fraudulently adulterate the victuals or exciseable liquor sold by him, or sell the same knowing them to have been fraudulently adulterated;
- (2) the certificate-holder shall not, either by himself or by any servant or agent, sell or supply any exciseable liquor for consumption on the premises except to persons taking table meals in the said premises, for consumption by such a person as an ancillary to his meal;
- (3) the certificate-holder shall not, either by himself or by any servant or agent, traffic in or supply any exciseable liquor for consumption off the premises;
- (4) the certificate-holder shall not, except during the permitted hours, either by himself or by any servant or agent sell or supply any exciseable liquor to any person save as allowed by law;
- (5) the certificate-holder shall not sell or supply any exciseable liquor to persons who are in a state of intoxication;
- (6) the certificate-holder shall not contravene any of the conditions of a special permission granted to him under section sixty of the Licensing (Scotland) Act, 1959;
- (7) the certificate-holder shall ensure that drinking water and other suitable beverages other than exciseable liquor shall be equally available for consumption with, or otherwise as an ancillary to, meals served in the premises;
- (8) the certificate-holder shall maintain good order in the premises;
- (9) the certificate-holder shall not knowingly permit any breach of the peace, drunkenness or riotous or disorderly conduct in the premises;
- (10) the certificate-holder shall not knowingly permit men or women of notoriously bad fame to assemble in the premises;

- (11) the certificate-holder shall not permit the playing of any game in the premises in such circumstances that an offence under Part II of the Betting and Gaming Act, 1960, is committed ;
- (12) the certificate-holder shall not himself be in a state of intoxication in the premises.

1st Sec.

This certificate shall have effect on the conditions aforesaid from the _____ day of _____ nineteen hundred and _____, until the twenty-seventh day of May, nineteen hundred and _____, both days inclusive.

The above certificate is made out according to the deliverance in the register appointed to be kept in terms of section thirty-eight of the Licensing (Scotland) Act, 1959.

C.D.

Clerk.

Form of restricted hotel certificate

The licensing court for the county [or licensing district or burgh, *as the case may be,*] of _____, at their general half-yearly meeting held at _____ on the _____ day of _____, nineteen hundred and _____, did authorise and empower A.B. (hereinafter referred to as "the certificate-holder"), residing at _____, to keep a hotel at _____, in the parish of _____ and county [or licensing district or burgh] aforesaid, and to sell by retail, under the appropriate excise licence, in the premises of the said hotel but not elsewhere, victuals, spirits, wine, porter, ale, beer, cider, perry and any other exciseable liquor [or victuals, wine, porter ale, beer, cider and perry, or victuals, porter, ale, beer, cider and perry], and the certificate-holder is accordingly authorised and empowered to sell such victuals and exciseable liquor on the following conditions:—

- (1) the certificate-holder shall not fraudulently adulterate the victuals or exciseable liquor sold by him, or sell the same knowing them to have been fraudulently adulterated ;
- (2) the certificate-holder shall not, either by himself or by any servant or agent, sell or supply any exciseable liquor for consumption on the premises except as follows, that is to say—
 - (a) the certificate-holder may sell or supply such liquor to persons taking table meals in the said premises, for consumption by such a person as an ancillary to his meal ;
 - (b) the certificate-holder may sell or supply such liquor to persons residing in the premises, for consumption by such a person or by a private friend of such a person who is bona fide entertained by, and at the expense of, that person ;

1st Sch.

(c) the certificate-holder may supply such liquor to any private friends of a person residing in the premises who are bona fide entertained by, and at the expense of, that person, for consumption by such a friend entertained as aforesaid ;

- (3) the certificate-holder shall not, either by himself or by any servant or agent, traffic in or supply any exciseable liquor for consumption off the premises except to persons residing in the premises, for consumption by such a person or by a private friend of such a person who is bona fide entertained by, and at the expense of, that person as an ancillary to a meal supplied at, but to be consumed off, the premises ;
- (4) the certificate-holder shall not, except during the permitted hours, either by himself or by any servant or agent sell or supply any exciseable liquor to any person save as allowed by law ;
- (5) the certificate-holder shall not sell or supply any exciseable liquor to persons who are in a state of intoxication ;
- (6) the certificate-holder shall not contravene any of the conditions of a special permission granted to him under section sixty of the Licensing (Scotland) Act, 1959 ;
- (7) the certificate-holder shall ensure that drinking water and other suitable beverages other than exciseable liquor shall be equally available for consumption with, or otherwise as an ancillary to, meals served in the premises ;
- (8) the certificate-holder shall maintain good order in the premises ;
- (9) the certificate-holder shall not knowingly permit any breach of the peace, drunkenness or riotous or disorderly conduct in the premises ;
- (10) the certificate-holder shall not knowingly permit men or women of notoriously bad fame to assemble in the premises ;
- (11) the certificate-holder shall not permit the playing of any game in the premises in such circumstances that an offence under Part II of the Betting and Gaming Act, 1960, is committed ;
- (12) the certificate-holder shall not himself be in a state of intoxication in the premises.

This certificate shall have effect on the conditions aforesaid from the day of , nineteen hundred and , until the twenty-seventh day of May, nineteen hundred and , both days inclusive.

The above certificate is made out according to the deliverance in the register appointed to be kept in terms of section thirty-eight of the Licensing (Scotland) Act, 1959.

C.D.
Clerk.

SECOND SCHEDULE

Section 26.

AMENDMENTS OF THE PRINCIPAL ACT

1. In section ten (which provides for the disqualification of interested persons for acting as members of licensing courts or courts of appeal), at the end of subsection (1) there shall be inserted the words "or under the Licensing (Scotland) Act, 1962."

2. In section twenty-seven (which relates to the citation and examination of witnesses before licensing courts), in subsection (1), after the word "Act" there shall be inserted the words "or under the Licensing (Scotland) Act, 1962".

3. In section twenty-nine (which relates to the fees payable to clerks of court)—

- (a) in subsection (1), after the word "Act", where first occurring, there shall be inserted the words "or under the Licensing (Scotland) Act, 1962";
- (b) in subsection (2), for the words "done under this Act" there shall be substituted the words "done as aforesaid".

4. In section thirty (which provides that clerks to licensing courts and certain other officials are not to act professionally in licensing matters)—

- (a) in subsection (1), after the word "Act" there shall be inserted the words "or under the Licensing (Scotland) Act, 1962";
- (b) in subsection (2), after the word "Act", where first occurring, there shall be inserted the words "or under the Licensing (Scotland) Act, 1962";
- (c) in subsection (3), after the word "Act", in the second and third places where it occurs, there shall be inserted the words "or under the Licensing (Scotland) Act, 1962".

5. In section thirty-two (which relates to the grant of certificates by licensing courts)—

- (a) in subsection (1), after the word "Act" there shall be inserted the words "and of the Licensing (Scotland) Act, 1962";
- (b) in subsection (3), after the word "Act", where first occurring, there shall be inserted the words "and of the Licensing (Scotland) Act, 1962", and at the end there shall be inserted the words "or, as the case may be, in the First Schedule to the said Act of 1962.";
- (c) in subsection (4), after the word "Act" there shall be inserted the words "or of the Licensing (Scotland) Act, 1962".

6. In section forty-two (which obliges an applicant for a new hotel or public house certificate to lodge a plan of the premises with the licensing court), for the words "being a hotel certificate or a public house certificate" there shall be substituted the words "(other than an off-sale certificate)".

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7. In section forty-four (which provides that the grant of a new certificate by a licensing court shall not be valid unless confirmed by the court of appeal)—

- (a) after the words "this Act" there shall be inserted the words "and in paragraph (i) of subsection (2) of section two of the Licensing (Scotland) Act, 1962";
- (b) for the words "shall not be valid" there shall be substituted the words "(but not the grant of a new certificate by a court of appeal on an appeal taken by virtue of paragraph (ii) of the said subsection (2)) shall be invalid".

8. In section forty-nine (which relates to appeals from a licensing court to the court of appeal), in the proviso to subsection (1), for the words "notwithstanding anything contained in this or any other enactment" there shall be substituted the words "(except as provided in paragraph (ii) of subsection (2) of section two of the Licensing (Scotland) Act, 1962)".

9. In section fifty-four (which provides for the provisional grant of hotel and public house certificates)—

- (a) in subsection (1), for the words "as a hotel or a public house" there shall be substituted the words "as licensed premises", for the words "a hotel or a public house certificate" there shall be substituted the words "a certificate in the appropriate form", and for paragraph (a) there shall be substituted the following paragraph—

"(a) that the premises will be fit and convenient for their purpose, and";

- (b) in subsection (2), for the words "of suitable construction and accommodation for use as a hotel or, as the case may be, a public house," there shall be substituted the words "fit and convenient for their purpose";
- (c) in paragraph (a) of subsection (3), at the beginning there shall be inserted the word "either", and for the words "as aforesaid" there shall be substituted the words "in pursuance of section forty-two of this Act or, as the case may be, subsection (2) of section twelve of the Licensing (Scotland) Act, 1962, or that the premises have been completed and that such deviations from the said plan as exist are of minor importance and have not materially altered the character of the premises or the facilities for the supply of exciseable liquor thereat,";
- (d) in subsection (5), for the words from "applications" onwards there shall be substituted the words "and to the provisions of subsection (1) of section twelve of the Licensing (Scotland) Act, 1962, the provisions of this Act relating to the procedure to be followed in applications for the grant and confirmation of a new certificate shall apply also in relation to applications for the provisional grant and confirmation of a certificate, and for the purposes of this subsection section forty-two of this Act shall be deemed to apply also in relation to an application for the grant of a new off-sale certificate."

10. In section fifty-six (which empowers a licensing court to grant a certificate in a form other than that applied for)—

- (a) at the beginning there shall be inserted the words “ Subject to the provisions of this Act and of the Licensing (Scotland) Act, 1962 ” ;
- (b) at the end there shall be inserted the words “ or in the First Schedule to the Licensing (Scotland) Act, 1962.”.

11. In section sixty (which relates to the grant of a special permission to the holder of a hotel or a public house certificate)—

- (a) in subsection (1), for the words “ a hotel certificate or a public house certificate ” there shall be substituted the words “ a certificate (other than an off-sale certificate) ” ;
- (b) at the end of subsection (7) there shall be inserted the words “ and—
(c) a condition (if it is granted to the holder of a restaurant or a restricted hotel certificate) that the sale of exciseable liquor under the authority of the permission shall be ancillary to the provision of substantial refreshment.” ;
- (c) in subsection (10), for the words “ Sections one hundred and forty-four and one hundred and forty-six of this Act ” there shall be substituted the words “ Section one hundred and forty-four of this Act and subsections (1) to (4), (6) and (7) of section fourteen of the Licensing (Scotland) Act, 1962 ”.

12. In section sixty-one (which provides that the consent of the licensing court shall be required for the reconstruction, etc., of premises in respect of which a hotel or a public house certificate is held)—

- (a) in subsection (1), after the word “ reconstruction ”, where first occurring, there shall be inserted the words “ or extension ”, for the words “ a hotel certificate or a public house certificate ” there shall be substituted the words “ a certificate (other than an off-sale certificate) ”, after the word “ canteen ” there shall be inserted the words “ (being a reconstruction, extension or alteration which will affect a public or common part of such premises or any communication with such a part) ”, and after the word “ reconstruction ”, in the second and third places where it occurs, there shall be inserted the word “ extension ” ;
- (b) in subsection (2), after the word “ court ” there shall be inserted the words “ shall not give their consent under this section to any reconstruction, extension or alteration which will materially alter the character of the premises in question, and ”, and after the word “ reconstruction ” there shall be inserted the word “ extension ” ;
- (c) after subsection (3), there shall be inserted the following subsection—

“ (4) For the purposes of this section—

- (a) ‘ public part ’ means a part open to customers who are not residents or guests of residents ; and

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(b) 'common part' means a part open generally to all residents or to a particular class of them."

13. In section sixty-two (which empowers a licensing court to order structural alterations in premises in respect of which a hotel or a public house certificate is held), in subsection (1), for the words "a certificate in respect of a hotel or a public house" there shall be substituted the words "a certificate in respect of any premises (other than off-sale premises)".

14. In section sixty-four (which empowers a licensing court to make byelaws), in paragraph (e) of subsection (1), at the end there shall be inserted the words "or under section eighteen of the Licensing (Scotland) Act, 1962 ;".

15. In section seventy-seven (which relates to the grant of new certificates, and renewals, in new towns), for paragraph (c) of subsection (4) there shall be substituted the following paragraph—

"(c) for a certificate other than a six-day certificate, where the subsisting certificate is a six-day certificate ;".

16. In section eighty-two (which restricts the sale and supply of exciseable liquor in State management districts), at the end of subsection (1) there shall be inserted the following words—

"(d) to anything done under the authority of a restaurant or a restricted hotel certificate."

17. In section eighty-nine (which relates to the restoration to full force of certificates in suspense by reason of war circumstances), in subsection (2), for the words "a hotel or a public house" there shall be substituted the words "any premises other than off-sale premises".

18. In section ninety-seven (which relates to the restoration to full force of certificates in suspense by reason of compulsory acquisition, etc.), in subsection (2), for the words "a hotel or a public house" there shall be substituted the words "any premises other than off-sale premises".

19. In section one hundred and eleven (which relates to the grant of certificates in an area where a no-licence resolution is in force)—

(a) in subsection (1), for the words from "certificates for a hotel" onwards there shall be substituted the words "restaurant or restricted hotel certificates for premises situated in the area."; and

(b) subsections (2) to (5) shall be omitted.

20. In section one hundred and sixteen (which provides that licensed premises in any area are to be closed on the day of a temperance poll in that area), paragraph (b) of subsection (2) shall be omitted.

21. In section one hundred and twenty-one (which restricts the sale and supply of exciseable liquor in licensed premises and clubs except during the permitted hours), at the end of subsection (1) there shall be inserted the following proviso—

"Provided that this subsection shall not apply to off-sale premises nor, where by virtue of subsection (2) of section three

of the Licensing (Scotland) Act, 1962, a licensing court has inserted such conditions as are mentioned in that subsection in a hotel or a public house certificate held in respect of any premises, to the off-sale part (as defined in the said subsection (2)) of those premises.”.

22. In section one hundred and twenty-nine (which contains supplemental provisions relating to the permitted hours)—

(a) in subsection (1), for the words “the foregoing provisions of this Part of this Act (other than section one hundred and twenty-five of this Act)” there shall be substituted the words “section one hundred and twenty-six of this Act and sections six and eight of the Licensing (Scotland) Act, 1962”, and for the words from “at their general half-yearly meeting in March” to the end of the subsection there shall be substituted the words “at any meeting of such court.”;

(b) subsections (2) and (3) shall be omitted.

23. In section one hundred and fifty (which restricts sales of excisable liquor on credit), for the proviso to subsection (1) there shall be substituted the following proviso—

“Provided that an offence shall not be committed under this section if—

(a) the liquor is sold or supplied for consumption at a meal supplied at the same time and is consumed with the meal, and the liquor is paid for with the meal, or

(b) the liquor is sold or supplied for consumption by a person residing in the premises or by a private friend of such a person who is bona fide entertained by, and at the expense of, that person, and if it is paid for with that person’s accommodation.”

24. In section one hundred and fifty-one (which provides that any person attempting to enter a public house while in a state of intoxication shall be liable to a fine not exceeding forty shillings), in subsection (1)—

(a) for the words “a public house” there shall be substituted the words “any licensed premises (not being premises where he is residing)”;

(b) for the words “forty shillings” there shall be substituted the words “ten pounds”.

25. In section one hundred and seventy-three (which provides that a club shall not be registered unless the rules of the club make provision for certain matters, including the fixing of the permitted hours applicable to the club)—

(a) paragraph (f) shall be omitted;

(b) in the proviso, the words “other than paragraph (f) thereof” shall be omitted.

26. In section one hundred and seventy-nine (which confers on the police certain powers of entry under warrant into registered

2ND SCH. clubs), in paragraph (b) of subsection (1), after the word "Act" there shall be inserted the words "or the Licensing (Scotland) Act, 1962".

27. In section one hundred and eighty-four (which confers on the police power to enter licensed premises and licensed canteens), in subsection (1), for the words "a hotel certificate or a public house certificate" there shall be substituted the words "a certificate (other than an off-sale certificate)".

28. In sections one hundred and eighty-nine, one hundred and ninety, one hundred and ninety-one and one hundred and ninety-four (which contain provisions regarding the prosecution of offences under the principal Act and appeals)—

- (a) after the words "offences under this Act", wherever they occur, there shall be inserted the words "or under the Licensing (Scotland) Act, 1962"; and
- (b) after the words "an offence under this Act", wherever they occur, there shall be inserted the words "or under the Licensing (Scotland) Act, 1962".

29. In section one hundred and eighty-nine (which contains provisions regarding the trial of offences)—

- (a) in paragraph (c), after the words "this Act" there shall be inserted the words "or any offence under section twenty-one of the Licensing (Scotland) Act, 1962;" and
- (b) in paragraph (e), after the words "one hundred and fifty-seven" there shall be inserted the word "or", and the words "or one hundred and sixty-six" shall be omitted.

30. In section one hundred and ninety (which provides for the appointment and remuneration of prosecutors), in subsection (2), after the words "any other business done by him under this Act" there shall be inserted the words "or under the Licensing (Scotland) Act, 1962".

31. In section one hundred and ninety-one (which relates to the expenses of prosecutions under the principal Act)—

- (a) in subsection (1), after the words "any other business done by such a prosecutor or person under this Act" there shall be inserted the words "or under the Licensing (Scotland) Act, 1962";
- (b) in subsection (2), for the words "one hundred and forty-five" there shall be substituted the words "one hundred and forty-eight" and the words "one hundred and sixty-six" shall be omitted.

32. In section one hundred and ninety-five (which restricts the bringing of proceedings against sheriffs, etc., on account of anything done in the execution of the principal Act), after the word "Act" there shall be inserted the words "or of the Licensing (Scotland) Act, 1962".

33. In section one hundred and ninety-six (which relates to the service of notices, etc.), after the word "Act" there shall be inserted the words "or under the Licensing (Scotland) Act, 1962". 2ND SCH.

34. In section one hundred and ninety-eight (which contains certain exemptions and savings), after the word "Act", where first occurring, there shall be inserted the words "or in the Licensing (Scotland) Act, 1962".

35. In section one hundred and ninety-nine (which contains provisions for the interpretation of the principal Act)—

- (a) in subsection (1), after the word "Act", where first occurring, there shall be inserted the words "and in the Licensing (Scotland) Act, 1962", the definitions of "early-closing certificate" and "permitted hours" shall be omitted, and at the end of the definition of "special permission" there shall be inserted the words "or, as the case may be, under section eighteen of the Licensing (Scotland) Act, 1962";
- (b) in subsection (2), after the word "Act", where first occurring, there shall be inserted the words "or in the Licensing (Scotland) Act, 1962";
- (c) in subsection (4), after the word "Act", where first occurring, there shall be inserted the words "or in the Licensing (Scotland) Act, 1962", and at the end there shall be inserted the words "and in the First Schedule to the Licensing (Scotland) Act, 1962.";
- (d) in subsection (6), after the word "Act", in the second, third and fourth places where it occurs, there shall be inserted the words "or the Licensing (Scotland) Act, 1962";
- (e) in subsection (7), after the word "Act", where first occurring, there shall be inserted the words "or in the Licensing (Scotland) Act, 1962" and after the word "Act" where secondly occurring, there shall be inserted the words "and the Licensing (Scotland) Act, 1962."

36. In the Second Schedule (which sets out the forms of certificate)—

- (a) in the form of certificate for a hotel, after condition (2) there shall be inserted the following condition—
 - "(2A) the certificate-holder shall not, either by himself or by any servant or agent, traffic in or supply any exciseable liquor on Sundays for consumption off the premises except to persons residing in the premises, for consumption by such a person or by a private friend of such a person who is bona fide entertained by, and at the expense of, that person as an ancillary to a meal supplied at, but to be consumed off, the premises;"
- (b) in the said form, in condition (6), after the word "not" there shall be inserted the words "sell or";
- (c) in the said form, in condition (10), the words "or girls or boys" shall be omitted;

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(d) in the said form, for condition (11) there shall be substituted the following condition—

“(11) the certificate-holder shall not permit the playing of any game in the premises in such circumstances that an offence under Part II of the Betting and Gaming Act, 1960, is committed or a requirement or restriction for the time being in force under section nineteen of that Act is contravened;”;

(e) in the form of certificate for a public house, condition (4) shall be omitted;

(f) in the said form, in condition (11), the words “or girls or boys” shall be omitted;

(g) in the said form, for condition (12) there shall be substituted the following condition—

“(12) the certificate-holder shall not permit the playing of any game in the premises in such circumstances that an offence under Part II of the Betting and Gaming Act, 1960, is committed or a requirement or restriction for the time being in force under section nineteen of that Act is contravened;”;

(h) in the form of off-sale certificate, for conditions (3) and (4) there shall be substituted the following conditions—

“(3) the certificate-holder shall not open the premises for the serving of customers with exciseable liquor earlier than eight o'clock in the morning, and shall close the premises for the serving of customers with such liquor not later than ten o'clock in the evening, on weekdays;

(4) the certificate-holder shall not open the premises for the serving of customers with exciseable liquor on Sundays;”.

37. In the Third Schedule (which sets out forms for use in connection with applications for certificates), in the form of application for the grant of a certificate, for the words “[or a certificate for a public house or an off-sale certificate in respect of premises, as the case may be.]” there shall be substituted the words “[or as the case may be]”.

38. In the Fourth Schedule (which sets out forms for use by clerks to licensing courts), for the form of register of applications there shall be substituted the following form—

Form of register of applications

Nos.	Names and designations of applicants	I For hotel certificates, and where premises are situated	II For restricted hotel certificates, and where premises are situated	III For public house certificates, and where premises are situated	IV For restaurant certificates, and where premises are situated	V For off-sale certificates, and where premises are situated	Persons recommending applicants	How disposed of	Applications for confirmation and appeals, and results thereof	Convictions under Licensing (Scotland) Acts, 1959 and 1962, and dates thereof
1.										
2.										

Note: The names and designations of new applicants for certificates must be entered separately in the register.

THIRD SCHEDULE
REPEAL OF ENACTMENTS

Section 26.

Session and Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.	The Customs and Excise Act, 1952.	In section one hundred and fifty-three, subsections (3) and (4).
7 & 8 Eliz. 2. c. 51.	The Licensing (Scotland) Act, 1959.	<p>In section one hundred and eleven, subsections (2) to (5).</p> <p>In section one hundred and sixteen, paragraph (b) of subsection (2).</p> <p>Sections one hundred and twenty-three to one hundred and twenty-five.</p> <p>Section one hundred and twenty-seven.</p> <p>In section one hundred and twenty-nine, subsections (2) and (3).</p> <p>In section one hundred and thirty-one, subsection (6).</p> <p>In section one hundred and thirty-three, subsection (2).</p> <p>Sections one hundred and forty-five to one hundred and forty-seven.</p> <p>Section one hundred and sixty-six.</p> <p>In section one hundred and seventy-three, paragraph (j), and in the proviso the words "other than paragraph (j) thereof".</p> <p>In section one hundred and eighty-nine, in paragraph (e), the words "or one hundred and sixty-six".</p> <p>In section one hundred and ninety-one, in subsection (2), the words "one hundred and sixty-six".</p> <p>In section one hundred and ninety-nine, in subsection (1), the definitions of "early-closing certificate" and "permitted hours".</p> <p>In the Second Schedule, in the form of certificate for a hotel, conditions (4) and (5), and in condition (10) the words "or girls or boys"; in the form of certificate for a public house, conditions (4) and (5), and in condition (11) the words "or girls or boys"; in the form of off-sale certificate, condition (5).</p>

3RD SCH.

Session and Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 58.	The Finance Act, 1959 ...	In the Second Schedule, paragraphs 6 and 7.
8 & 9 Eliz. 2. c. 60.	The Betting and Gaming Act, 1960.	In section twenty-six, in subsection (1), the words "and in any condition contained in any certificate granted under the Licensing (Scotland) Act, 1959".

—o—
Table of Statutes referred to in this Act

Short Title	Session and Chapter
Industrial and Provident Societies Act, 1893	56 & 57 Vict. c. 39.
Friendly Societies Act, 1896	59 & 60 Vict. c. 25.
Customs and Excise Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.
Special Roads Act, 1949	12, 13 & 14 Geo. 6. c. 32.
Licensing (Scotland) Act, 1959	7 & 8 Eliz. 2. c. 51.
Road Traffic Act, 1960	8 & 9 Eliz. 2. c. 16.
Betting and Gaming Act, 1960	8 & 9 Eliz. 2. c. 60.

CHAPTER 52

An Act to increase the penalties for certain offences involving drunkenness or punishable under enactments relating to such offences. [1st August, 1962]

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

1.—(1) The maximum penalty to which a person is liable on any conviction for an offence under the provisions mentioned in this section shall, in the case of offences committed after the commencement of this Act, be increased as follows, that is to say—

Increase of penalties for drunkenness, etc.

- (a) to a fine not exceeding five pounds where the conviction is under any of the provisions specified in paragraph (a) of subsection (2) of this section (which relate to offences of being drunk in public places or licensed premises or refusing to leave or attempting to enter a refreshment house or ship when drunk or disorderly); and

(b) to a fine not exceeding ten pounds or imprisonment for a term not exceeding one month where the conviction is under any of the provisions specified in paragraph (b) of that subsection (which relate to offences of drunkenness in aggravating circumstances or violent or indecent behaviour at police stations).

(2) The said provisions are—

(a) section forty-one of the Refreshment Houses Act, 1860; the first paragraph of section twelve of the Licensing Act, 1872;

paragraphs (a) and (b) of subsection (1) of section two hundred and eighty-seven of the Merchant Shipping Act, 1894;

the first paragraph of subsection (1) of section seventy of the Licensing (Scotland) Act, 1903;

section one hundred and fifty-two of the Licensing (Scotland) Act, 1959; and

(b) any other provision of the said section twelve or the said section seventy;

section fifty-eight of the Metropolitan Police Act, 1839; section thirty-seven of the City of London Police Act, 1839;

section twenty-nine of the Town Police Clauses Act, 1847, as incorporated in any other enactment;

section two of the Licensing Act, 1902;

sections one hundred and fifty-three and one hundred and fifty-four of the Licensing (Scotland) Act, 1959.

Short title,
commencement
and extent.

2.—(1) This Act may be cited as the Penalties for Drunkenness Act, 1962.

(2) This Act shall come into operation on the expiration of the period of one month beginning with the day on which it is passed.

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

Table of Statutes referred to in this Act.

Short Title	Session and Chapter
Metropolitan Police Act, 1839	2 & 3 Vict. c. 47.
City of London Police Act, 1839	2 & 3 Vict. c. xciv.
Town Police Clauses Act, 1847	10 & 11 Vict. c. 89.
Refreshment Houses Act, 1860	23 & 24 Vict. c. 27.
Licensing Act, 1872	35 & 36 Vict. c. 94.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Licensing Act, 1902	2 Edw. 7. c. 28.
Licensing (Scotland) Act, 1903	3 Edw. 7. c. 25.
Licensing (Scotland) Act, 1959	7 & 8 Eliz. 2. c. 51.

CHAPTER 53

An Act to make fresh provision with respect to the powers of investment of the trustees of the House of Commons Members' Fund. [1st August, 1962]

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

1.—(1) The powers of investment of the trustees of the House of Commons Members' Fund (hereafter in this Act referred to as "the fund") shall be those conferred by the following provisions of this section instead of those conferred by the House of Commons Members' Fund Acts, 1939 to 1960 (under which the trustees of the Fund are authorised to invest in any investments whatsoever subject to the restriction that the total value, at cost, of the investments made by virtue only of the power conferred by the House of Commons Members' Fund Act, 1960, must not exceed half the value of the fund). Powers of investment of trustees.

(2) Subject to the following provisions of this section, the trustees of the fund may invest any property in their hands, whether at the time in a state of investment or not, in any investments whatsoever and wheresoever and may also from time to time vary any such investments.

(3) Section two of the Trustee Investments Act, 1961 (which restricts the power to invest in wider-range investments conferred on trustees by section one of that Act) shall apply in relation to the foregoing subsection and the powers conferred thereby on the trustees of the fund as it applies in relation to section one of that Act and the powers conferred on trustees by that section and as if the reference in the said section two to any wider-range investment were a reference to any investment, other than a narrower-range investment. 9 & 10 Eliz. 2. c. 62.

(4) For the purposes of the said Act of 1961 the fund shall be treated as having been divided in pursuance of the said section two into two parts immediately before the passing of this Act, the narrower-range part of the fund being taken to comprise all property then invested in narrower-range investments and half of any amount then standing to the trustees' credit in a deposit or other account at any bank (other than a bank mentioned in Part I of the First Schedule to that Act) and of any cash then in hand, and the wider-range part of the fund being taken to comprise all other property then comprised in the fund, and the two parts of the fund shall be treated as having then been equal.

(5) Subsections (2) to (4) of section three of the said Act of 1961 and the Second and Third Schedules to that Act (which make

provision with respect to powers of investment conferred on trustees otherwise than by that Act) shall not apply in relation to the powers of investment of the trustees of the fund.

Interpretation,
short title,
citation and
repeal.

2.—(1) In this Act “ narrower-range investment ” and “ property ” have the same meanings as in the Trustee Investments Act, 1961.

(2) This Act may be cited as the House of Commons Members' Fund Act, 1962.

(3) This Act and the House of Commons Members' Fund Acts, 1939 to 1957, may be cited together as the House of Commons Members' Fund Acts, 1939 to 1962.

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

SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
2 & 3 Geo. 6. c. 49.	The House of Commons Members' Fund Act, 1939.	In section three, subsection (1). The Third Schedule.
5 & 6 Eliz. 2. c. 24.	The House of Commons Members' Fund Act, 1957.	Section two.
8 & 9 Eliz. 2. c. 50.	The House of Commons Members' Fund Act, 1960.	The whole Act.

CHAPTER 54

Trinidad and Tobago Independence Act, 1962

ARRANGEMENT OF SECTIONS

Section

1. Provision for fully responsible status of Trinidad and Tobago.
2. Consequential modifications of British Nationality Acts.
3. Consequential modification of other enactments.
4. Interpretation.
5. Short title.

SCHEDULES:

First Schedule—Legislative Powers of Trinidad and Tobago.

Second Schedule—Amendments not affecting the Law of Trinidad and Tobago.

An Act to make provision for, and in connection with, the attainment by Trinidad and Tobago of fully responsible status within the Commonwealth.

[1st August, 1962]

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

1.—(1) As from the thirty-first day of August, nineteen hundred and sixty-two (in this Act referred to as "the appointed day"), Her Majesty's Government in the United Kingdom shall have no responsibility for the government of Trinidad and Tobago.

Provision for fully responsible status of Trinidad and Tobago.

(2) No Act of the Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to Trinidad and Tobago as part of the law thereof; and as from that day the provisions of the First Schedule to this Act shall have effect with respect to the legislative powers of Trinidad and Tobago.

2.—(1) As from the appointed day, the British Nationality Acts, 1948 and 1958, shall have effect as if in subsection (3) of section one of the said Act of 1948 (which provides for persons to be British subjects or Commonwealth citizens by virtue of citizenship of certain countries) there were added at the end the words "and Trinidad and Tobago".

Consequential modifications of British Nationality Acts.

(2) Subject to the following provisions of this section, any person who immediately before the appointed day is a citizen of the United Kingdom and Colonies shall on that day cease to be such a citizen if—

- (a) under the law of Trinidad and Tobago he becomes on that day a citizen of Trinidad and Tobago, and
- (b) he, his father or his father's father was born in Trinidad and Tobago.

(3) Subject to subsection (8) of this section, a person shall not cease to be a citizen of the United Kingdom and Colonies under subsection (2) of this section if he, his father or his father's father—

- (a) was born in the United Kingdom or in a colony; or
- (b) is or was a person naturalised in the United Kingdom and Colonies; or
- (c) was registered as a citizen of the United Kingdom and Colonies; or
- (d) became a British subject by reason of the annexation of any territory included in a colony.

(4) A person shall not cease to be a citizen of the United Kingdom and Colonies under subsection (2) of this section if he was born in a protectorate or protected state, or if his father or his father's father was so born and is or at any time was a British subject.

(5) A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be such a citizen under subsection (2) of this section unless her husband does so.

(6) Subsection (2) of section six of the British Nationality Act, 1948 (which provides for the registration as a citizen of the United Kingdom and Colonies of a woman who has been married to such a citizen) shall not apply to a woman by virtue of her marriage to a person who ceases to be such a citizen under subsection (2) of this section, or who would have done so if living on the appointed day.

(7) Subject to subsection (8) of this section, the reference in paragraph (b) of subsection (3) of this section to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the British Nationality Act, 1948, have become a person naturalised in the United Kingdom and Colonies by virtue of subsection (6) of section thirty-two of that Act (which relates to persons given local naturalisation before that commencement in a colony or protectorate).

(8) Any reference in subsection (3) or subsection (4) of this section to a colony, protectorate or protected state shall, subject to the next following subsection, be construed as a reference to a territory which is a colony, protectorate or protected state on the appointed day; and the said subsection (3) shall not apply to a person by virtue of any certificate of naturalisation granted or registration effected by the governor or government of a territory outside the United Kingdom which is not a colony, protectorate or protected state on that day.

(9) The protectorates of Northern Rhodesia and Nyasaland shall be excepted from the operation of any reference in subsection (4) or subsection (8) of this section to a protectorate.

(10) Part III of the British Nationality Act, 1948 (which contains supplemental provisions) shall have effect for the purposes of subsections (2) to (9) of this section as if those subsections were included in that Act.

Consequential
modification
of other
enactments.

3.—(1) Notwithstanding anything in the Interpretation Act, 1889, the expression "colony" in any Act of the Parliament of the United Kingdom passed on or after the appointed day shall not include Trinidad and Tobago.

(2) As from the appointed day—

- (a) the expression “colony” in the Army Act, 1955, the Air Force Act, 1955, and the Naval Discipline Act, 1957, shall not include Trinidad and Tobago, and
- (b) in the definitions of “Commonwealth force” in subsection (1) of section two hundred and twenty-five and subsection (1) of section two hundred and twenty-three respectively of the said Acts of 1955, and in the definition of “Commonwealth country” in subsection (1) of section one hundred and thirty-five of the said Act of 1957, at the end there shall be added the words “or Trinidad and Tobago”;

and no Order in Council made on or after the appointed day under section one of the Army and Air Force Act, 1961, shall operate to continue either of the said Acts of 1955 in force as part of the law of Trinidad and Tobago.

(3) For the purposes of the making, on or after the appointed day, of Orders in Council under the West Indies Act, 1962, and for the purposes of the making on or after that day of grants under section eight of that Act, Trinidad and Tobago shall be treated as not being a colony within the meaning of that Act.

(4) As from the appointed day, the provisions specified in the Second Schedule to this Act shall have effect subject to the amendments respectively specified in that Schedule, and Her Majesty may by Order in Council, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make such further adaptations in any Act of the Parliament of the United Kingdom passed before this Act, or in any instrument having effect under any such Act, as appear to Her necessary in consequence of section one of this Act; and any Order in Council made under this subsection may be varied or revoked by a subsequent Order in Council so made, and, though made after the appointed day, may be made so as to have effect from that day.

(5) Subsection (4) of this section shall not extend to Trinidad and Tobago as part of the law thereof.

4.—(1) In this Act, and in any amendment made by this Act Interpretation. in any other enactment, “Trinidad and Tobago” means the Island of Trinidad, the Island of Tobago and any territories which at the passing of this Act are dependencies of the Colony of Trinidad and Tobago.

(2) References in this Act to any enactment are references to Short title. that enactment as amended or extended by or under any other enactment.

5. This Act may be cited as the Trinidad and Tobago Independence Act, 1962.

SCHEDULES

FIRST SCHEDULE

LEGISLATIVE POWERS OF TRINIDAD AND TOBAGO

1. The Colonial Laws Validity Act, 1865, shall not apply to any law made on or after the appointed day by the legislature of Trinidad and Tobago.

2. No law and no provision of any law made on or after the appointed day by that legislature shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any Act of the Parliament of the United Kingdom, including this Act, or to any order, rule or regulation made under any such Act, and, subject to paragraph 6 of this Schedule, the powers of that legislature shall include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of Trinidad and Tobago.

3. The legislature of Trinidad and Tobago shall have full power to make laws having extra-territorial operation.

4. Without prejudice to the generality of the preceding provisions of this Schedule, sections seven hundred and thirty-five and seven hundred and thirty-six of the Merchant Shipping Act, 1894, shall be construed as if references therein to the legislature of a British possession did not include references to the legislature of Trinidad and Tobago.

5. Without prejudice to the generality of the preceding provisions of this Schedule, section four of the Colonial Courts of Admiralty Act, 1890 (which requires certain laws to be reserved for the signification of Her Majesty's pleasure or to contain a suspending clause), and so much of section seven of that Act as requires the approval of Her Majesty in Council to any rules of court for regulating the practice and procedure of a Colonial Court of Admiralty, shall cease to have effect in Trinidad and Tobago.

6.—(1) Nothing in this Act shall confer on the legislature of Trinidad and Tobago any power to repeal, amend or modify the constitutional provisions otherwise than in such manner as may be provided for in those provisions.

(2) In this paragraph "the constitutional provisions" means the following, that is to say—

(a) this Act;

(b) any Order in Council made before the appointed day (whether before or after the passing of this Act) which made or makes provision in respect of Trinidad and Tobago in pursuance of section five of the West Indies Act, 1962;

(c) any law, or instrument made under a law, of the legislature of Trinidad and Tobago made on or after the appointed day which amends, modifies, re-enacts with or without amendment or modification, or makes different provision in lieu of, any provisions of this Act, of any such Order in Council, or of any such law or instrument previously made.

SECOND SCHEDULE

AMENDMENTS NOT AFFECTING THE LAW OF TRINIDAD
AND TOBAGO*Diplomatic immunities*

1. In section four hundred and sixty-one of the Income Tax Act, 1952 (which relates to exemption from income tax in the case of certain Commonwealth representatives and their staffs)—

- (a) in subsection (2), before the words "for any state" there shall be inserted the words "or Trinidad and Tobago";
- (b) in subsection (3), before the words "and 'Agent-General'" there shall be inserted the words "or Trinidad and Tobago".

2. In subsection (6) of section one of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952, before the word "and" in the last place where it occurs there shall be inserted the words "Trinidad and Tobago".

3. In subsection (5) of section one of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act, 1961, before the word "and" in the last place where it occurs there shall be inserted the words "Trinidad and Tobago".

Financial

4. In subsection (4) of section two of the Import Duties Act, 1958, after the word "Tanganyika" there shall be inserted the words "Trinidad and Tobago".

Visiting forces

5. In the Visiting Forces (British Commonwealth) Act, 1933, section four (which deals with attachment and mutual powers of command) shall apply in relation to forces raised in Trinidad and Tobago as it applies in relation to forces raised in Dominions within the meaning of the Statute of Westminster, 1931.

6. In the Visiting Forces Act, 1952—

- (a) in paragraph (a) of subsection (1) of section one (which specifies the countries to which that Act applies) at the end there shall be added the words "Trinidad and Tobago, or";
- (b) in paragraph (a) of subsection (1) of section ten the expression "colony" shall not include Trinidad and Tobago;

and, until express provision with respect to Trinidad and Tobago is made by an Order in Council under section eight of that Act (which relates to the application to visiting forces of law relating to home forces), any such Order for the time being in force shall be deemed to apply to visiting forces of Trinidad and Tobago.

Ships and aircraft

7. In subsection (2) of section four hundred and twenty-seven of the Merchant Shipping Act, 1894, as substituted by section two of the Merchant Shipping (Safety Convention) Act, 1949, before the words "or in any" there shall be inserted the words "or Trinidad and Tobago".

8. In the proviso to subsection (2) of section six of the Merchant Shipping Act, 1948, at the end there shall be added the words " or Trinidad and Tobago ".

9. In the definition of " excepted ship or aircraft " in paragraph 3 of the Third Schedule to the Emergency Laws (Repeal) Act, 1959, before the words " or in any " there shall be inserted the words " or Trinidad and Tobago ".

10. The Ships and Aircraft (Transfer Restriction) Act, 1939, shall not apply to any ship by reason only of its being registered in, or licensed under the law of, Trinidad and Tobago; and the penal provisions of that Act shall not apply to persons in Trinidad and Tobago (but without prejudice to the operation with respect to any ship to which that Act does apply of the provisions thereof relating to the forfeiture of ships).

11. In the Whaling Industry (Regulation) Act, 1934, the expression " British ship to which this Act applies " shall not include a British ship registered in Trinidad and Tobago.

12. In paragraph (b) of subsection (7) of section two of the Civil Aviation (Licensing) Act, 1960, the expression " colony " shall not include Trinidad and Tobago.

Copyright

13. If the Copyright Act, 1911, so far as in force in the law of Trinidad and Tobago is repealed or amended by that law at a time when sub-paragraph (2) of paragraph 39 of the Seventh Schedule to the Copyright Act, 1956 (which applies certain provisions of that Act in relation to countries to which the said Act of 1911 extended) is in force in relation to Trinidad and Tobago, the said sub-paragraph (2) shall thereupon cease to have effect in relation thereto.

Divorce jurisdiction

14. In subsection (2) of section two of the Indian and Colonial Divorce Jurisdiction Act, 1926 (which enables section one of that Act to be extended to certain countries, but not to any of the countries named in the said subsection (2)) at the end there shall be added the words " and Trinidad and Tobago ".

Commonwealth Institute

15. In subsection (2) of section eight of the Imperial Institute Act, 1925, as amended by the Commonwealth Institute Act, 1958 (which relates to the power to vary the provisions of the said Act of 1925 if an agreement for the purpose is made with the governments of certain territories which for the time being are contributing towards the expenses of the Commonwealth Institute) at the end there shall be added the words " and Trinidad and Tobago ".



Table of Statutes referred to in this Act

Short Title	Session and Chapter
Colonial Laws Validity Act, 1865	28 & 29 Vict. c. 63.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Colonial Courts of Admiralty Act, 1890	53 & 54 Vict. c. 27.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Copyright Act, 1911	1 & 2 Geo. 5. c. 46.
Imperial Institute Act, 1925	15 & 16 Geo. 5. c. xvii.
Indian and Colonial Divorce Jurisdiction Act, 1926.	16 & 17 Geo. 5. c. 40.
Statute of Westminster, 1931	22 & 23 Geo. 5. c. 4.
Visiting Forces (British Commonwealth) Act, 1933.	23 & 24 Geo. 5. c. 6.
Whaling Industry (Regulation) Act, 1934	24 & 25 Geo. 5. c. 49.
Ships and Aircraft (Transfer Restriction) Act, 1939.	2 & 3 Geo. 6. c. 70.
Merchant Shipping Act, 1948	11 & 12 Geo. 6. c. 44.
British Nationality Act, 1948	11 & 12 Geo. 6. c. 56.
Merchant Shipping (Safety Convention) Act, 1949.	12, 13 & 14 Geo. 6. c. 43.
Income Tax Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 10.
Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952.	15 & 16 Geo. 6 & 1 Eliz. 2. c. 18.
Visiting Forces Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 67.
Army Act, 1955	3 & 4 Eliz. 2. c. 18.
Air Force Act, 1955	3 & 4 Eliz. 2. c. 19.
Copyright Act, 1956	4 & 5 Eliz. 2. c. 74.
Naval Discipline Act, 1957	5 & 6 Eliz. 2. c. 53.
Import Duties Act, 1958	6 & 7 Eliz. 2. c. 6.
Commonwealth Institute Act, 1958	6 & 7 Eliz. 2. c. 16.
British Nationality Act, 1958	6 & 7 Eliz. 2. c. 45.
Emergency Laws (Repeal) Act, 1959	7 & 8 Eliz. 2. c. 19.
Civil Aviation (Licensing) Act, 1960	8 & 9 Eliz. 2. c. 38.
Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act, 1961.	9 & 10 Eliz. 2. c. 11.
Army and Air Force Act, 1961	9 & 10 Eliz. 2. c. 52.
West Indies Act, 1962	10 & 11 Eliz. 2. c. 19.

CHAPTER 55

An Act to make provision with respect to the interpretation of references to private gain in certain enactments relating to lotteries or gaming, and to exclude the operation of paragraph (b) of subsection (1) of section sixteen of the Betting and Gaming Act, 1960, in relation to gaming to which section twenty of that Act applies. [1st August, 1962]

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

Interpretation
of references
to private gain.

1.—(1) In construing any of the following enactments (which relate to the legalisation of certain lotteries or gaming where the proceeds thereof are applied to purposes other than purposes of private gain), that is to say—

24 & 25 Geo. 5.
c. 58.

(a) section twenty-three of the Betting and Lotteries Act, 1934;

4 & 5 Eliz. 2.
c. 45.

(b) section four of the Small Lotteries and Gaming Act, 1956; and

8 & 9 Eliz. 2.
c. 60.

(c) sections seventeen, twenty and twenty-three of the Betting and Gaming Act, 1960,

proceeds of any entertainment, lottery, gaming or amusement promoted on behalf of a society to which this subsection extends which are applied for any purpose calculated to benefit the society as a whole shall not be held to be applied for purposes of private gain by reason only that their application for that purpose results in benefit to any person as an individual.

(2) In construing paragraph (c) of subsection (1) of section one of the said Act of 1956, any purpose for which any society is established or conducted which is calculated to benefit the society as a whole shall not be held to be a purpose of private gain by reason only that action taken in its fulfilment would result in benefit to any person as an individual.

(3) For the purposes of the provisions mentioned in paragraphs (b) and (c) of subsection (1) of this section, where any payment falls to be made by way of a hiring, maintenance or other charge in respect of a gaming machine within the meaning of section seventeen of the Betting and Gaming Act, 1960, or in respect of any equipment for holding a lottery or gaming at any entertainment, then, if, but only if, the amount of that charge falls to be determined wholly or partly by reference to the extent to which that or some other such machine or equipment is used for the purposes of lotteries or gaming, that payment

shall be held to be an application of the stakes hazarded or proceeds of the entertainment, as the case may require, for purposes of private gain; and accordingly any reference in those provisions to expenses shall not include a reference to any such charge falling to be so determined.

(4) Subsection (1) of this section extends to any society which is established and conducted either—

(a) wholly for purposes other than purposes of any commercial undertaking; or

(b) wholly or mainly for the purposes of participation in or support of athletic sports or athletic games;

and in this section the expression “society” includes any club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association.

2. In sub-paragraph (ii) of paragraph (b) of section twenty of the Betting and Gaming Act, 1960 (which provides that, in relation to gaming to which that section applies, section sixteen of that Act shall have effect as if for the condition set out in paragraph (c) of subsection (1) thereof there were substituted the conditions set out in subsection (1) of section four of the Small Lotteries and Gaming Act, 1956) for the words “the condition set out in paragraph (c)” there shall be substituted the words “the conditions set out in paragraphs (b) and (c)”. Payments at entertainments not held for private gain.

3.—(1) This Act may be cited as the Lotteries and Gaming Act, 1962. Short title and extent.

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

CHAPTER 56

An Act to amend the law relating to the functions of local authorities with respect to records in written or other form. [1st August, 1962]

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

1.—(1) A local authority may do all such things as appear to it necessary or expedient for enabling adequate use to be made of records under its control, and in relation to such records may in particular— Power to promote adequate use of records.

(a) make provision for enabling persons, with or without charge and subject to such conditions as the authority may determine, to inspect the records and to make or obtain copies thereof;

- (b) prepare, or procure or assist in the preparation of, indexes and guides to and calendars and summaries of the records ;
- (c) publish, or procure or assist in the publication of, the records or any index or guide to or calendar or summary of the records ;
- (d) hold exhibitions of the records and arrange for the delivery of explanatory lectures, with or without charging for admission to such exhibitions or lectures ;
- (e) direct that the records be temporarily entrusted to other persons for exhibition or study.

(2) Nothing in subsection (1) above shall be taken to authorise the doing of any act which infringes copyright or contravenes conditions subject to which records are under the control of a local authority.

Acquisition
and deposit
of records.

2.—(1) A local authority to which this subsection applies may—

- (a) by agreement acquire by way of purchase records which, or (in the case of a collection) the majority of which, appear to the authority to be of local interest ;
- (b) accept the gift of records which, or (in the case of a collection) the majority of which, appear to the authority to be of general or local interest.

(2) A local authority to which this subsection applies may accept the deposit of records—

- (a) which appear to the authority to be of general or local interest ; or
- (b) which are the subject of an arrangement made under subsection (4) below.

(3) A local authority may accept the deposit of records authorised to be deposited with it by any enactment other than this section.

(4) A local authority other than a parish council or parish meeting may arrange to deposit any records under its control with an authority to which subsections (1) and (2) above apply or, if the Minister of Housing and Local Government consents, with any other person.

(5) Where by virtue of this section records are under the control of a local authority in relation to which a provision of the following sections applies, namely, section two hundred and seventy-nine of the Local Government Act, 1933, and section one hundred and sixty-nine of the London Government Act, 1939 (which sections regulate the custody of certain records) that provision shall apply as respects those records notwithstanding that apart from this subsection it would not so apply.

(6) Subsections (1) and (2) above apply to the council of every county or county borough and to the council of any county district or metropolitan borough specified in an order made in that behalf by the Minister of Housing and Local Government.

3. A committee appointed under section eighty-five or ninety-one of the Local Government Act, 1933, or section fifty-nine of the London Government Act, 1939, and having functions relating to records may appoint a sub-committee and delegate to it any of those functions: Power to appoint sub-committees.

Provided that if fewer than two-thirds of the members of the sub-committee are members of the local authority which appointed the main committee, or, where that is a joint committee, of one or other of the local authorities which appointed it, the sub-committee shall be advisory only.

4.—(1) A local authority may contribute a sum equal to the whole or a part of any such expenses as the following, that is to say— Financial.

(a) as respects records under the authority's control, expenses which have been incurred by any person in doing, by arrangement with the authority, anything relating to the records which the authority itself was empowered to do;

(b) as respects records not under the authority's control, being records which in the opinion of the authority are nevertheless of local interest,—

(i) expenses which have been incurred by any person in doing any such thing relating to the records as the authority is empowered by subsection (1) of section one above to do in relation to records under its control;

(ii) expenses which have been incurred by any person in looking after the records in a case where the authority are of opinion that reasonable provision is made for enabling persons to inspect and make copies of them.

(2) Any increase attributable to this Act in the sums payable by way of Rate-deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland shall be defrayed out of moneys provided by Parliament.

5. Where at the commencement of this Act there is in force— Modification of local Acts.

(a) in a county borough a local Act the Bill for which was promoted by the council of the borough, or

- (b) in a county or county district a local Act the Bill for which was promoted either by the council of the county or by the council of the county district,

and the said local Act contains provisions appearing to the Minister of Housing and Local Government either to be inconsistent with any of the provisions of this Act, or to be redundant having regard to any of the provisions of this Act, the said Minister on the application of the council by which the said Bill was promoted may by order make such alterations, whether by amendment or repeal, in the local Act as appear to him to be necessary for the purpose of bringing its provisions into conformity with the provisions of this Act, or for the purpose of removing redundant provisions, as the case may be.

Orders by
Minister.

6.—(1) Any power to make orders conferred by this Act shall be exercisable by statutory instrument; and any instrument containing an order made under section five thereof shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) Any order made under subsection (6) of section two of this Act may be varied or revoked by a subsequent order made thereunder.

Minor
amendments.

7.—(1) Subsection (4) of section one hundred and forty-four A of the Law of Property Act, 1922, and subsection (2) of section thirty-six of the Tithe Act, 1936 (which respectively empower the Master of the Rolls to direct the transfer to the Public Record Office, or to a public library or museum or historical or antiquarian society, of manorial documents and copies of instruments of apportionment) shall apply in relation to a local authority as they apply in relation to a public library and the governing body of a public library.

(2) Section two hundred and seventy-nine of the Local Government Act, 1933, shall be amended as follows—

- (a) in subsection (1) (which provides that certain records are to be in the custody of the clerk of a county council and kept as the council direct) for the words from “shall be in the custody” to the end there shall be substituted the words “shall, subject to any directions which the council may give, be in the charge and custody of the clerk of the county council who, subject to any such directions, shall be responsible therefor.”;
- (b) in subsection (2) (which empowers a borough council or district council to give general directions as to custody of records) the word “general” is hereby repealed.

8.—(1) In this Act—

Interpretation.

“local authority” means the council of a county, county borough, metropolitan borough or county district, or the council of a borough included in a rural district, or a parish council or parish meeting, or the Council of the Isles of Scilly ;

“records” means materials in written or other form setting out facts or events or otherwise recording information.

(2) For the purposes of this Act records shall be treated as being under the control of a local authority if they are in the possession of the authority by virtue of section two of this Act or otherwise, or if the authority has power to give directions as to their custody.

9.—(1) This Act may be cited as the Local Government (Records) Act, 1962.

Short title, saving, commencement and extent.

(2) Save as otherwise expressly provided by this Act, the provisions thereof are without prejudice to any provision relating to records made by or under any other Act (including a local Act) or Measure.

(3) This Act shall come into operation on the expiration of the period of two months beginning with the date of its passing.

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



Table of Statutes referred to in this Act

Short Title	Session and Chapter
Law of Property Act, 1922	12 & 13 Geo. 5. c. 16.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Tithe Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 43.
London Government Act, 1939	2 & 3 Geo. 6. c. 40.



CHAPTER 57*Uganda Independence Act, 1962*

ARRANGEMENT OF SECTIONS

Section

1. Provision for fully responsible status of Uganda.
2. Consequential modifications of British Nationality Acts.
3. Consequential modification of other enactments.
4. East African Common Services Organisation.
5. Interpretation.
6. Short title.

SCHEDULES:

First Schedule—Legislative Powers in Uganda.

Second Schedule—Agreements referred to in section 1 (3).

Third Schedule—Amendments not affecting the Law of Uganda.

An Act to make provision for, and in connection with, the attainment by Uganda of fully responsible status within the Commonwealth. [1st August, 1962]

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

Provision for fully responsible status of Uganda.

1.—(1) On the ninth day of October, nineteen hundred and sixty-two (in this Act referred to as "the appointed day"), the territories which at the passing of this Act are comprised in the Uganda Protectorate (that is to say, all those territories which, whether designated as kingdoms, districts or otherwise, are specified in section one of the Constitution set out in the Second Schedule to the existing Constitution Order, and whose boundaries are as mentioned in section two of that Constitution) shall together form part of Her Majesty's dominions under the name of Uganda; and as from the appointed day Her Majesty's Government in the United Kingdom shall have no responsibility for the government of Uganda or any part thereof.

(2) No Act of the Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to Uganda, or any part of Uganda, as part of the law thereof; and as from that day the provisions of the First Schedule to this Act shall have effect with respect to legislative powers in Uganda.

(3) The agreements which, in the Second Schedule to this Act, are specified by their titles as mentioned in that Schedule, and any agreement (whether made before or after the passing of this Act) whereby any of those agreements is varied or superseded, shall cease to have effect as from the appointed day.

(4) Subsection (1) of this section shall not affect the operation in Uganda or any part thereof of any enactment, or any other instrument having the effect of law, passed or made before the appointed day.

2.—(1) As from the appointed day, the British Nationality Acts, 1948 and 1958, shall have effect as if—

Consequential
modifications
of British
Nationality
Acts.

(a) in subsection (3) of section one of the said Act of 1948 (which provides for persons to be British subjects or Commonwealth citizens by virtue of citizenship of certain countries) there were added at the end the words “and Uganda”;

(b) in the First Schedule to the British Protectorates, Protected States and Protected Persons Order in Council, 1949, the words “Uganda Protectorate” were omitted:

Provided that a person who, immediately before the appointed day, is for the purposes of the said Acts and Order in Council a British protected person by virtue of his connection with the Uganda Protectorate shall not cease to be such a British protected person for any of those purposes by reason of anything contained in the preceding provisions of this Act, but shall so cease upon his becoming a citizen of Uganda under the law thereof.

(2) Subject to the following provisions of this section, any person who immediately before the appointed day is a citizen of the United Kingdom and Colonies shall on that day cease to be such a citizen if—

(a) under the law of Uganda he becomes on that day a citizen of Uganda; and

(b) he, his father or his father's father was born in Uganda.

(3) Subject to subsection (8) of this section, a person shall not cease to be a citizen of the United Kingdom and Colonies under the last preceding subsection if he, his father or his father's father—

(a) was born in the United Kingdom or in a colony; or

(b) is or was a person naturalised in the United Kingdom and Colonies; or

(c) was registered as a citizen of the United Kingdom and Colonies; or

(d) became a British subject by reason of the annexation of any territory included in a colony.

(4) A person shall not cease to be a citizen of the United Kingdom and Colonies under subsection (2) of this section if

he was born in a protectorate or protected state, or if his father or his father's father was so born and is or at any time was a British subject.

(5) A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be such a citizen under subsection (2) of this section unless her husband does so.

(6) Subsection (2) of section six of the British Nationality Act, 1948 (which provides for the registration as a citizen of the United Kingdom and Colonies of a woman who has been married to such a citizen) shall not apply to a woman by virtue of her marriage to a person who ceases to be such a citizen under subsection (2) of this section, or who would have done so if living on the appointed day.

(7) Subject to the next following subsection, the reference in paragraph (b) of subsection (3) of this section to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the British Nationality Act, 1948, have become a person naturalised in the United Kingdom and Colonies by virtue of subsection (6) of section thirty-two of that Act (which relates to persons given local naturalisation before that commencement in a colony or protectorate).

(8) Any reference in subsection (3) or subsection (4) of this section to a colony, protectorate or protected state shall, subject to the next following subsection, be construed as a reference to a territory which is a colony, protectorate or protected state on the appointed day; and the said subsection (3) shall not apply to a person by virtue of any certificate of naturalisation granted or registration effected by the governor or government of a territory outside the United Kingdom which is not a colony, protectorate or protected state on that day.

(9) The protectorates of Northern Rhodesia and Nyasaland shall be excepted from the operation of any reference in subsection (4) or subsection (8) of this section to a protectorate.

(10) Part III of the British Nationality Act, 1948 (which contains supplemental provisions) shall have effect for the purposes of subsections (2) to (9) of this section as if those subsections were included in that Act.

Consequential
modification
of other
enactments.

3.—(1) Notwithstanding anything in the Interpretation Act, 1889, the expression "colony" in any Act of the Parliament of the United Kingdom passed on or after the appointed day shall not include Uganda or any part thereof.

(2) The expression "colony" in the Army Act, 1955, the Air Force Act, 1955, and the Naval Discipline Act, 1957, shall not include Uganda or any part thereof; and, as from the

appointed day, in the definitions of "Commonwealth force" in subsection (1) of section two hundred and twenty-five and subsection (1) of section two hundred and twenty-three respectively of the said Acts of 1955, and in the definition of "Commonwealth country" in subsection (1) of section one hundred and thirty-five of the said Act of 1957, at the end there shall be added the words "or Uganda."

(3) No Order in Council made on or after the appointed day under section one of the Army and Air Force Act, 1961, shall operate to continue either of the said Acts of 1955 in force as part of the law of Uganda or any part thereof.

(4) As from the appointed day, the provisions specified in the Third Schedule to this Act shall have effect subject to the amendments respectively specified in that Schedule, and Her Majesty may by Order in Council, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make such further adaptations in any Act of the Parliament of the United Kingdom passed before this Act, or in any instrument having effect under any such Act, as appear to Her necessary in consequence of section one of this Act; and any Order in Council made under this subsection may be varied or revoked by a subsequent Order in Council so made, and, though made after the appointed day, may be made so as to have effect from that day.

(5) The last preceding subsection shall not extend to Uganda, or any part of Uganda, as part of the law thereof.

4.—(1) For the purposes of the making of loans to the East African Common Services Organisation, and in relation to loans made at any time to that organisation, section two of the Colonial Development and Welfare Act, 1959 (which authorises the making of loans by the Secretary of State) shall have effect on and after the appointed day as if Uganda had not ceased to be a colony within the meaning of that Act.

(2) In this section "the East African Common Services Organisation" means the organisation established under that name by an agreement made on the ninth day of December, nineteen hundred and sixty-one, between the Governments of Tanganyika, Kenya and Uganda.

5.—(1) In this Act "the existing Constitution Order" means the Uganda (Constitution) Order in Council, 1962, made on the twenty-sixth day of February, nineteen hundred and sixty-two.

(2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

6. This Act may be cited as the Uganda Independence Act, 1962.

SCHEDULES

Section 1.

FIRST SCHEDULE

LEGISLATIVE POWERS IN UGANDA

1. The Colonial Laws Validity Act, 1865, shall not apply to any law made by any legislature established for Uganda or any part thereof.

2. No law and no provision of any law made on or after the appointed day by any such legislature shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any Act of the Parliament of the United Kingdom, including this Act, or to any order, rule or regulation made under any such Act, and, subject to paragraph 5 of this Schedule, the powers of any such legislature shall include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of Uganda or any part thereof and in so far as it relates to matters within the legislative powers of that legislature.

3. Any legislature established for Uganda or any part thereof shall have full power to make laws having extra-territorial operation, so far as those laws relate to matters within the legislative powers of that legislature.

4. Without prejudice to the generality of the preceding provisions of this Schedule, sections seven hundred and thirty-five and seven hundred and thirty-six of the Merchant Shipping Act, 1894, shall be construed as if references therein to the legislature of a British possession did not include references to any legislature established for Uganda or any part thereof.

5.—(1) Nothing in this Act shall confer on any legislature established for Uganda or any part thereof any power to repeal, amend or modify the constitutional provisions otherwise than in such manner as may be provided for in those provisions.

(2) In this paragraph “the constitutional provisions” means the following, that is to say—

(a) this Act ;

(b) any Order in Council revoking the existing Constitution Order and establishing a new constitution for Uganda as from the appointed day ;

(c) any law, or instrument made under a law, of any legislature established for Uganda or any part thereof which, being a law or instrument made on or after the appointed day, amends, modifies, re-enacts with or without amendment or modification, or makes different provision in lieu of, any provisions of this Act, of the Order in Council first mentioned in this sub-paragraph, or of any such law or instrument previously made.

SECOND SCHEDULE

Section 1.

AGREEMENTS REFERRED TO IN SECTION 1 (3)

1. The Uganda Agreement (Clan Cases), 1924.
2. The Bunyoro Agreement, 1955.
3. The Buganda Agreement, 1961.
4. The Toro Agreements, 1900 to 1961 (that is to say, the agreements which in accordance with the Toro (Provisional) Agreement, 1961, may be cited together by that title).
5. The Ankole Agreement, 1901; the Ankole Agreement (Boundaries) 1914; the Ankole Agreement (Boundaries) 1923; and the Ankole Agreement, 1941.

NOTE.—The titles specified in paragraphs 1 to 3 of this Schedule, and the title “The Toro (Provisional) Agreement, 1961”, are those by which the agreements in question provide that they may be cited; and the titles specified in paragraph 5 of this Schedule are those by which the agreements in question provide that they may be cited or by which they are commonly known.

THIRD SCHEDULE

Section 3.

AMENDMENTS NOT AFFECTING THE LAW OF UGANDA

Diplomatic immunities

1. In section four hundred and sixty-one of the Income Tax Act, 1952 (which relates to exemption from income tax in the case of certain Commonwealth representatives and their staffs)—

- (a) in subsection (2), before the words “for any state” there shall be inserted the words “or Uganda”;
- (b) in subsection (3), before the words “and ‘Agent-General’” there shall be inserted the words “or Uganda”.

2. In subsection (6) of section one of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952, before the words “and the Republic of Ireland” there shall be inserted the word “Uganda”.

3. In subsection (5) of section one of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act, 1961, before the words “and the Republic of Ireland” there shall be inserted the word “Uganda”.

Financial

4. In subsection (4) of section two of the Import Duties Act, 1958, before the words “together with” there shall be inserted the word “Uganda”.

3RD SCH.

Visiting forces

5. In the Visiting Forces (British Commonwealth) Act, 1933, section four (which deals with attachment and mutual powers of command) shall apply in relation to forces raised in Uganda as it applies in relation to forces raised in Dominions within the meaning of the Statute of Westminster, 1931.

6. In the Visiting Forces Act, 1952—

(a) in paragraph (a) of subsection (1) of section one (which specifies the countries to which that Act applies) at the end there shall be added the words “Uganda, or”;

(b) in paragraph (a) of subsection (1) of section ten the expression “colony” shall not include Uganda or any part thereof;

and, until express provision with respect to Uganda is made by Order in Council under section eight of that Act (which relates to the application to visiting forces of law relating to home forces), any such Order for the time being in force shall be deemed to apply to visiting forces of Uganda.

Ships and aircraft

7. In subsection (2) of section four hundred and twenty-seven of the Merchant Shipping Act, 1894, as substituted by section two of the Merchant Shipping (Safety Convention) Act, 1949, before the words “or in any” there shall be inserted the words “or Uganda”.

8. In the proviso to subsection (2) of section six of the Merchant Shipping Act, 1948, at the end there shall be added the words “or Uganda”.

9. In the definition of “excepted ship or aircraft” in paragraph 3 of the Third Schedule to the Emergency Laws (Repeal) Act, 1959, before the words “or in any” there shall be inserted the words “or Uganda”.

10. The Ships and Aircraft (Transfer Restriction) Act, 1939, shall not apply to any ship by reason only of its being registered in, or licensed under the law of, Uganda or any part thereof; and the penal provisions of that Act shall not apply to persons in Uganda (but without prejudice to the operation with respect to any ship to which that Act does apply of the provisions thereof relating to the forfeiture of ships).

11. In the Whaling Industry (Regulation) Act, 1934, the expression “British ship to which this Act applies” shall not include a British ship registered in Uganda.

12. In paragraph (b) of subsection (7) of section two of the Civil Aviation (Licensing) Act, 1960, the expression “colony” shall not include Uganda or any part thereof.

Divorce jurisdiction

13. In subsection (2) of section two of the Indian and Colonial Divorce Jurisdiction Act, 1926 (which enables section one of that Act to be extended to certain countries, but not to any of the countries named in the said subsection (2)) at the end there shall be added the words “and Uganda”.

Commonwealth Institute

3RD SCH.

14. In subsection (2) of section eight of the Imperial Institute Act, 1925, as amended by the Commonwealth Institute Act, 1958 (which relates to the power to vary the provisions of the said Act of 1925 if an agreement for the purpose is made with the governments of certain territories which for the time being are contributing towards the expenses of the Commonwealth Institute) at the end there shall be added the words "and Uganda".

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Colonial Laws Validity Act, 1865	28 & 29 Vict. c. 63
Interpretation Act, 1889	52 & 53 Vict. c. 63
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60
Imperial Institute Act, 1925	15 & 16 Geo. 5. c. xvii
Indian and Colonial Divorce Jurisdiction Act, 1926	16 & 17 Geo. 5. c. 40
Statute of Westminster, 1931	22 & 23 Geo. 5. c. 4
Visiting Forces (British Commonwealth) Act, 1933	22 & 24 Geo. 5. c. 6
Whaling Industry (Regulation) Act, 1934 ...	24 & 25 Geo. 5. c. 49
Ships and Aircraft (Transfer Restriction) Act, 1939	2 & 3 Geo. 6. c. 70
Merchant Shipping Act, 1948	11 & 12 Geo. 6. c. 44
British Nationality Act, 1948	11 & 12 Geo. 6. c. 56
Merchant Shipping (Safety Convention) Act, 1949	12, 13 & 14 Geo. 6. c. 43
Income Tax Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 10
Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 18
Visiting Forces Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 67
Army Act, 1955	3 & 4 Eliz. 2. c. 18
Air Force Act, 1955	3 & 4 Eliz. 2. c. 19
Naval Discipline Act, 1957	5 & 6 Eliz. 2. c. 53
Import Duties Act, 1958	6 & 7 Eliz. 2. c. 6
Commonwealth Institute Act, 1958	6 & 7 Eliz. 2. c. 16
British Nationality Act, 1958	6 & 7 Eliz. 2. c. 45
Emergency Laws (Repeal) Act, 1959	7 & 8 Eliz. 2. c. 19
Colonial Development and Welfare Act, 1959...	7 & 8 Eliz. 2. c. 71
Civil Aviation (Licensing) Act, 1960 ...	8 & 9 Eliz. 2. c. 38
Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act, 1961	9 & 10 Eliz. 2. c. 11
Army and Air Force Act, 1961	9 & 10 Eliz. 2. c. 52

CHAPTER 58*Pipe-lines Act, 1962***ARRANGEMENT OF SECTIONS***Control of Construction of Pipe-lines***Section**

1. Cross-country pipe-lines not to be constructed without the Minister's authority.
2. Local pipe-lines not to be constructed without notice to the Minister.
3. Diversion of pipe-lines.
4. Power of the Minister to secure the removal of works executed in contravention of section 1 or 2.
5. Provisions with respect to planning permission concerning pipe-lines.
6. Power of the Minister to direct that section 1, instead of section 2, shall apply to local pipe-lines.
7. Provisions supplementary to sections 1 to 6.
8. Exception for emergency works.

Avoidance of Construction of superfluous Pipe-lines

9. Provisions for securing that a pipe-line is so constructed as to reduce necessity for construction of others.
10. Provisions for securing that a pipe-line is so used as to reduce necessity for construction of others.

Compulsory Acquisition of Land for Construction of Pipe-lines

11. Orders for compulsory acquisition of land for pipe-line construction.

Compulsory Acquisition of Rights over Land for Construction of Pipe-lines

12. Orders for compulsory acquisition of rights over land for pipe-line construction.
13. Power of Minister to attach conditions to compulsory rights orders.
14. Compensation in respect of compulsory rights orders.

Pipe-lines in Streets

15. Power to place pipe-lines in streets.
16. Modification of the street works code in the Public Utilities Street Works Act, 1950, in its application to pipe-line works in streets.
17. Modification of the code in Part II of the Public Utilities Street Works Act, 1950, in its application to pipe-line works in streets.
18. Restriction on breaking up, for execution of pipe-line works, highways in London Traffic Area recently closed for repair.
19. Application of section 139 (1) of Highways Act, 1959, to pipe-line works in London Traffic Area.

*Safety of Pipe-lines***Section**

20. Power of the Minister to impose requirements with respect to mode of construction, &c., of pipe-lines.
21. Enforcement of requirements imposed under section 20.
22. Prohibition of use of length of pipe-line not complying with requirements imposed under section 20.
23. Power of the Minister to impose requirements with respect to examination, repair, &c., of pipe-lines.
24. Regulations for securing pipe-line safety generally.
25. Power of the Minister to cause steps to be taken for rendering pipe-line, or length thereof, safe on abandonment or cesser of use.
26. Prohibition of change of use of pipe-line without previous notice to the Minister.

Avoidance of Damage to Pipe-lines by Buildings, &c.

27. Power of the Minister, where pipe-line imperilled by building or structure, to order demolition thereof or execution of remedial works.
28. Time of operation and effect of demolition order.
29. Execution of remedial works by the Minister in default of compliance with order to execute them, and recovery of expenses incurred in executing such works.
30. Recovery of possession of building or part of building to be demolished.
31. Power of the Minister to remove deposits imperilling pipe-line.
32. Compensation in respect of restrictions under sections 27 and 31.

Notification and Investigation of Accidents

33. Notification of certain accidents.
34. Inquiries into accidents.

Information

35. Deposit of maps of pipe-lines with local authorities.
36. Notification of abandonment, cesser of use and resumption of use of pipe-lines or lengths thereof.
37. Fire-brigades, police, &c., to be notified of certain pipe-line accidents and to be furnished with information.
38. Notification of change of ownership of pipe-line.

Provisions for avoiding Obstructions to Navigation and Interference with telegraphic, &c., Lines

39. Avoidance of obstruction or danger to navigation by pipe-lines over or under harbour waters.
40. Avoidance of interference with telegraphic, &c., lines.

Rating of Pipe-lines in England and Wales

41. Certain pipe-lines to be plant or machinery for rating purposes in England and Wales.

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- 42. Inspectors.
- 43. Preservation of amenity.
- 44. Protection of water against pollution.
- 45. Obligation to restore agricultural land.
- 46. Penalties for uttering false documents and giving false information.
- 47. Provisions as to inquiries and hearings.
- 48. Determination by Lands Tribunal of questions as to compensation.
- 49. Service of documents.
- 50. Provisions as to requirements and prohibitions imposed under this Act.
- 51. Provisions as to ecclesiastical property.
- 52. Reckoning of periods.
- 53. Regulations.
- 54. Offences by corporations.
- 55. Modification of Statutory Orders (Special Procedure) Act, 1945, in its application to certain orders under this Act.
- 56. Access to pipe-lines by customs officers.
- 57. Amendment of section 3 of Mines (Working Facilities and Support) Act, 1923.

Exclusion of certain Pipe-lines and Works from Scope of Act

- 58. Exclusion of application of Act to, and in relation to, pipe-lines of certain statutory bodies.
- 59. Exclusion of application of Act to, and in relation to, certain pipe-lines of railway undertakers.
- 60. Exclusion of application of Act to, and in relation to, pipe-lines in factories, mine or quarry premises or petroleum depots.
- 61. Exclusion of application of Act to, and in relation to, dock, &c., pipe-lines.
- 62. Sections 27 and 31 not to apply to government pipe-lines.
- 63. Exclusion of application of certain provisions of Act to pipe-lines whose construction has been begun or authorised by Act.
- 64. Power of Minister to exclude application of sections 1 and 2 in relation to certain pipe-lines in particular localities.

Interpretation

- 65. Meaning of " pipe-line ".
- 66. General interpretation provisions.

General Application to Scotland

- 67. General application to Scotland.

Expenses, Saving, Short Title, &c.

- 68. Expenses and receipts.
- 69. Saving for law of nuisance.
- 70. Short title, extent and commencement.

SCHEDULES:

First Schedule—Applications for grant of pipe-line construction and diversion authorisations.

Second Schedule—Applications for grant of compulsory purchase orders and compulsory rights orders.

Third Schedule—Provisions for rendering compulsory purchase orders effectual, &c.

Fourth Schedule—Ancillary rights that may be conferred by a compulsory rights order.

Fifth Schedule —Inquiries into pipe-line accidents.

An Act to regulate and facilitate the construction, and secure the safe operation, of pipe-lines and make provision for matters arising thereout; and to provide that certain pipe-lines shall be plant or machinery for the purposes of the enactments relating to rating in England and Wales. [1st August, 1962]

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

Control of Construction of Pipe-lines

1.—(1) It shall not be lawful for works to be executed in land for the construction of a cross-country pipe-line except under an authorisation in that behalf (in this Act referred to as a "pipe-line construction authorisation") granted by the Minister, or otherwise than along the route delineated on the map annexed to the authorisation or within such limits of lateral deviation from that route as may be specified in the authorisation, or (except with the consent of the Minister) by a person other than the one named in the application for the authorisation as he who will be the owner of the line; and if works are executed in contravention of this subsection, the person executing them shall be liable, on summary conviction, to a fine not exceeding one hundred pounds.

Cross-country pipe-lines not to be constructed without the Minister's authority.

(2) The Minister, on an application for a pipe-line construction authorisation, shall have power in his discretion to grant the application or to refuse it.

(3) The provisions of Part I of the First Schedule to this Act shall have effect with respect to the making of applications for pipe-line construction authorisations, for the purpose of securing that opportunities are afforded for the making of objections to

such applications and to any modifications subject to which they may be granted and with respect to other related matters therein mentioned.

(4) If, after a pipe-line construction authorisation has been granted, the execution of the works whose execution is authorised thereby has not been substantially begun at the expiration of twelve months from the date on which it was granted, or at the expiration of any extension of that period which the Minister may allow, the authorisation shall become of no effect, except as regards works previously executed.

(5) The Minister shall not allow any extension under the last foregoing subsection of the time within which the execution in any land of the works whose execution is authorised by a pipe-line construction authorisation must be begun unless he is satisfied that notice of the making of the application for the extension has been given to every owner, lessee and occupier (other than tenants for a month or any period less than a month) of the land and that sufficient time has elapsed to allow every person to whom the notice was given an opportunity of making to the Minister written objection to the application.

Local
pipe-lines
not to be
constructed
without
notice to the
Minister.

2.—(1) It shall not be lawful for works to be executed in land for the construction of a local pipe-line unless, not less than sixteen weeks (or such shorter period as the Minister may in a particular case allow) before the date on which the execution of the works is begun, there has been given to the Minister a notice of intention to execute them, being a notice complying with the requirements of the next following subsection, nor shall it be lawful for works to be so executed for the construction of such a line otherwise than along the route delineated on the map which, by virtue of that subsection, must accompany the notice or within such limits of lateral deviation from that route as may be prescribed for the purposes of this subsection; and if works are executed in contravention of this subsection, the person executing them shall be liable, on summary conviction, to a fine not exceeding one hundred pounds.

(2) A notice for the purposes of the foregoing subsection must—

- (a) state the name and address of the person who will be the owner of the proposed pipe-line;
- (b) specify the points between which the proposed pipe-line is to run and be accompanied by three copies of a map (whereof the scale shall be not less than that of six inches to the mile) on which is delineated the route between those points which the proposed pipe-line is to take;
- (c) state whether or not the grant of any rights or the giving of any street or river works consents is requisite to

enable the proposed pipe-line to be constructed and to be, during the period during which it may reasonably be expected to remain, inspected, maintained, adjusted, repaired and renewed and, if it be the case that the grant of any rights or the giving of any such consents is requisite for that purpose, specify the rights and consents the grant or giving of which is so requisite and state, with respect to each of them, whether the grant or giving thereof has been, or can be, obtained ;

- (d) state what is proposed to be conveyed in the proposed pipe-line ;
- (e) contain such other (if any) particulars as may be prescribed.

(3) If, after a notice for the purposes of subsection (1) of this section has been given to the Minister, the execution of the works to which the notice relates has not been substantially begun at the expiration of twelve months from the date on which it was given to him, or at the expiration of any extension of that period which he may allow, the notice shall be treated as invalid for those purposes except as regards works previously executed.

(4) The Minister shall not allow any extension under the last foregoing subsection of the time within which the execution in any land of the works to which a notice given for the purposes of subsection (1) of this section relates must be begun unless he is satisfied that notice of the making of the application for the extension has been given to every owner, lessee or occupier (other than tenants for a month or any period less than a month) of the land and that sufficient time has elapsed to allow every person to whom the notice was given an opportunity of making to the Minister written objection to the application.

(5) The Minister may by order direct that subsection (1) of this section shall, in relation to pipe-lines of a class specified in the order, have effect with the substitution, for the reference to sixteen weeks, of a reference to such shorter period as may be specified in the order.

An order under this subsection may be varied or revoked by a subsequent order and any such order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

3.—(1) A length of a pipe-line placed in any land under a pipe-line construction authorisation or in accordance with a notice given to the Minister for the purposes of subsection (1) of section two of this Act or, after the grant of such an authorisation in relation thereto or the giving for the purposes of the said subsection (1) of a notice in relation thereto, proposed to be

Diversion of
pipe-lines.

placed in any land under the authorisation or in accordance with the notice, may be diverted laterally from the route delineated on the map annexed to the authorisation or, as the case may be, accompanying the notice, to an extent greater than that permissible apart from this subsection if—

- (a) in a case where the length of the line as a whole after the diversion exceeds or is intended to exceed ten miles (whether or not its length before the diversion exceeded ten miles) or a case where its length after diversion neither exceeds nor is intended to exceed ten miles but before diversion exceeded or was intended to exceed ten miles, the diversion is effected pursuant to an authorisation in that behalf (in this Act referred to as a “pipe-line diversion authorisation”) granted by the Minister and so much of the line as is diverted is placed along the route delineated on the map annexed to the authorisation or within such limits of lateral deviation therefrom as may be specified in the authorisation ;
- (b) in a case where the length of the line as a whole before diversion neither exceeded nor was intended to exceed ten miles and its length thereafter neither exceeds nor is intended to exceed ten miles, notice of intention to divert it is given to the Minister and so much of the line as is diverted is placed along the route delineated on the map which, by virtue of the following provisions of this section, must accompany the notice or within such limits of lateral deviation from that route as may be prescribed for the purposes of subsection (1) of the said section two.

(2) The foregoing subsection shall have effect for the purpose of authorising the further lateral diversion of a length of a pipe-line previously diverted pursuant thereto as it has effect for the purpose of authorising the original diversion of that length.

(3) Where a length of a pipe-line is diverted in pursuance of subsection (1) of this section, no offence in respect of the construction of the line shall be taken to be committed under section one or two of this Act.

(4) Subsections (2) to (5) of section one of this Act shall, with the substitution, for references to a pipe-line construction authorisation and the execution of the works whose execution is authorised thereby, of references respectively to a pipe-line diversion authorisation and the execution of the works necessary to effect the diversion to be effected pursuant to such an authorisation, have effect for the purposes of paragraph (a) of subsection (1) of this section, and Part I of the First Schedule

to this Act shall, as applied by this subsection, have effect subject to the modifications specified in Part II thereof.

(5) Subsections (2) to (4) of section two of this Act shall apply to a notice for the purposes of paragraph (b) of subsection (1) of this section as they apply to a notice for the purposes of subsection (1) of that section with the following modifications:—

- (a) the name and address required by paragraph (a) of subsection (2) shall, instead of being that therein specified, be that of the person who (according to the circumstances of the case) is or will be the owner of the pipe-line in question ;
- (b) paragraphs (b) and (c) of subsection (2) shall have effect with the substitution, for references to the proposed pipe-line, of references to the portion of pipe-line to be diverted and paragraph (d) of that subsection shall be omitted ;
- (c) subsections (3) and (4) shall have effect with the substitution, for references to the execution of the works to which the notice relates, of references to the execution of the works necessary to effect the diversion to which the notice relates.

4.—(1) If works are executed in land in contravention of subsection (1) of section one of this Act or subsection (1) of section two thereof, the Minister may serve on the person who executed them a notice requiring him to remove them.

Power of the Minister to secure the removal of works executed in contravention of section 1 or 2.

(2) If a person on whom a notice is served under the foregoing subsection fails, before the expiration of six weeks from the date on which the notice was served, or such longer period (not exceeding twelve months from that date) as the Minister may on his application allow, to comply with the requirement imposed by the notice, the Minister may enter and remove the works in question and may recover from the person in default, in any court of competent jurisdiction, the expenses reasonably incurred by the Minister in so doing.

(3) A person shall not begin to remove any works in any land in compliance with a notice under subsection (1) of this section, and the Minister shall not enter, or begin to remove any works in, any land in exercise of the power conferred on him by the last foregoing subsection, except after seeking consultation with every owner, lessee and occupier of the land (except tenants for a month or any period less than a month).

(4) Where, in consequence of compliance with a requirement to remove any works imposed by a notice under subsection (1) of this section or of the exercise of the power to enter and remove any works conferred by subsection (2) thereof, a person, other

than the person who executed the works, suffers loss by reason of damage to, or disturbance in the enjoyment of, any land or chattels, he shall be entitled, where the loss was suffered in consequence of such compliance, to compensation in respect of that loss from the person who executed the works, or, where the loss was suffered in consequence of the exercise of that power, to compensation in respect of that loss from the Minister ; and the Minister may recover from the person who executed the works, in any court of competent jurisdiction, the amount of any compensation paid by the Minister under this subsection.

(5) The service of a notice under subsection (1) of this section in consequence of a contravention of either of the subsections therein mentioned shall be without prejudice to the taking of proceedings under the subsection in question in respect of the contravention.

Provisions
with respect
to planning
permission
concerning
pipe-lines.

5.—(1) Upon granting a pipe-line construction or diversion authorisation or serving a notice under the last foregoing section the Minister may direct that, in so far as the execution of the works whose execution is authorised by, or by virtue of, the authorisation, or any change in the use of land which is involved in the execution of those works, constitutes development within the meaning of the Town and Country Planning Act, 1947, or, as the case may be, in so far as the removal of the works required by the notice to be removed, or any change in the use of land which is involved in the removal, constitutes such development, permission for that development shall be deemed to be granted under Part III of that Act, subject to such (if any) conditions as may be specified in the directions, being conditions of a kind that could have been imposed by the Minister of Housing and Local Government had the permission been granted by him on an application referred to him under section fifteen of that Act.

(2) For the purposes of the said Act of 1947, the execution of works for the purpose of inspecting, maintaining, adjusting, repairing, altering or renewing a pipe-line (including the breaking open of any street or other land for that purpose) shall be deemed not to involve the development of land.

(3) In the application of this section to Scotland, for references to the said Act of 1947, to Part III of that Act and to section fifteen thereof there shall be substituted respectively references to the Town and Country Planning (Scotland) Act, 1947, to Part II of that Act and to section thirteen thereof, and for the references to the Minister of Housing and Local Government there shall be substituted references to the Secretary of State.

6.—(1) The Minister shall have power (exercisable by statutory instrument) by order to direct—

(a) that section one of this Act shall, to the exclusion of section two thereof, apply to works for the construction of local pipe-lines of a class specified in the order (other than pipe-lines for whose construction works have lawfully been begun, or might lawfully have been begun, before the date on which the order comes into operation) as it applies to works for the construction of cross-country pipe-lines ; or

(b) that section one of this Act shall, to the exclusion of section two thereof, apply to works for the construction of local pipe-lines any part of the route taken by which lies within an area specified in the order or within an area of such class as is so specified (other than pipe-lines for whose construction works have lawfully been begun, or might lawfully have been begun, before the date on which the order comes into operation) as it applies to works for the construction of cross-country pipe-lines.

Power of the Minister to direct that section 1, instead of section 2, shall apply to local pipe-lines.

(2) No order shall be made under this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

7.—(1) The construction of a pipe-line of a length not exceeding ten miles which is to form an addition to another shall, if the aggregate of the lengths of both exceeds ten miles, be deemed for the purposes of the foregoing provisions of this Act to constitute the construction of a cross-country pipe-line and not to constitute the construction of a local pipe-line and so shall the construction of a pipe-line of a length not exceeding ten miles so as to connect two or more others, if the aggregate of the lengths of the line and of those connected thereby exceeds ten miles.

Provisions supplementary to sections 1 to 6.

(2) The Minister, on an application in that behalf being made to him, and after causing if he thinks fit a public inquiry to be held, may by order (made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament) direct that the foregoing subsection shall not apply to the construction of pipe-lines situate wholly within an area specified in or described by the order, being pipe-lines of a class so specified.

8.—(1) In the case of any works for the construction of a pipe-line or the diversion of a length of a pipe-line, being emergency works,—

Exception for emergency works.

(a) the execution thereof may be effected without any authorisation of, or notice to, the Minister ; but

- (b) as soon as is reasonably practicable after the works have been executed the person who executed them shall send to the Minister three copies of a map (whereof the scale shall not be less than that of six inches to the mile) on which is delineated the route taken by the line constructed or, as the case may be, the route taken by the portion of the line diverted ; and
 - (c) where the works were for the construction of a line, section three of this Act shall, with the substitution, for the reference in subsection (1) to the map there described, of a reference to the map referred to in the last foregoing paragraph, have effect for the purpose of authorising the diversion of a length of the line as if it had been placed as mentioned in that subsection and, where the works were for the diversion of a length of line, the length shall for the purposes of that section be deemed to have been diverted in pursuance of subsection (1) thereof.
- (2) If a person fails to send copies of a map in accordance with an obligation to which he is subject by virtue of paragraph (b) of the foregoing subsection, he shall, in respect of that failure, be liable on summary conviction to a fine not exceeding fifty pounds.

Avoidance of Construction of superfluous Pipe-lines

Provisions for securing that a pipe-line is so constructed as to reduce necessity for construction of others.

9.—(1) Where—

- (a) application is made to the Minister for the grant of a pipe-line construction authorisation for the construction of a pipe-line to be designed for the conveyance of a particular kind of thing or of things of a particular class, and
- (b) the Minister is satisfied that there is evidence of demand existing or likely to arise for the grant of such authorisations for the construction of further pipe-lines to be designed for the conveyance of that kind of thing or, as the case may be, things of that class, and
- (c) the Minister is also satisfied that the routes to be taken by the further lines will severally be, as to the whole or any part thereof, the same or substantially the same as the route or any part of the route to be taken by the line to which the application relates,

he may, if he grants the application, grant it subject to the condition that the line to be constructed pursuant to the application or any length of that line specified in the authorisation shall be so constructed as to be capable of conveying, during such period as may be so specified, not less than such quantity as

may be so specified of the kind of thing in question or, as the case may be, things of the class in question.

(2) The Minister may at any time, by notice served on the owner of a pipe-line constructed pursuant to a pipe-line construction authorisation to which a condition is attached by virtue of the foregoing subsection, impose such requirements as he thinks it necessary or expedient to impose for all or any of the following purposes, namely,—

- (a) securing to persons other than the owner of the line the right to have conveyed by the line or, as the case may be, by any length of it specified in the authorisation by virtue of that subsection, the kind of thing specified in the authorisation or, as the case may be, things of the class so specified ;
- (b) regulating the charges to be made for the conveyance by the line or, as the case may be, by that length thereof, on behalf of persons other than the owner of the line of that kind of thing or, as the case may be, things of that class ;
- (c) securing that the exercise of a right secured by virtue of paragraph (a) of this subsection is not prevented or impeded ;

but requirements imposed for the purpose specified in paragraph (a) of this subsection shall be so framed as, in the Minister's opinion, to secure that compliance therewith will not prejudice the proper and efficient operation of the line for the purpose of the conveyance on behalf of the owner thereof, in the quantity required by him, of the kind of thing, or things of the class, which it is designed to convey.

(3) A notice served under the last foregoing subsection with reference to a pipe-line may authorise the owner thereof to recover, from persons to whom a right is secured by the notice by virtue of paragraph (a) of that subsection, payments of such amounts as may be determined in accordance with provisions in that behalf contained in the notice, being payments in consideration of that right's being secured to them.

(4) Where a pipe-line constructed pursuant to a pipe-line construction authorisation to which a condition is attached by virtue of subsection (1) of this section is constructed without conformity to that condition, the works for the construction of the line shall be deemed, for the purposes of the foregoing provisions of this Act, to have been executed in contravention of subsection (1) of section one of this Act.

(5) If the owner of a pipe-line fails to comply with a requirement imposed by a notice served under subsection (2) of this

section with reference to the line he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding five hundred pounds; and, if the failure continues after his conviction, he shall be guilty of a further offence and liable, in respect thereof, to a fine not exceeding twenty-five pounds for each day on which the failure continues.

Provisions for securing that a pipe-line is so used as to reduce necessity for construction of others.

10.—(1) An application with respect to a pipe-line constructed pursuant to a pipe-line construction authorisation may be made to the Minister by any person other than the owner of the line who seeks the right to have conveyed by the line on his behalf a particular kind of thing or things of a particular class, being, as the case may be, the kind of thing or things of the class which the line is designed to convey.

(2) Where an application with respect to a pipe-line is made under the foregoing subsection to the Minister he shall serve on the owner of the line and the applicant notice of the time (being some time not less than twenty-one days from the date of the service of the notice) at which the question of conferring on the applicant the right sought by him will be considered by the Minister, and the owner and the applicant shall be entitled to be heard when that question is so considered.

(3) If after taking the question aforesaid into consideration the Minister is satisfied that the line could, without prejudice to the proper and efficient operation thereof for the purpose of the conveyance on behalf of the owner thereof, in the quantity required by him, of the kind of thing, or things of the class, which it is designed to convey, be so operated as to permit of the conveyance thereby on behalf of the applicant of the kind of thing, or things of the class, the right to the conveyance of which is sought by the applicant, he shall declare that he is so satisfied.

(4) Where the Minister makes under the last foregoing subsection a declaration with respect to a pipe-line he may by notice served on the owner of the line impose such requirements as he thinks it necessary or expedient to impose for all or any of the following purposes, namely,—

- (a) securing to the person whose application resulted in the making of the declaration the right to have conveyed by the line the kind of thing to which the application related or, as the case may be, things of the class to which it related;
- (b) regulating the charges to be made for the conveyance by the line on behalf of that person of that kind of thing or, as the case may be, things of that class;

- (c) securing that the exercise of a right secured by virtue of paragraph (a) of this subsection is not prevented or impeded ;

but requirements imposed for the purpose specified in paragraph (a) of this subsection shall be so framed as, in the Minister's opinion, to secure that compliance therewith will not prejudice the proper and efficient operation of the line for the purpose mentioned in subsection (3) of this section.

(5) A notice served under the last foregoing subsection with reference to a pipe-line may authorise the owner thereof to recover, from the person to whom a right is secured by the notice by virtue of paragraph (a) of that subsection, payments of such amounts as may be determined in accordance with provisions in that behalf contained in the notice, being payments in consideration of the right's being secured to him.

(6) If the owner of a pipe-line fails to comply with a requirement imposed by a notice served under subsection (4) of this section with reference to the line he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding five hundred pounds ; and, if the failure continues after his conviction, he shall be guilty of a further offence and liable, in respect thereof, to a fine not exceeding twenty-five pounds for each day on which the failure continues.

Compulsory Acquisition of Land for Construction of Pipe-lines

11.—(1) A person proposing to execute works in land for the placing therein of a pipe-line or a length of a pipe-line may, by means of an order made by the Minister (in this Act referred to as a "compulsory purchase order"), be authorised to purchase compulsorily land described in the order which is required by him as the site of any of the works.

Orders for compulsory acquisition of land for pipe-line construction.

(2) The Minister, on an application for a compulsory purchase order, shall have power in his discretion to grant the application or to refuse it.

(3) The provisions of Part I of the Second Schedule to this Act shall have effect with respect to the making of applications for compulsory purchase orders, for the purpose of securing that opportunities are afforded for the making of objections to such applications, with respect to any modifications subject to which such orders may be made, for limiting the rights of persons to question the validity of such orders, and with respect to other related matters therein mentioned.

(4) The provisions of the Third Schedule to this Act shall apply to a compulsory purchase order for the purpose of rendering it effectual and of modifying the Land Compensation Act,

1961, in relation to the assessment of compensation payable in consequence of the purchase, by virtue of such an order, of any land.

(5) A compulsory purchase order shall be subject to special parliamentary procedure.

(6) In the application of this section to Scotland, for the reference to the Land Compensation Act, 1961, there shall be substituted a reference to the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by the Town and Country Planning (Scotland) Acts, 1947 to 1959.

Compulsory Acquisition of Rights over Land for Construction of Pipe-lines

Orders for compulsory acquisition of rights over land for pipe-line construction.

12.—(1) A person proposing to execute works in land for the placing therein of a pipe-line or a length of a pipe-line may, by means of an order made by the Minister (in this Act referred to as a “compulsory rights order”), be authorised, subject to any conditions attached thereto under the next following section, to place the line or length in land described in the order, to use the line or length, to execute in that land any other pipe-line works becoming necessary for the purpose of placing the line or length in that land or in consequence of its being placed there, and to exercise in relation to the line or length such of the rights mentioned in the Fourth Schedule to this Act as may be specified in the order.

(2) The Minister, on an application for a compulsory rights order, shall have power in his discretion to grant the application or to refuse it.

(3) The provisions of Part I of the Second Schedule to this Act shall, subject to the modifications specified in Part II of that Schedule, have effect with respect to the making of applications for compulsory rights orders, for the purpose of securing that opportunities are afforded for the making of objections to such applications, with respect to any modifications subject to which such orders may be made, for limiting the rights of persons to question the validity of such orders, and with respect to other related matters therein mentioned.

(4) A compulsory rights order shall, after the placing of the line or length thereby authorised to be placed, enure for the benefit of the owner for the time being of the line.

(5) If any such pipe-line or length of a pipe-line as has been placed in land by virtue of a compulsory rights order is diverted from the land comprised in the order or is abandoned, or if a pipe-line construction or diversion authorisation relating to a pipe-line or length of a pipe-line to be placed in land in pursuance

of a compulsory rights order becomes of no effect by virtue of subsection (4) of section one of this Act or of that subsection as applied by subsection (4) of section three thereof, or if a notice relating to such a pipe-line or length given for the purposes of subsection (1) of section two of this Act or of paragraph (b) of subsection (1) of section three thereof becomes invalid by virtue of subsection (3) of the said section two or of that subsection as applied by subsection (4) of the said section three, the Minister may by order revoke the compulsory rights order to the extent to which it appears to him to have become unnecessary in consequence of the diversion or abandonment or, as the case may be, of the authorisation's so becoming of no effect or the notice's so becoming invalid; and he may also, at any time, by order revoke a compulsory rights order in whole or in part in pursuance of an application in that behalf made to him by the person for whose benefit the compulsory rights order for the time being enures; but the revocation of a compulsory rights order shall not affect the previous operation thereof.

(6) A compulsory rights order shall not affect any right over the land comprised in the order which would not have been affected had that land been compulsorily purchased by virtue of a compulsory purchase order, nor shall it authorise disregard of any enactment or of any instrument having effect by virtue of any enactment or be taken to confer a right of support for the pipe-line or length of pipe-line placed, by virtue of the order, in the said land.

(7) A compulsory rights order shall be subject to special parliamentary procedure.

13.—(1) The Minister may, if he grants an application for a compulsory rights order, attach to it such conditions as he thinks fit (other than a condition for securing a matter that may be secured under the provisions of this Act relating to the safety of pipe-lines) with respect to—

Power of Minister to attach conditions to compulsory rights orders.

- (a) the manner, method or timing of the execution of pipe-line works authorised by the order;
- (b) the execution, and the manner, method or timing of the execution, of works which it appears to him are or will be requisite or desirable prior to or in consequence of the execution of pipe-line works authorised by the order, or in consequence of a failure to comply with any such condition as has effect by virtue of the foregoing paragraph;
- (c) in a case where the order authorises a pipe-line or length thereof to be placed in land of which the owners

are statutory undertakers, being operational land, the execution and the manner, method or timing of the execution, of works which it appears to him are or will be requisite or desirable in consequence of the pipe-line's or length's being situated in such land ;

- (d) without prejudice to the generality of the foregoing paragraphs, the execution of works referred to in any of those paragraphs by or under the supervision of the owners of land comprised in the order ;
- (e) the payment of costs of the execution of any works or carrying out any other requirements to which a condition having effect by virtue of this section relates ;
- (f) the settlement of any dispute arising in consequence of any such condition as aforesaid ;

and any conditions attached to a compulsory rights order under this section shall be set out in a schedule to the order.

(2) Subject to the next following subsection, the Minister may at any time on the application of an owner, lessee or occupier (except a tenant for a month or any period less than a month) of land comprised in a compulsory rights order, or of the person for whose benefit such an order for the time being enures, or of his own motion, by order vary the first-mentioned order—

- (a) where the first-mentioned order has effect without conditions, by attaching thereto a condition with respect to any of the matters referred to in the foregoing subsection ;
- (b) where the first-mentioned order has effect subject to conditions, by revoking or varying any of them or by attaching thereto further such conditions as aforesaid.

(3) It shall be a condition precedent to the making of an order under the last foregoing subsection that, in the case of an order for which an application is made, the applicant, or, in any other case, the Minister, shall have served on every person concerned (other than the applicant in such a case as is first above mentioned) notice, in the prescribed form, stating the effect of the order and specifying the time (not being less than twenty-one days from the date of service of the notice) within which and the manner in which objection to the making of the order may be made to the Minister ; and where an objection is duly made by a person on whom the notice has been served, and is not withdrawn, the Minister shall not make the order without affording to the objector an opportunity of being heard by him, and if the objector avails himself of that opportunity, the Minister shall afford to the applicant (in the case of

an order for which an application is made under the last foregoing subsection) and any other person to whom it appears to the Minister expedient to afford it, an opportunity of being heard on the same occasion.

(4) Upon the making of an order under subsection (2) of this section, in the case of an order made on an application, the applicant, or, in any other case, the Minister, shall take such steps for notifying the persons concerned as the Minister may direct, or, as the case may be, shall think fit.

(5) If any works are executed in contravention of a condition attached to a compulsory rights order under this section, the person executing them, or, in the event of a failure by a person to comply with a requirement to carry out any works imposed on him by such a condition, that person, shall be guilty of an offence and liable—

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

(6) In this section the following expressions have the meanings hereby assigned to them respectively,—

“operational land”, in the application of this section to England and Wales, has the same meaning as in the Town and Country Planning Act, 1947, and, in the application of this section to Scotland, has the same meaning as in the Town and Country Planning (Scotland) Act, 1947;

“persons concerned” means, in relation to a variation of a compulsory rights order, the person for whose benefit the order for the time being enures, and every owner, lessee and occupier (other than a tenant for a month or a period less than a month) of any land appearing to the Minister to be affected by the variation.

(7) If any question arises, in relation to this section, whether land of statutory undertakers is operational land as defined by this section, that question shall be determined by the appropriate Minister.

(8) The power conferred by subsection (2) of this section to make orders shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Compensation
in respect of
compulsory
rights orders.

14.—(1) If a person entitled to an interest in land which comprises, or is held with, land to which a compulsory rights order applies, being an interest subsisting at the time when the order was made, proves that the value of his interest is depreciated by reason of the making of the order, the person in whose favour the order was made shall pay him compensation equal to the amount of the depreciation.

(2) Where in consequence of the exercise of any right conferred by a compulsory rights order a person suffers loss by reason of damage to, or disturbance in the enjoyment of, any land or chattels, he shall be entitled to compensation in respect of that loss from the person in whose favour the order was made or, where the owner of the pipe-line is not that person and the right in consequence of the exercise of which the loss was suffered was exercised by that owner, from that owner.

Pipe-lines in Streets

Power to place
pipe-lines
in streets.

15.—(1) Subject to the provisions of this section, any person may place a pipe-line in a street with the consent of the appropriate authority for that street, and for that purpose and the purpose of works of the following kinds, that is to say,—

- (a) inspecting, maintaining, adjusting, repairing, altering or renewing a pipe-line placed in a street in pursuance of this subsection ;
- (b) changing the position of a pipe-line so placed or removing it,

may open and break up the street and may remove or use earth or other materials in the street.

(2) Where it is proposed that, in exercise in relation to a street of the power conferred by the foregoing subsection, a pipe-line shall be placed along a line crossing the street, the appropriate authority for that street shall not withhold their consent under this section unless there are special reasons for doing so.

(3) Where it is proposed that, in exercise in relation to a street of the power conferred by subsection (1) of this section, a pipe-line shall be placed otherwise than along a line crossing the street, the consent of the appropriate authority for the street shall not be unreasonably withheld, and, for the purposes of this subsection, the withholding of consent shall be treated as reasonable if the owner of the pipe-line fails to show that there is no reasonably practicable alternative to the placing of the pipe-line in accordance with the proposals.

(4) The consent under this section of an appropriate authority may be given subject to reasonable conditions, including, without

prejudice to the generality of the foregoing words, any one or more of the following conditions, that is to say,—

- (a) a condition requiring payments to be made to that authority in respect of the placing of the pipe-line in the street and of its being kept there ;
- (b) where the street is a protected street—
 - (i) if it is reasonably practicable for the placing of the pipe-line to be carried out by a method which does not involve the opening or breaking up of the street, a condition that the placing of the pipe-line shall be carried out by such a method ;
 - (ii) if it is reasonably practicable for any such works as are mentioned in paragraph (a) or (b) of subsection (1) of this section to be carried out by such a method as aforesaid, a condition that any such works shall be carried out by such a method ;
- (c) where the street is a highway, not being a protected street, and constitutes or comprises a carriageway and it is proposed that the pipe-line shall be placed along a line crossing the street, if it is reasonably practicable for any such works as are mentioned in paragraph (a) of subsection (1) of this section to be carried out by a method which does not involve the opening or breaking up of the carriageway, a condition that any such works shall be carried out by such a method ;
- (d) where the street is a highway, not being a protected street, and constitutes or comprises a carriageway and it is proposed that the pipe-line shall be placed otherwise than along a line crossing the street—
 - (i) if it is reasonably practicable for the placing of the pipe-line to be carried out by a method which does not involve the opening or breaking up of the carriageway, a condition that the placing of the pipe-line shall be carried out by such a method ;
 - (ii) if it is reasonably practicable for any such works as are mentioned in paragraph (a) or (b) of subsection (1) of this section to be carried out by such a method as last aforesaid, a condition that any such works shall be carried out by such a method ;

and, for the purposes of paragraph (b) of this subsection, the placing of a pipe-line or the carrying out of works by a method which does not involve the opening or breaking up of a street shall be taken to be reasonably practicable unless the owner of the pipe-line shows that such is not the case.

(5) The consent of an authority under this section shall not be required for the placing of a pipe-line by way of renewal of an existing pipe-line.

(6) Any dispute between the appropriate authority for a street and a person proposing to place a pipe-line in the street in respect of—

- (a) the withholding of a consent under this section to the placing of the pipe-line in the street otherwise than along a line crossing the street ; or
- (b) the imposition of a condition under this section on the placing of the pipe-line in the street otherwise than as aforesaid,

shall be determined by the Minister and the Minister of Transport acting jointly, and the determination of the said Ministers shall not be impugned on the ground that either of them is himself a party to the dispute.

(7) Any dispute between the appropriate authority for a street and a person proposing to place a pipe-line in the street in respect of—

- (a) the withholding of a consent under this section to the placing of the pipe-line in the street along a line crossing the street ; or
- (b) the imposition of a condition under this section on the placing of the pipe-line in the street along a line crossing the street,

shall be determined by arbitration and, where the Minister of Transport is the appropriate authority, the arbitrator shall be a single arbitrator appointed, in default of agreement between the parties concerned, by the President of the Institution of Civil Engineers.

(8) Where a street is carried by or goes under a bridge, subsection (1) of this section shall not authorise the placing of a pipe-line in, under, over, across, along or upon the bridge except in accordance with an agreement to which the authority, body or person in whom the bridge is vested is a party.

(9) For the purposes of this section a pipe-line shall be treated as placed along a line crossing a street if it is so placed that at either side of the street an angle, on a horizontal plane, of not more than forty-five degrees is formed between the line of the pipe-line inside the street and a line joining the point at which the line of the pipe-line crosses the side of the street with the point nearest to that point on the opposite side of the street.

(10) In this section the following expressions have the meanings hereby assigned to them respectively,—

“ appropriate authority ”, in relation to a street, means—

- (a) where the street is a maintainable highway, the highway authority ;

(b) where the street is prospectively a maintainable highway, the appropriate local authority and the street managers ;

(c) where the street is not a maintainable highway and is not prospectively a maintainable highway, the street managers ;

“ appropriate local authority ”, “ highway authority ”, “ maintainable highway ”, “ street ”, “ street authority ”, and “ street managers ” have the same meanings as in the Public Utilities Street Works Act, 1950, and any reference to a street which is prospectively a maintainable highway shall be construed in accordance with the provisions of that Act ;

“ protected street ” means a street being a special road, a trunk road or a road classified by the Minister of Transport under the Ministry of Transport Act, 1919, in Class I or Class II ;

“ special road ” means a road provided or to be provided in pursuance of a scheme under section one of the Special Roads Act, 1949, or section eleven of the Highways Act, 1959, or to which, by virtue of section nineteen of the last-mentioned Act, that Act applies as if it were a road provided in pursuance of a scheme under section eleven thereof.

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

(a) references to a street which is a highway shall be construed as references to a street over which there is a public right of way ;

(b) the expression “ carriageway ” means a way (other than a cycle track) over which the public have a right of way for the passage of vehicles ;

(c) the reference in subsection (6) to the Minister of Transport shall be construed as a reference to the Secretary of State ;

(d) in subsection (7), for the words from “ shall be determined ” to the end of the subsection there shall be substituted the words “ shall be referred to the arbitration of a single arbiter appointed by agreement between the parties concerned or, in default of agreement, by the sheriff ; and in any such arbitration the arbiter may, and, if so directed by the Court of Session, shall, state a case for the decision of that court on any question of law arising in the arbitration.” ;

(e) the reference in subsection (10) to the Minister of Transport shall be construed as including a reference to the Secretary of State.

Modification of the street works code in the Public Utilities Street Works Act, 1950, in its application to pipe-line works in streets.

16.—(1) Section five of the Public Utilities Street Works Act, 1950 (which empowers a street authority in certain circumstances to disapprove a plan and section submitted under subsection (1) of section three of that Act of works proposed to be executed in a street which is a maintainable highway or is prospectively a maintainable highway on the ground that the works ought to be executed in controlled land abutting on the street, or to approve the plan and section subject to modifications excluding some of the works on the ground that they ought to be executed in such land), shall not have effect in relation to a plan and section of undertakers' works to be executed in exercise of the power to execute such works conferred by subsection (1) of section fifteen of this Act, and accordingly subsection (4) of section four of that Act shall, in relation to such a plan and section, have effect with the omission of proviso (i) thereto (which precludes the settlement under that subsection by an arbitrator of a plan and section of works if the case falls within the said section five and the only modifications or disapproval notified with respect to the plan and section as submitted under subsection (1) of section three of that Act are on the part of the street authority and on the ground that some or all of the works ought to be executed in controlled land).

(2) For the purposes of the application of the said section four in relation to a plan and section of undertakers' works to be executed in exercise of the power to execute such works conferred by subsection (1) of section fifteen of this Act,—

- (a) forty-three days shall be substituted for twenty-nine days (in paragraph (a) of subsection (2)) as the period before the expiration of which the notice required by subsection (1) must be given in the case mentioned in that paragraph ;
- (b) any modification of a plan and section shall be disregarded in so far as the modification would involve lateral diversion of a pipe-line beyond the limits of lateral deviation permissible in relation thereto, any disapproval of a plan and section shall be disregarded in so far as the ground therefor is or involves that there ought to be such a diversion, and an arbitrator settling a plan and section shall not thereby provide for any such diversion.

Modification of the code in Part II of the Public Utilities Street Works Act, 1950, in its application to pipe-line works in streets.

17.—(1) No person shall be entitled to payment by virtue of section twenty-two of the Public Utilities Street Works Act, 1950 (undertakers' right to payment for works made necessary by, and obligation to facilitate, road etc. works), in respect of works or measures of his executed or taken in connection with a pipe-line.

(2) A promoting authority shall not be entitled under subsection (2) of the said section twenty-two to require any lateral diversion of a pipe-line beyond the limits of lateral deviation permissible in relation thereto.

18.—(1) Where works of road maintenance and improvement involving the closing to vehicular traffic of any part of a highway either absolutely or to the extent of one third or more of the width of the carriageway have been executed in accordance with a scheme confirmed under section one hundred and thirty-seven of the Highways Act, 1959, or under an authority given under section eighteen of the Road Traffic and Roads Improvement Act, 1960, it shall not, during twelve months from the date on which those works were completed, be lawful for any person in exercise of the power conferred by subsection (1) of section fifteen of this Act to break up or open (except for the execution of emergency works) the highway so closed without the previous consent of the Minister of Transport and unless he proves to the satisfaction of that Minister—

Restriction on breaking up, for execution of pipe-line works, highways in London Traffic Area recently closed for repair.

- (a) that there were reasonable grounds for his failure or omission to execute, while the highway or part thereof was closed, the works for the execution of which he requires to break up or open the highway; and
- (b) that it is essential that the works should be executed or begun during the said twelve months.

(2) The Minister of Transport may, if he thinks fit, make it a condition of giving his consent under the foregoing subsection to breaking up or opening a highway that all works in connection therewith shall be begun after eight o'clock in the evening and carried on without intermission.

19. In subsection (1) of section one hundred and thirty-nine of the Highways Act, 1959 (which empowers the highway authority for a highway in the London Traffic Area to require undertakers to take steps to mitigate or discontinue an obstruction in that highway created by undertakers in the exercise of a statutory power to break up or open that highway), after the words "that, in the exercise of a statutory power to break up or open a highway within the London Traffic Area, any undertakers", there shall be inserted the words "or that in the exercise in relation to such a highway of the power conferred by subsection (1) of section fifteen of the Pipe-lines Act, 1962, any other persons", and after the words "the undertakers" (wherever they occur) there shall be inserted the words "or those other persons, as the case may be".

Application of section 139 (1) of Highways Act, 1959, to pipe-line works in London Traffic Area.

Safety of Pipe-lines

Power of the Minister to impose requirements with respect to mode of construction, &c., of pipe-lines.

20.—(1) The Minister may at any time if he considers it necessary so to do in the interests of safety, by notice served on a person who is executing, or is proposing to execute, works in land for the construction of a pipe-line,—

- (a) prohibit, as regards works for the construction of the line or of any length thereof specified in the notice, the execution of the works (so far as they fall to be executed after the service of the notice) otherwise than in such a manner as may be so specified ;
- (b) prohibit, as regards any length of the line specified in the notice, the construction thereof (so far as it falls to be constructed after the service of the notice) except of such materials, and with the inclusion of such safety devices, as may be specified in the notice or the incorporation therein in the course of the construction thereof (so far as it falls as aforesaid) of component parts of a class so specified that do not comply with such requirements as may be so specified ;
- (c) prohibit, as regards the line or any length thereof specified in the notice, the placing thereof (so far as, in the course of works for the construction thereof falling to be executed after the service of the notice, it falls to be placed below the surface of the ground) at a depth below that surface less than such as may be so specified.

(2) If a person on whom a notice is served under the foregoing subsection serves on the Minister, before the expiration of twelve weeks from the date on which the notice was served, a counter-notice objecting to the notice, the Minister shall afford him an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose, and if the first-mentioned person avails himself of the opportunity, the Minister shall, before the expiration of twelve weeks from the date on which the hearing is concluded, consider the objection and the report of the person appointed to hear the objector and by notice served on the objector either quash the notice objected to, or confirm it without modification, or confirm it subject to such modification as appears to the Minister to meet the objection.

The quashing under this subsection of a notice served under the foregoing subsection shall neither be taken to prevent the service by the Minister of a fresh notice nor affect the previous operation of the notice.

(3) In the event of a failure, in relation to works or a pipe-line, to comply with a prohibition imposed by a notice served under subsection (1) of this section, the person who executed the works

for the construction of the line shall be guilty of an offence and shall be liable—

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

21.—(1) In the event of a failure, in relation to the execution of works in land for the construction of a pipe-line, to comply with any such prohibition imposed by a notice served under subsection (1) of the last foregoing section as has effect by virtue of paragraph (a) thereof, the Minister may serve on the person who executed the works a notice requiring him to remove so much of the works as has been executed without compliance with the prohibition or, if he so elects, to effect such alterations thereto as may be necessary to make them comply with the prohibition ; and in the event of a failure, in relation to the execution of works in land for the construction of a pipe-line, to comply with any such prohibition imposed by a notice served under subsection (1) of the last foregoing section as has effect by virtue of paragraph (b) or (c) thereof, the Minister may serve on the owner of the line a notice requiring him to remove so much of the line as has been constructed without compliance with the prohibition or, if he so elects, to effect such alterations thereto as may be necessary to comply with the prohibition.

Enforcement of requirements imposed under section 20.

(2) If a person on whom a notice is served under the foregoing subsection fails, before the expiration of six weeks from the date on which the notice was served, or such longer period as the Minister may on his application allow, to comply with the requirement imposed by the notice, the Minister may enter and remove any works or length of line with respect to which default has been made, or effect such alterations thereto as he deems necessary, and may recover from the person in default, in any court of competent jurisdiction, the expenses reasonably incurred by the Minister in so doing.

(3) Where, in consequence of compliance with a requirement imposed by a notice served on a person under subsection (1) of this section or of the exercise, in consequence of the failure of a person on whom such a notice is served to comply with a requirement imposed thereby, of the power conferred by the last foregoing subsection, a person, other than the person on whom the notice was served, suffers loss by reason of damage to, or disturbance in the enjoyment of, any land or chattels, he shall be entitled, where the loss was suffered in consequence of such

compliance, to compensation in respect of that loss from the person on whom the notice was served, or, where the loss was suffered in consequence of the exercise of that power, to compensation in respect of that loss from the Minister; and the Minister may recover from the person on whom the notice was served, in any court of competent jurisdiction, the amount of any compensation paid by the Minister under this subsection.

(4) Subsection (1) of section five of this Act shall have effect where a notice is served under subsection (1) of this section as it has effect where a notice is served under section four of this Act with the substitution, for the reference to the removal of the works required by the notice to be removed, of a reference to the removal of the works or length of line required by the notice to be removed.

(5) The service of a notice under subsection (1) of this section in consequence of any such failure as is therein mentioned shall be without prejudice to the taking of proceedings under subsection (3) of the last foregoing section in respect of the failure.

Prohibition of use of length of pipe-line not complying with requirements imposed under section 20.

22.—(1) Where, by virtue of subsection (1) of the last foregoing section, works are required to be removed or altered, it shall not be lawful for use to be made of so much of a pipe-line as has been constructed in the course of the execution of the works unless and until such alterations have been effected to the works (whether by the person required to remove or alter them or by the Minister) as are necessary to make them comply with the prohibition in default of compliance with which they were executed; and where, by virtue of that subsection, a length of a pipe-line is required to be removed or altered, it shall not be lawful for use to be made of that length unless and until such alterations have been effected thereto (whether by the person required to remove or alter it or by the Minister) as are necessary to make it comply with the prohibition in default of compliance with which it was constructed.

(2) In the event of a contravention of the foregoing subsection in relation to any works, the person who executed them shall be guilty of an offence, and, in the event of a contravention of that subsection in relation to a length of a pipe-line, the owner of the line comprising the length shall be guilty of an offence; and a person guilty of an offence under this subsection shall be liable—

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

23.—(1) In the case of any pipe-line, the Minister may at any time by notice served on the owner thereof impose such requirements with respect to all or any of the following matters as he thinks it expedient to impose in the interests of safety, namely,—

Power of the Minister to impose requirements with respect to examination, repair, &c., of pipe-lines.

- (a) the examination, repair, maintenance, adjustment and testing of the line ;
- (b) the inspection of the route taken by the line.

(2) If at any time the Minister is satisfied with respect to a pipe-line or a length of a pipe-line that, in the interests of safety, the unrestricted use of the line or length ought no longer to be permitted, he may by notice served on the owner of the line—

- (a) require that the line shall be so operated that the pressure of its contents, or, as the case may be, the pressure of the contents of that length of it, will at no point exceed such number of pounds per square inch as may be specified in the notice ; or
- (b) prohibit the use (either absolutely or for the conveyance of any thing other than a thing of a particular kind specified in the notice or a thing of a class so specified) of the line or, as the case may be, that length of it, until there have been effected thereto such alterations as may be so specified, being alterations as to which the Minister is satisfied that the effecting thereof will suffice to permit of the resumption of the use of the line or length without restriction.

(3) Subsection (2) of section twenty of this Act shall, with the substitution, for references to subsection (1) of that section, of references to the foregoing provisions of this section, have effect for the purposes of this section as it has effect for the purposes of that section.

(4) In the event of a failure, in relation to a pipe-line or a length of a pipe-line, to comply with a requirement or prohibition imposed by a notice served under the foregoing provisions of this section, the owner of the line shall be guilty of an offence and shall be liable—

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

(5) Where, in consequence of the effecting of alterations to a pipe-line or a length of a pipe-line in consequence of the service of a notice under subsection (2) of this section a person, other than the person on whom the notice was served, suffers loss

by reason of damage to, or disturbance in the enjoyment of, any land or chattels, he shall be entitled to compensation in respect of that loss from the person on whom the notice was served.

Regulations for securing pipe-line safety generally.

24.—(1) Provision may be made by regulations with respect to any matter or thing with respect to which it appears to the Minister requisite or expedient to make provision for the purpose of securing the proper construction and safe operation of pipe-lines (or any class of pipe-lines) or the proper execution of pipe-line works (or any class of such works).

(2) Regulations made by virtue of this section may make different provision with respect to different classes of pipe-lines or works and may make provision for any incidental or supplementary matters for which the Minister thinks it expedient for the purposes of the regulations to provide.

(3) A person who contravenes any provision of regulations made by virtue of this section shall be guilty of an offence and shall be liable—

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

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

(4) Nothing in regulations made by virtue of this section shall be taken as operating to limit the exercise by the Minister (consistently with the regulations) of any power conferred on him by the foregoing provisions of this Act.

Power of the Minister to cause steps to be taken for rendering pipe-line, or length thereof, safe on abandonment or cesser of use.

25.—(1) In either of the following events, namely,—

(a) the abandonment of a pipe-line or a length thereof ;

(b) the expiration of three years from the date on which a pipe-line or a length thereof was last used ;

the Minister, if he is of opinion that the line or length is, or is likely to become, a source of danger, may serve on the owner of the line a notice requiring him to do to the line or length such things as may be specified in the notice, being things the doing of which appears to the Minister requisite to stop the line's or length's being or, as the case may be, to prevent its becoming, a source of danger.

(2) If a person on whom a notice is served under the foregoing subsection fails, before the expiration of six weeks from the date on which the notice was served, or such longer period as the Minister may on his application allow, to do the things specified in the notice, the Minister may enter and do them and may recover from that person, in any court of competent

jurisdiction, the expenses reasonably incurred by the Minister in doing them.

(3) Where, in consequence of compliance with a requirement to do any thing to a pipe-line or length thereof imposed by a notice under subsection (1) of this section, or of the exercise of the power to enter and do any thing to a pipe-line or length thereof conferred by the last foregoing subsection, a person, other than the owner of the line, suffers loss by reason of damage to, or disturbance in the enjoyment of, any land or chattels, he shall be entitled, where the loss was suffered in consequence of such compliance, to compensation in respect of that loss from the owner of the line, or, where the loss was suffered in consequence of the exercise of that power, to compensation in respect of that loss from the Minister; and the Minister may recover from the owner of the line, in any court of competent jurisdiction, the amount of any compensation paid by the Minister under this subsection.

26.—(1) It shall not, when a pipe-line constructed pursuant to a pipe-line construction authorisation or in accordance with a notice given for the purposes of subsection (1) of section two of this Act is first brought into use, be lawful for it to be used for the conveyance of any thing other than a thing of the particular kind, or things of the particular class, stated in the application for the grant of the authorisation or, as the case may be, the notice to be the kind of thing, or the things of the class, proposed to be conveyed in the line unless, not less than three weeks before the date on which it is so brought into use, notice of intention to use it for the conveyance of that other thing when it is so brought into use has been given by the owner of the line to the Minister; nor shall it be lawful, after a pipe-line has first been brought into use, for a change to be made in the thing or class of things conveyed thereby unless, not less than three weeks before the change occurs, notice of the change (specifying in what it consists) has been given as aforesaid.

Prohibition of change of use of pipe-line without previous notice to the Minister.

(2) In the event of a contravention, in relation to a pipe-line, of the foregoing subsection, the owner of the line shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding one hundred pounds.

Avoidance of Damage to Pipe-lines by Buildings, &c.

27.—(1) If, without the consent of the Minister, a person so erects or constructs a building or structure that a part of it is situate less than ten feet from a point on the surface of land whose position is vertically above a part of a pipe-line below the surface, the provisions of subsections (2) to (5) of this section shall have effect, except in a case where subsection (6) thereof applies.

Power of the Minister, where pipe-line imperilled by building or structure, to order demolition thereof or execution of remedial works.

(2) The Minister may serve on the owner or owners of the building or structure in question and on the owner of the

pipe-line notice of the time (being some time not less than twenty-one days from the date of the service of the notice) and place at which the question of ordering the building or structure to be demolished or (in lieu thereof) works to be executed for the safeguarding of the pipe-line will be considered by him, and the owners of the building or structure and the owner of the pipe-line shall be entitled to be heard when that question is so considered.

(3) If, after taking the question aforesaid into consideration, the Minister is satisfied that it is impracticable to safeguard the pipe-line in question otherwise than by means of the demolition of the building or structure in question or of a part thereof, he may make a demolition order requiring that the building or structure or that part thereof shall be demolished, and that (in the case of a building) the building, or such part thereof as is required to be vacated for the purposes of the demolition, shall be vacated within two months from the date on which the order becomes operative; and if he does so, shall serve a copy of the order upon the owner or owners of the building or structure.

(4) If, after taking the question aforesaid into consideration, the Minister is satisfied that the pipe-line in question can be safeguarded by the execution to the building or structure in question of any works in lieu of the demolition thereof (in whole or in part), he may make an order requiring the execution thereto of such works as may be specified in the order, and if he does so, shall serve a copy of the order upon the owner or owners of the building or structure.

(5) If, after taking the question aforesaid into consideration, the Minister is satisfied that the pipe-line in question can be safeguarded by the execution, in lieu of the demolition (in whole or in part) of the building or structure in question, of works to the pipe-line, he may make an order requiring the execution thereto of such works as may be specified in the order, and if he does so, shall serve a copy of the order on the owner of the pipe-line.

(6) Subsections (2) to (5) of this section shall not have effect in the case of a building or structure forming part of a pipe-line or erected or constructed for the lodging therein of part of a pipe-line, being a building or structure no part of which is situate less than ten feet from a point on the surface of land whose position is vertically above a part of another pipe-line below the surface or in the case of a building or structure in which a pipe-line or any part of a pipe-line is terminated.

Time of operation and effect of demolition order.

28.—(1) A demolition order made under subsection (3) of the last foregoing section in respect of any building or structure

shall become operative upon the service of a copy thereof on the owner of the building or structure.

(2) The owner of any building in respect of which a demolition order is made as aforesaid shall carry out the demolition provided for by the order before the expiration of six weeks from the date on which the order becomes operative or, if the building, or such part thereof as is required to be vacated, is not vacated until after that date, before the expiration of six weeks from the date on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the Minister deems reasonable, and if the demolition is not so carried out the Minister may enter and carry out the demolition and, where he does so, he shall sell the materials rendered available thereby.

(3) The owner of any structure in respect of which a demolition order is made as aforesaid shall carry out the demolition provided for by the order before the expiration of six weeks from the date on which the order becomes operative or before the expiration of such longer period as in the circumstances the Minister deems reasonable, and if the demolition is not so carried out the Minister may enter and carry out the demolition and, where he does so, he shall sell the materials rendered available thereby.

(4) Subsections (2) to (5) of section twenty-three of the Housing Act, 1957 (which provide for the recovery by a local authority of expenses incurred by them in demolishing premises in pursuance of a demolition order made under Part II of that Act and for the disposal of any surplus remaining in the hands of such an authority in consequence of demolishing premises in pursuance of such an order), shall apply in relation to any expenses incurred by the Minister under subsection (2) or (3) of this section and to any surplus remaining in his hands as they apply in relation to any expenses or surplus in a case where premises are demolished by a local authority in pursuance of such a demolition order as aforesaid, with the substitution, for references to the authority, of references to the Minister and, for references to the premises demolished under the said Part II, or references to the building or structure demolished under this section.

(5) The last foregoing subsection shall not apply to Scotland, but in Scotland—

(a) any expenses incurred by the Minister under subsection (2) or (3) of this section, after giving credit for any amount realised by the sale of materials, may be recovered by him from the owner of the building or

structure demolished or, if there is more than one owner, from the owners thereof in such shares as the sheriff may determine to be just and equitable; and any owner who pays to the Minister the full amount of his claim may recover from any other owner such contribution, if any, as the sheriff may determine to be just and equitable;

- (b) any surplus in the hands of the Minister shall be paid by him to the owner of the building or structure demolished, or, if there is more than one owner, shall be paid as those owners may agree or, in default of agreement, as the sheriff may determine to be just and equitable;
- (c) the sheriff within whose jurisdiction the building or structure demolished is situated shall have jurisdiction to hear and determine any proceedings under paragraph (a) or (b) of this subsection; and in determining for the purposes of this section the shares in which any expenses shall be paid or contributed by, or any surplus shall be divided between, two or more owners of any building or structure, the sheriff shall have regard to their respective interests in the building or structure, their respective obligations and liabilities in respect of maintenance and repair under any agreement, whether express or implied, and all the other circumstances of the case.

Execution of remedial works by the Minister in default of compliance with order to execute them, and recovery of expenses incurred in executing such works.

29.—(1) If a person on whom an order is served under subsection (4) or (5) of section twenty-seven of this Act fails, before the expiration of six weeks from the date on which the order was served, or such longer period as the Minister may on his application allow, to execute the works specified in the order, the Minister may enter and execute the works.

(2) Where works for the safeguarding of a pipe-line are executed—

- (a) in pursuance of the foregoing subsection in default of compliance with such an order as is therein mentioned, or
- (b) in compliance with an order under the said subsection (5),

the expenses reasonably incurred by the Minister or owner of the pipe-line, as the case may be, in executing the works may be recovered by him from the owner of the building or structure the erection or construction of which was the cause of the making of the order or, if there is more than one owner, from the owners thereof in such shares as the judge may determine to be just and

equitable ; and an owner of the building or structure who pays to the Minister or owner of the pipe-line the full amount of his claim may recover from any other owner of the building or structure such contribution, if any, as the judge may determine to be just and equitable.

(3) The county court within whose jurisdiction the building or structure is situated shall have jurisdiction to hear and determine any proceedings under the last foregoing subsection ; and in determining for the purposes of that subsection the shares in which any expenses shall be paid or contributed by two or more owners of any building or structure, a county court judge shall have regard to their respective interests in the building or structure and all the other circumstances of the case.

(4) In the application of this section to Scotland, for references to a county court or a county court judge there shall be substituted references to the sheriff.

30.—(1) Section seventy-three of the Housing Act, 1957 (which provides for the recovery of possession of a building to be demolished in pursuance of a demolition order made under Part III of that Act), shall have effect for the purpose of enabling the demolition provided for by an order under subsection (3) of section twenty-seven of this Act to be carried out as it has effect for the purpose of enabling the demolition provided for by an order under the said Part III to be carried out, with the substitution, for references to a demolition order under that Part, of references to a demolition order under the said subsection (3) and, for references to the local authority, of references to the Minister.

Recovery of possession of building or part of building to be demolished.

(2) In the application of this section to Scotland, for references to section seventy-three of the said Act of 1957 and to Part III of that Act there shall be substituted references to section one hundred and fifty-seven of the Housing (Scotland) Act, 1950, and to Part II of that Act.

31.—(1) If, without the consent of the Minister, a person so deposits any earth, refuse, spoil or other materials that any of the materials deposited are situate less than ten feet from a point on the surface of land whose position is vertically above a part of a pipe-line below the surface, then, unless the materials were deposited for the purposes or in the course of agricultural operations (not being operations for the storage of crops, grass or silage), or in the course of executing code-regulated works within the meaning of the Public Utilities Street Works Act, 1950, the Minister may enter and remove the materials deposited and may recover the expenses reasonably incurred by him in

Power of the Minister to remove deposits imperilling pipe-line.

so doing from the owner of the land on which the materials were deposited or, if there is more than one owner, from the owners thereof in such shares as the judge may determine to be just and equitable.

(2) An owner of land who pays to the Minister the full amount of a claim by him under the foregoing subsection may recover from any other owner of the land such contribution, if any, as the judge may determine to be just and equitable.

(3) The county court within whose jurisdiction the land is situated shall have jurisdiction to hear and determine any proceedings under subsection (1) or (2) of this section; and in determining for the purposes of either of those subsections the shares in which any expenses shall be paid or contributed by two or more owners of any land, a county court judge shall have regard to their respective interests in the land and all the other circumstances of the case.

(4) In the application of this section to Scotland, for references to a county court or a county court judge there shall be substituted references to the sheriff.

Compensation
in respect of
restrictions
under sections
27 and 31.

32.—(1) Where works for the construction of a pipe-line have been executed (whether before or after the coming into operation of this section) and the value of an interest in land is depreciated in consequence of restrictions taking effect by virtue of subsection (1) of section twenty-seven of this Act or subsection (1) of section thirty-one thereof, being an interest subsisting at the time when those restrictions take effect as respects that land, then, subject to the provisions of the following subsection, there shall be payable in respect of that interest by the owner of the pipe-line compensation of an amount equal to the amount of the depreciation.

(2) The foregoing subsection shall not apply—

- (a) where land is acquired, whether compulsorily or by agreement, for the purpose of placing therein a length of pipe-line, to land which, immediately before the acquisition, comprised or was held with the land so acquired;
- (b) to land comprising or held with land over which a right to place therein a length of pipe-line has been acquired, whether compulsorily or by agreement (otherwise than by virtue of the acquisition of the land).

Notification and Investigation of Accidents

Notification
of certain
accidents.

33.—(1) Where any of the following events occurs, namely,—

- (a) the bursting, explosion or collapse of a pipe-line or any part thereof;

(b) the ignition of any thing in a pipe-line or of any thing which, immediately before it ignited, was in a pipe-line ; notice of the event, in such form and accompanied by such particulars as may be specified by the Minister, shall forthwith be given by the owner of the pipe-line to the Minister.

(2) If a person fails to satisfy an obligation to which he is subject by virtue of the foregoing subsection he shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

34.—(1) The Minister may, where he thinks it expedient so to do, direct an inquiry to be held in accordance with the provisions of the Fifth Schedule to this Act into an event notice of which is required by the last foregoing section to be given. Inquiries into accidents.

(2) An inquiry held under this section shall be held in public except where or to the extent that it appears to the Minister expedient in the interests of national security to direct otherwise.

(3) Where, in the case of an event in Scotland that causes the death of a person, the Minister directs an inquiry to be held under this section, no inquiry with regard to that death shall, unless the Lord Advocate otherwise directs, be held in pursuance of the Fatal Accidents Inquiry (Scotland) Act, 1895.

Information

35.—(1) A person to whom a pipe-line construction or diversion authorisation is granted shall, forthwith after the grant, deposit with each local authority within whose area lies any part of the route to be taken by the proposed pipe-line or, as the case may be, portion of pipe-line to be diverted, a copy (on the same scale) of so much of the map annexed to the authorisation as shows the part of that route that lies within that area. Deposit of maps of pipe-lines with local authorities.

(2) A person who sends to the Minister a notice for the purposes of subsection (1) of section two of this Act or paragraph (b) of subsection (1) of section three thereof shall, at the same time, deposit with each local authority within whose area lies any part of the route to be taken by the proposed pipe-line or, as the case may be, the portion of line to be diverted, a copy (on the same scale) of so much of the map that accompanies the notice as shows the part of that route that lies within that area.

(3) A person who executes works for the construction of a pipe-line or the diversion of a length of a pipe-line, being emergency works, shall, as soon as is reasonably practicable after

the works have been executed, deposit with each local authority within whose area lies any part of the route taken by the line constructed or, as the case may be, portion of line diverted a copy (on the same scale) of so much of the map which, by virtue of paragraph (b) of subsection (1) of section eight of this Act, he is under obligation to send to the Minister as shows the part of that route that lies within that area.

(4) A person who fails to satisfy an obligation to which he is subject by virtue of any of the foregoing subsections shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds.

(5) Documents deposited in pursuance of this section with a local authority shall be kept at the authority's offices and shall be open to inspection by any person at all reasonable hours free of charge.

(6) For the purpose of the application of this section to England and Wales, the expression "local authority" means the council of a county, county borough, county district or metropolitan borough and includes the Common Council of the City of London, and for the purpose of the application of this section to Scotland that expression means a county or town council.

Notification of abandonment, cesser of use and resumption of use of pipe-lines or lengths thereof.

36.—(1) Subject to the following subsection, in any of the following events, namely,—

- (a) the beginning of the use of a pipe-line or a length thereof ;
- (b) the abandonment of a pipe-line or a length thereof ;
- (c) the expiration of three years from the date on which a pipe-line or a length thereof was last used ;
- (d) the resumption of the use of a pipe-line or a length thereof after the abandonment of the line or length (as the case may be) or after the expiration of three years from the date on which it was last used ;

the owner of the line shall, within two weeks after the happening of the event, give to the Minister notice thereof specifying the date on which it happened and the line or length in question and, if he fails so to do, shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

(2) Where a pipe-line or a length thereof is abandoned after the date on which the line or length (as the case may be) was last used but before the expiration of three years from that date, it shall not be necessary to give, under the foregoing subsection, notice of the expiration of that period.

37.—(1) It shall, in the case of every pipe-line, be the duty of the owner thereof to make, and to ensure the efficient carrying out of, arrangements whereby, in the event of the accidental escape or the ignition of any thing in the line, immediate notice of the event is given—

- Fire-brigades, police, &c., to be notified of certain pipe-line accidents and to be furnished with information.
- (a) to every fire and police authority by whom duties will or may fall to be discharged in consequence of the happening of the event ;
 - (b) to all river boards, river purification authorities, statutory water undertakers and local water authorities who will or may have, in consequence of the happening of the event, to take steps to prevent or combat pollution of water or flooding ;
 - (c) to all sewerage authorities who will or may have, in consequence of the happening of the event, to take steps to prevent injury to their sewers or sewage disposal works, interference with the free flow of the contents of any of their sewers or the prejudicial affection of the treatment and disposal of such contents or to combat the effects of any such injury, interference or affection ; and
 - (d) to any other authority, board or undertakers whom the Minister, by notice served on the owner of the line, requires him to treat, for the purposes of this section, as relevant in relation to the line, being an authority or board, or undertakers, in the case of whom it is stated in the notice that the Minister is satisfied that they will or may have, in consequence of the happening of the event, to take in the public interest steps for such purpose as may be specified in the notice.

(2) It shall be the duty of the owner of a pipe-line if requested so to do by any authority, board or undertakers for whose notification, in the event specified in the last foregoing subsection, arrangements are thereby required to be made, to furnish the authority, board or undertakers with such maps, and to give them such information, as they may reasonably require in order—

- (a) in the case of a fire or police authority, to enable them efficiently to discharge the duties falling to be discharged by them in consequence of the happening of the event ;
- (b) in the case of any river board, river purification authority, statutory water undertakers or local water authority, to enable them efficiently to take, in consequence of the happening of the event, steps to prevent or combat pollution of water or flooding ;

- (c) in the case of a sewerage authority, to enable them efficiently to take, in consequence of the happening of the event, steps for either of the purposes mentioned in paragraph (c) of that subsection ;
- (d) in the case of any authority, board or undertakers whom the owner is, by a notice served under paragraph (d) of that subsection, required to treat, for the purposes of this section, as relevant in relation to the line, to enable them efficiently to take, in consequence of the happening of the event, steps for the purpose specified in the notice.

(3) A person who fails to satisfy an obligation to which he is subject by virtue of either of the foregoing subsections shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

(4) In this section—

- (a) “fire authority” means, in relation to any area, the authority discharging therein the functions of fire authority under the Fire Services Act, 1947 ;
- (b) “river board” and “river purification authority” mean respectively a river board within the meaning of the Rivers (Prevention of Pollution) Act, 1951, and a river purification authority within the meaning of the Rivers (Prevention of Pollution) (Scotland) Act, 1951 ;
- (c) “sewerage authority” means an authority which is a sewerage authority for the purposes of Part II of the Public Health Act, 1936, the Common Council of the City of London, the council of a county in Scotland, the town council of a burgh, a development corporation established under the New Towns Act, 1946, and the Commission for the New Towns ;

and any reference in this section to a sewer shall be construed as including a reference to any manholes, ventilating shafts, pumps or other accessories belonging to that sewer, and any reference in this section to sewage disposal works shall be construed as including a reference to the machinery and equipment of those works and any necessary pumping stations and outfall pipes.

Notification
of change of
ownership
of pipe-line.

38.—(1) Where a change occurs in the ownership of a pipe-line, the owner of the line shall, within three weeks from the date on which the change occurs, give to the Minister and to every person who is an owner, lessee or occupier of land in which any part of the line is situate (except a tenant for a month or any period less than a month) a notice stating the particulars of the change.

(2) A person who fails to satisfy an obligation to which he is subject by virtue of the foregoing subsection shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

Provisions for avoiding Obstructions to Navigation and Interference with telegraphic, &c., Lines

39.—(1) No person shall place a length of pipe-line above or beneath the surface of waters over which a harbour authority have jurisdiction except with the consent of the authority and subject to such (if any) reasonable conditions as they may impose for securing that the length does not constitute an obstruction or danger to navigation.

Avoidance of obstruction or danger to navigation by pipe-lines over or under harbour waters.

(2) Consent, for the purposes of this section, of a harbour authority shall not be unreasonably withheld, and if a dispute arises—

- (a) whether consent, for those purposes, of such an authority is unreasonably withheld, or
- (b) whether conditions imposed under this section by such an authority are reasonable,

it shall be referred to and determined by the Minister and the Minister of Transport jointly.

(3) A person who contravenes subsection (1) of this section shall be liable, on summary conviction, to a fine not exceeding one hundred pounds.

(4) In this section “harbour authority” has the same meaning as in section three of the Oil in Navigable Waters Act, 1955.

40.—(1) Electrical apparatus forming part of a pipe-line shall be so constructed, installed and used as to prevent interference with any telegraphic line belonging to, or used by, the Postmaster General or with communication by means of any such line or with any apparatus used by railway undertakers for the purpose of signalling, or of controlling, directing or securing the safety of, traffic on their railway or the proper functioning of such apparatus.

Avoidance of interference with telegraphic, &c., lines.

(2) The expression “Act of Parliament” in section seven of the Telegraph Act, 1878 (which makes provision as to work done in pursuance of Acts of Parliament involving any telegraphic lines), shall be construed as including a compulsory rights order.

(3) In this section “telegraphic line” has the same meaning as in the Telegraph Act, 1878.

Rating of Pipe-lines in England and Wales

Certain pipe-lines to be plant or machinery for rating purposes in England and Wales.

41.—(1) The Third Schedule to the Rating and Valuation Act, 1925 (which specifies the classes of plant and machinery which are required by section twenty-four of that Act to be treated as part of certain hereditaments for the purposes of valuation lists), shall have effect with the addition at the end thereof of the following paragraph:—

“ 5. A pipe-line, that is to say, a pipe or system of pipes for the conveyance of any thing, not being—

- (a) a drain or sewer ;
- (b) a pipe or system of pipes vested in an area board established by the Gas Act, 1948, or in a board established by the Electricity Act, 1947, or in the Central Electricity Generating Board ;
- (c) a pipe or system of pipes forming part of the equipment of, and wholly situate within, a factory or petroleum storage depot or premises comprised in a mine, quarry or mineral field ;

and exclusive of so much of a pipe or system of pipes forming part of the equipment of, and situate partly within and partly outside, a factory or petroleum storage depot or premises comprised in a mine, quarry or mineral field as is situate within, as the case may be, the factory or petroleum storage depot or those premises.

In this paragraph—

- (i) ‘ factory ’ has the same meaning as in the Factories Act, 1961 ;
- (ii) ‘ mine ’ and ‘ quarry ’ have the same meanings as in the Mines and Quarries Act, 1954 ;
- (iii) ‘ mineral field ’ means an area comprising an excavation being a well or bore-hole or a well and bore-hole combined, or a system of such excavations, used for the purpose of pumping or raising brine or oil, and so much of the surface (including buildings, structures and works thereon) surrounding or adjacent to the excavation or system as is occupied, together with the excavation or system, for the purpose of the working of the excavation or system ;
- (iv) ‘ petroleum storage depot ’ means premises used primarily for the storage of petroleum or petroleum products (including chemicals derived from petroleum) or of materials used in the manufacture of petroleum products (including chemicals derived from petroleum) ”.

(2) The Schedule to the Plant and Machinery (Rating) Order, 1960 (which is to the like effect as the said Third Schedule), shall have effect with the insertion, after the paragraph headed "Class 4" therein, of a paragraph headed "Class 5", in the same terms as the paragraph numbered 5 set out in the foregoing subsection.

(3) An alteration in a valuation list made in pursuance of a proposal made for the purpose of giving effect to the amendments made by the foregoing provisions of this section, being an alteration which would by virtue of subsection (1) of section forty-two of the Local Government Act, 1948 (alterations retrospective to beginning of current rate period), be deemed, apart from the provisions of this subsection, to have had effect as from a date before the passing of this Act, shall be deemed to have had effect as from the passing of this Act.

Supplementary Provisions

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

(2) An inspector shall, for the purpose of the execution of this Act, have power (subject to production, if so requested, of written evidence of his authority), to do all or any of the following things, that is to say:—

- (a) at all reasonable times to carry out such inspections and tests of the whole or any part of a pipe-line and to take such samples of any thing in a pipe-line as he may consider necessary or expedient ;
- (b) at all reasonable times to carry out such inspections of any pipe-line works as he may consider necessary or expedient ;
- (c) in order to get to a pipe-line or the site of any pipe-line works for the purpose of an exercise of the power conferred by either of the foregoing paragraphs, or to get from a pipe-line or any such site after an exercise of that power, to enter any land adjacent to the line or site ;
- (d) to require the production of, and to inspect, any documents which are in the possession or under the control

of the owner of a pipe-line or a person who is executing pipe-line works and relate, as the case may be, to the use of the line or the execution of the works ;

- (e) to require any person having responsibilities in relation to a pipe-line or to the execution of pipe-line works to give him such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the inspector to exercise the power conferred by paragraph (a) or (b) of this subsection.

(3) A person who—

- (a) fails to comply with a requirement imposed under this section by an inspector ; or
- (b) obstructs an inspector in the exercise of powers conferred by this section ;

shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

Preservation
of amenity.

43. Where—

- (a) a person is formulating proposals for the execution of pipe-line works, or
- (b) the Minister is considering any such proposals, whether in relation to the grant of a pipe-line construction or diversion authorisation or the imposition of conditions under section five of this Act,

that person or the Minister, as the case may be, having regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographic features of special interest, and of protecting buildings and other objects of architectural or historic interest, shall take into account any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, buildings or objects, and in so doing shall have particular regard to the desirability of ensuring that things constructed in the course of the execution of the proposed works are kept below ground so far as that is practicable.

Protection
of water
against
pollution.

44. The Minister, in order to determine whether to exercise any of his powers under this Act and in what manner should be exercised any of those powers which he has determined to exercise, shall have constant regard to the need of protecting against pollution any water, whether on the surface or underground, which belongs to any statutory water undertakers or local water authority or which they are for the time being authorised to take.

45.—(1) A person executing pipe-line works in agricultural land shall be under obligation to secure, so far as is practicable, that upon the completion of the works the land is so restored as to be fit for use for the purpose for which it was used immediately before the execution of the works was begun.

Obligation to restore agricultural land.

(2) If a person executing pipe-line works in agricultural land fails to satisfy an obligation to which he is subject by virtue of the foregoing subsection, a person entitled to an interest in the land may, subject to the next following subsection, if he himself so restores the land as aforesaid, recover, in any court of competent jurisdiction, the expenses reasonably incurred by him in so doing from the first-mentioned person.

(3) The right conferred by the last foregoing subsection on a person entitled to an interest in land in the case of any such failure as aforesaid shall be alternative to any right to compensation under any other of the foregoing provisions of this Act in respect of loss suffered by that person by reason of damage to that land in consequence of that failure.

46. A person who—

- (a) sends to the Minister an application for the grant of a pipe-line construction or diversion authorisation or the making of a compulsory purchase or rights order or a notice for the purposes of subsection (1) of section two of this Act or paragraph (b) of subsection (1) of section three thereof, being an application or notice which he knows to be false in a material particular, or recklessly sends to the Minister such an application which is so false or such a notice which is so false ; or
- (b) in purported compliance with section thirty-three, thirty-six or thirty-eight of this Act gives a notice which he knows to be false in a material particular or recklessly gives notice which is so false ; or
- (c) in purported compliance with paragraph (b) of subsection (1) of section eight of this Act, subsection (1), (2) or (3) of section thirty-five thereof or subsection (2) of section thirty-seven thereof sends, deposits or furnishes a document which he knows to be false in a material particular or gives any information which he knows to be so false or recklessly sends, deposits or furnishes a document which is so false or recklessly gives any information which is so false ;

Penalties for uttering false documents and giving false information.

shall be guilty of an offence and shall be liable—

- (i) 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 ;

- (ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both a fine and such imprisonment.

Provisions as
to inquiries
and hearings.

47.—(1) Subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which provides for the holding of inquiries for the purposes of that Act), shall apply to a public inquiry caused by the Minister to be held in England or Wales under any provision of this Act (except section thirty-four thereof) as they apply to an inquiry held under the said section two hundred and ninety, subject to the following modifications, namely,—

- (a) for references to a department, there shall be substituted references to the Minister ;
- (b) subsection (4) shall have effect as if references therein to the payment of costs by a local authority not being a party to the inquiry had been omitted ;

and subsections (4) and (5) of the said section two hundred and ninety shall, with the like modifications, apply in relation to any hearing caused by the Minister to take place in England or Wales in pursuance of any provision of this Act (otherwise than by way of public inquiry or under the said section thirty-four) as if the hearing were a public inquiry caused by the Minister to be held as aforesaid.

(2) Subsections (2) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947 (which relates to local inquiries), shall apply to a public inquiry caused by the Minister to be held in Scotland under any provision of this Act (except section thirty-four thereof) as they apply to a public inquiry held under the said section three hundred and fifty-five, subject to the following modification, namely, that subsection (8) shall have effect as if references therein to the payment of expenses by a local authority not being a party to the inquiry had been omitted ; and subsections (8) and (9) of the said section three hundred and fifty-five shall, with (in the case of subsection (8)) the like modification, apply in relation to any hearing caused by the Minister to take place in Scotland in pursuance of any provision of this Act (otherwise than by way of public inquiry or under the said section thirty-four) as if the hearing were a public inquiry caused by the Minister to be held as aforesaid.

(3) It shall not be open to a person to impugn the validity of a pipe-line construction or diversion authorisation on the ground that an inquiry or hearing under the First Schedule to this Act with respect to an objection to the application for the grant of the authorisation was combined with an inquiry or hearing under the Second Schedule to this Act with respect to an objection to an application made, by the applicant for the grant of the

authorisation, for a compulsory purchase order or compulsory rights order, or to impugn the validity of a compulsory purchase order or compulsory rights order on the ground that an inquiry or hearing under the Second Schedule to this Act with respect to an objection to the application for the order was combined with an inquiry or hearing under the First Schedule to this Act with respect to an objection to an application made, by the applicant for the order, for the grant of a pipe-line construction or diversion authorisation.

48. Any question with regard to a person's entitlement to compensation under the foregoing provisions of this Act or the amount of compensation to which a person is entitled under those provisions shall, in default of agreement, be determined by the Lands Tribunal.

Determination by Lands Tribunal of questions as to compensation.

49.—(1) Any document required or authorised by this Act to be given to or served on any person may be given or served either by delivering it to that person, or by leaving it at his proper address, or by the recorded delivery service.

Service of documents.

(2) Any such document required or authorised to be given to or served on an authority or body being a corporation shall be duly given or served if it is given to or served on the secretary or clerk of the authority or body.

(3) For the purposes of this section and of section twenty-six of the Interpretation Act, 1889, in its application to this section the proper address of any person to or on whom any such document as aforesaid is to be given or served shall, in the case of the secretary or clerk of a corporation, be that of the registered or principal office of the corporation, and in any other case be the last-known address of the person to be served:

Provided that, where the person to or on whom the document is to be given or served has, in accordance with arrangements agreed, furnished an address for the giving or service of the document, being an address in the United Kingdom, his proper address for the purposes aforesaid shall be the address furnished.

(4) If the name or the address of any owner, lessee or occupier of land to or on whom any such document as aforesaid is to be given or served cannot after reasonable inquiry be ascertained by the authority, body or person seeking to give or serve the document, the document may be given or served by addressing it to the person to or on whom it is to be given or served by the description of "owner", "lessee" or "occupier" of the land (describing it) to which the document relates, and by delivering it to some responsible person resident or appearing to be resident on the premises, or, if there is no such person to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

Provisions
as to
requirements
and
prohibitions
imposed under
this Act.

50. Any power, exercisable by notice, conferred by this Act on the Minister to impose a requirement or prohibition shall be construed as including a power, exercisable in the like manner, to vary or revoke the requirement or prohibition.

Provisions
as to
ecclesiastical
property.

51.—(1) Where under this Act a document is required to be served on an owner of land, and the land is ecclesiastical property, a copy of the document shall be served on the Church Commissioners, and where under this Act the seeking of consultation with an owner of land is requisite, and the land is ecclesiastical property, the seeking of consultation with the Church Commissioners shall be requisite also.

(2) Where the fee simple in any ecclesiastical property is in abeyance, it shall be treated for the purposes of an application for a compulsory purchase or rights order in which the property is proposed to be comprised, and of a compulsory purchase of the property in pursuance of a compulsory purchase order, as being vested in the Church Commissioners, and (in the case of a compulsory purchase) any notice to treat shall be served accordingly.

(3) Any compensation falling to be paid under the foregoing provisions of this Act in respect of damage to land that is ecclesiastical property shall, to the extent to which it is payable to the owner of the fee simple in the land, be paid (where the fee simple is vested in any person other than the Church Commissioners) to them, instead of to that person, and any compensation falling to be paid under those provisions in respect of the depreciation of the fee simple in land that is ecclesiastical property shall (where the fee simple is vested in a person other than the Church Commissioners) be paid to them instead of to the person in whom the fee simple is vested.

(4) Any sums agreed upon or awarded for the purchase, in pursuance of a compulsory purchase order, of the fee simple in land that is ecclesiastical property, or to be paid by way of compensation for damage sustained by reason of severance or injury affecting such land (being severance or injury arising from the purchase of land in pursuance of such an order), shall, instead of being paid as provided by the Lands Clauses Acts, be paid to the Church Commissioners.

(5) Any sums paid under either of the two last foregoing subsections to the Church Commissioners with reference to any land shall, if the land is not consecrated, be applied by them for the purposes for which the proceeds of a sale by agreement of the fee simple in the land would be applicable under any enactment or Measure authorising such a sale or disposing of

the proceeds of such a sale, and if the land is consecrated, be applied by them in such manner as they may determine.

(6) In this section the expression "ecclesiastical property" means land belonging to an ecclesiastical benefice of the Church of England, or being or forming part of a church subject to the jurisdiction of the bishop of any diocese of the Church of England or the site of a church so subject, or being or forming part of a burial ground so subject.

52. For the purposes of this Act in reckoning any period which is therein expressed to be a period before or from a given date, that date shall be excluded. Reckoning of periods.

53.—(1) The Minister may make regulations for any purpose for which provision is by this Act authorised to be made by regulations and for prescribing anything which by this Act is required or authorised to be prescribed. Regulations.

(2) The power conferred by the foregoing subsection shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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

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

55. The Statutory Orders (Special Procedure) Act, 1945, shall, in its application to an order to which it applies by virtue of subsection (5) of section eleven, or subsection (7) of section twelve, of this Act (not being an order that relates only to land in Scotland) have effect as if— Modification of Statutory Orders (Special Procedure) Act, 1945, in its application to certain orders under this Act.

(a) the proviso to subsection (1) of section four of that Act were omitted; and

(b) for the proviso to subsection (2) of section four of that Act (which, in a case where no resolution that an order

be annulled has been passed, precludes the reference to a joint Committee of both Houses of a petition of general objection unless either House has ordered that the petition be so referred), there were substituted the following proviso:—

“ Provided that where any petition so certified has been certified as a petition of general objection, that petition shall not stand so referred if, during the resolution period, either House has resolved that the petition be not so referred ”.

Access to pipe-lines by customs officers.

56.—(1) Where the thing conveyed by a pipe-line is chargeable with a duty of customs or excise which has not been paid, a person commissioned by the Commissioners of Customs and Excise may, in order to get to the line for the purpose of exercising in relation to that thing any power conferred by or under the Customs and Excise Act, 1952, or to get from the line after an exercise of any such power, enter any land adjacent to the line.

(2) Section ten (obstruction of officers, etc.) of the Customs and Excise Act, 1952, shall have effect as if the reference in paragraph (a) of subsection (1) thereof to any enactment relating to an assigned matter included a reference to this section.

Amendment of section 3 of Mines (Working Facilities and Support) Act, 1923.

57. The reference, in paragraph (b) of subsection (2) of section three of the Mines (Working Facilities and Support) Act, 1923 (which subsection specifies ancillary rights that may be granted under that Act), to conveyance of minerals shall be construed as not including conveyance by means of a pipe.

Exclusion of certain Pipe-lines and Works from Scope of Act

Exclusion of application of Act to, and in relation to, pipe-lines of certain statutory bodies.

58.—(1) The bodies to which this section applies are—

- (a) the area boards established by the Gas Act, 1948 ;
- (b) the Gas Council ;
- (c) the boards established by the Electricity Act, 1947 ;
- (d) the boards established by the Electricity (Scotland) Acts, 1943 to 1957 ;
- (e) the Central Electricity Generating Board ; and
- (f) the United Kingdom Atomic Energy Authority.

(2) Sections one and two of this Act shall not apply to works executed by a body to which this section applies.

(3) The following provisions of this Act shall not apply to a body to which this section applies, namely, sections eleven, twelve and fifteen, subsection (1) of section seventeen, and sections twenty, twenty-three, twenty-five, thirty-nine, and forty-five.

(4) In the following provisions of this Act, namely, subsection (2) of section seventeen, subsection (1) of section twenty-four, section twenty-six, subsection (1) of section twenty-seven, subsection (1) of section thirty-one, subsection (1) of section thirty-three, subsection (1) of section thirty-six, and sections thirty-seven, thirty-eight, forty and forty-two, references to a pipe-line shall be construed as not including references to a pipe-line vested in a body to which this section applies.

(5) In subsection (1) of section twenty-four and in section forty-two of this Act the references to pipe-line works shall be construed as not including references to such works executed by a body to which this section applies.

59.—(1) Sections one and two of this Act shall not apply to works executed by railway undertakers for the purposes of their business other than the operation of pipe-lines.

Exclusion of application of Act to, and in relation to, certain pipe-lines of railway undertakers, &c.

(2) Sections eleven and twelve of this Act shall not have effect for the purpose of authorising railway undertakers to purchase land for the placing therein of a pipe-line to be constructed for the purposes aforesaid or a length of pipe-line to be so constructed or to place in land a pipe-line to be so constructed or a length of a pipe-line to be so constructed.

(3) Section fifteen of this Act shall not operate to empower railway undertakers to place in a street a pipe-line constructed for the purposes aforesaid.

(4) In subsection (1) of section twenty of this Act the reference to works in land for the construction of a pipe-line shall be construed as not including a reference to works for the construction of a pipe-line by railway undertakers for the purposes aforesaid.

(5) In the following provisions of this Act, namely, section twenty-three, subsection (1) of section twenty-four, sections twenty-five and twenty-six, subsection (1) of section twenty-seven, subsection (1) of section thirty-one, subsection (1) of section thirty-three, subsection (1) of section thirty-six and sections thirty-seven, thirty-eight, forty and forty-two, references to a pipe-line shall be construed as not including a pipe-line vested in railway undertakers for the purposes aforesaid.

(6) In subsection (1) of section twenty-four and in section forty-two of this Act the references to pipe-line works shall be construed as not including references to pipe-line works executed by railway undertakers for the purposes aforesaid.

Exclusion of application of Act to, and in relation to pipe-lines in factories, mine or quarry premises or petroleum depots.

60.—(1) References in sections one to forty and forty-two of this Act to a pipe-line shall be construed as not including references to a pipe-line forming part of the equipment of, and situate wholly within, a factory, to a pipe-line forming part of the equipment of, and situate wholly within premises comprised in, a mine or quarry, or to a pipe-line forming part of the equipment of, and situate wholly within, a petroleum depot, and references in subsection (1) of section twenty-four of this Act and in the said section forty-two to pipe-line works shall be construed as not including references to such works executed in or at a factory, mine, quarry or petroleum depot in connection with any such pipe-line as aforesaid.

(2) References in the said sections one to forty of this Act to a pipe-line shall be construed as not including references—

- (a) to so much of a pipe-line forming part of the equipment of, and situate partly within and partly outside a factory, as is situate within the factory,
- (b) to so much of a pipe-line forming part of the equipment of, and situate partly within and partly outside premises comprised in, a mine or quarry, as is situate within those premises, or
- (c) to so much of a pipe-line forming part of the equipment of, and situate partly within and partly outside, a petroleum depot, as is situate within the depot ;

the references in subsection (1) of section twenty-four of this Act and in the said section forty-two to pipe-line works shall be construed as not including references to such works executed in or at a factory, mine, quarry or petroleum depot in connection with so much of any such pipe-line as aforesaid as is or will be situate within, as the case may be, the factory, the said premises or the depot ; and in computing for the purposes of this Act the length of a pipe-line that is or will be one to which the foregoing provisions of this subsection apply there shall be disregarded so much of the line as is or will be situate within, as the case may be, the factory of whose equipment it forms or will form part, the premises comprised in the mine or quarry of whose equipment it forms or will form part or the petroleum depot of whose equipment it forms or will form part.

(3) In this section—

- (a) “ factory ” has the same meaning as in the Factories Act, 1961 ;
- (b) “ mine ” and “ quarry ” have the same meanings as in the Mines and Quarries Act, 1954 ;
- (c) “ petroleum depot ” means premises used or appropriated for use wholly or mainly for the storage of petroleum spirit and includes a petroleum filling station, and “ petroleum filling station ” and “ petroleum spirit ” have the meanings assigned to these expressions

respectively by section twenty-three of the Petroleum (Consolidation) Act, 1928.

61. References in sections one to forty and forty-two of this Act to a pipe-line and to pipe-line works shall be construed as respectively not including references to a pipe-line wholly situate in premises to which certain provisions of the Factories Act, 1961, apply by virtue of subsection (1) of section one hundred and twenty-five (docks, &c.) of that Act, and to pipe-line works executed in connection with a pipe-line that is or will be wholly so situate.

Exclusion of application of Act to, and in relation to, dock, &c., pipe-lines.

62. References in sections twenty-seven and thirty-one of this Act to a pipe-line shall be construed as not including references to a pipe-line that is a government oil pipe-line within the meaning of the Requisitioned Land and War Works Act, 1948, or to a pipe-line that was laid under a wayleave order made under section fourteen of the Land Powers (Defence) Act, 1958.

Sections 27 and 31 not to apply to government pipe-lines.

63.—(1) Sections one and two of this Act shall not apply to works the execution of which has been begun before the date on which those sections come into operation or to works the execution of which has been authorised by an Act passed before that date.

Exclusion of application of certain provisions of Act to pipe-lines whose construction has been begun or authorised by Act.

(2) References in sections fifteen, seventeen, twenty-seven and thirty-one of this Act to a pipe-line shall be construed as not including references to a pipe-line for the construction of which the execution of works has been authorised as aforesaid.

64. The Minister, on an application in that behalf being made to him, and after causing if he thinks fit a public inquiry to be held, may by order (made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament) direct that sections one and two of this Act shall not apply to works executed for the construction of a pipe-line designed for the conveyance of a thing of a particular kind specified in the order or things of a class so specified, being a pipe-line wholly situate within such area as may be specified in, or described by, the order.

Power of Minister to exclude application of sections 1 and 2 in relation to certain pipe-lines in particular localities.

Interpretation

65.—(1) In this Act "pipe-line" (except where the context otherwise requires) means a pipe (together with any apparatus and works associated therewith), or system of pipes (together with any apparatus and works associated therewith), for the conveyance of any thing other than air, water, water vapour or steam, not being—

Meaning of "pipe-line".

(a) a drain or sewer ; or

(b) a pipe or system of pipes constituting or comprised in apparatus for heating or cooling or for domestic purposes ; or

- (c) a pipe or system of pipes on the site of any operations or works to which certain provisions of the Factories Act, 1961, apply by virtue of subsection (1) of section one hundred and twenty-seven (building operations and works of engineering construction) of that Act ; or
- (d) a pipe or system of pipes wholly situate within the boundaries of an agricultural unit and designed for use for purposes of agriculture ; or
- (e) a pipe or system of pipes wholly situate in premises used for the purposes of education or research ; or
- (f) a pneumatic dispatch-tube.

(2) For the purposes of the foregoing subsection, the following apparatus and works, and none other, shall be treated as being associated with a pipe, or system of pipes, namely,—

- (a) apparatus for inducing or facilitating the flow of any thing through the pipe or, as the case may be, through the system or any part thereof ;
- (b) valves, valve chambers, manholes, inspection pits and similar works, being works annexed to, or incorporated in the course of, the pipe or system ;
- (c) apparatus for supplying energy for the operation of any such apparatus as is mentioned in paragraph (a) of this subsection or of any such works as are mentioned in paragraph (b) thereof ;
- (d) apparatus for the transmission of information for the operation of the pipe or system ;
- (e) apparatus for affording cathodic protection to the pipe or system ;
- (f) a structure for the exclusive support of a part of the line or system.

General interpretation provisions.

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

“agriculture” includes dairy farming, the production of any consumable produce which is grown for sale or for consumption or other use for the purposes of a trade or business or of any other undertaking (whether carried on for profit or not), and the use of land as grazing, meadow or pasture land or orchard or osier land or woodland or for market gardens or nursery grounds, and “agricultural” shall be construed accordingly ;

“ agricultural unit ” means land which is occupied as a unit for agricultural purposes ;

“ appropriate Minister ” means—

(a) in relation to any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, the Minister of Transport,

(b) in relation to any undertaking for the supply of electricity, gas or hydraulic power (other than the undertakings of the boards established by the Electricity (Scotland) Acts, 1943 to 1957), the Minister, and in relation to the undertakings of the said boards, the Secretary of State ;

(c) in relation to any undertaking for the supply of water in England or Wales, the Minister of Housing and Local Government, and in relation to any such undertaking in Scotland, the Secretary of State ;

“ carriageway ” has the meaning assigned to it by subsection (1) of section two hundred and ninety-five of the Highways Act, 1959 ;

“ compulsory purchase order ” has the meaning assigned to it by subsection (1) of section eleven of this Act ;

“ compulsory rights order ” has the meaning assigned to it by subsection (1) of section twelve of this Act ;

“ construction ”, in relation to a pipe-line, includes placing, and “ construct ” and “ constructed ” shall, in relation to a pipe-line, be construed accordingly ;

“ cross-country pipe-line ” means a pipe-line whose length exceeds, or is intended to exceed, ten miles ;

“ emergency works ” means works whose execution at the time when they are executed is requisite in order to put an end to, or to prevent the arising of, circumstances then existing or imminent which are calculated to cause danger to persons or property, interruption of the conveyance by a pipe-line of any thing or a service afforded by undertakers (within the meaning of the Public Utilities Street Works Act, 1950), or substantial loss to the owner of a pipe-line or to such undertakers ;

“ in ”, in a context referring to a pipe-line or a length thereof or works or operations in land or a street, includes a reference to a pipe-line, length, works or operations under, over, across, along or upon it ;

“ inspector ” means an inspector appointed under this Act ;

“ land ” includes land covered by water and in Scotland includes salmon fishings ;

“ local pipe-line ” means a pipe-line other than a cross-country one ;

“ local water authority ” means a local water authority within the meaning of the Water (Scotland) Act, 1946 ;

“ the Minister ” means the Minister of Power ;

“ notice ” means a notice in writing ;

“ owner ”—

(a) in relation to any land other than land in Scotland, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement the unexpired term of which exceeds three years ;

(b) in relation to land in Scotland, includes any person who, under the Lands Clauses Acts, would be enabled to sell and convey the land to the promoters of an undertaking and a tenant of the land under a lease the unexpired term of which exceeds three years ;

(c) in relation to a pipe-line, means the person in whom the pipe-line is vested ;

(d) in relation to a structure, means a person who, in relation to land being the site of the structure, is an owner thereof by virtue of paragraph (a) or (b) of this definition ;

“ pipe-line construction authorisation ” has the meaning assigned to it by subsection (1) of section one of this Act ;

“ pipe-line diversion authorisation ” has the meaning assigned to it by paragraph (a) of subsection (1) of section three of this Act ;

“ pipe-line works ” means works of any of the following kinds, that is to say,—

(a) placing a pipe-line or a length of pipe-line ;
inspecting, maintaining, adjusting, repairing, altering or renewing a pipe-line or a length of pipe-line ;

changing the position of a pipe-line or a length of pipe-line or removing a pipe-line or a length of pipe-line ;

(b) breaking up or opening land for the purposes of works mentioned in the foregoing paragraph and tunnelling or boring for those purposes and other works requisite for or incidental to those purposes ;

“ prescribed ” means prescribed by regulations made under this Act ;

“ railway undertakers ” means any persons authorised by an enactment or provision of an order or scheme made under or confirmed by an Act to construct, work or carry on a railway ;

“ river works consent ” means a consent given under section thirty-one of the Land Drainage Act, 1961 ;

“ statutory undertakers ” means any person authorised by any Act (whether public general or local) or by any order or scheme made under or confirmed by an Act to construct, work or carry on a railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of electricity, gas, hydraulic power or water ;

“ statutory water undertakers ” has the same meaning as it has for the purposes of the provisions of the Water Act, 1945, other than Part II of that Act ;

“ street works consent ” means a consent given under section fifteen of this Act.

(2) For the purposes of this Act the length of a pipe-line shall be taken to be the total length of pipe comprised in it ; but where, in a system of pipes, a number of adjacent parallel lengths of pipe serve the same purpose as would be served by a single pipe of a diameter greater than that of any of those lengths, that number shall be taken to constitute a single pipe.

(3) For the purposes of this Act the execution of works in land for the purpose of determining whether or not it is suitable for the placing in it of a pipe-line and the carrying out of surveying operations for the purpose of settling the route of a proposed pipe-line shall be deemed not to constitute the execution of works for the construction of a pipe-line.

(4) Any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by any other Act.

General Application to Scotland

General
application
to Scotland.

67.—(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) For any reference in this Act to chattels there shall be substituted a reference to corporeal moveables.

(3) As soon as may be after a compulsory rights order has become operative under the Statutory Orders (Special Procedure) Act, 1945, it shall be recorded by the Minister in the Register of Sasines; and any order varying or revoking a compulsory rights order in whole or in part shall be so recorded.

(4) For the purposes of sections twenty-seven to twenty-nine of this Act, a tenant, crofter, small landholder or statutory small tenant shall be deemed to be an owner of any building or structure on his holding or croft if he would, on the termination of his tenancy, be entitled to compensation under the Agricultural Holdings (Scotland) Act, 1949, the Crofters (Scotland) Acts, 1955 and 1961, or the Small Landholders (Scotland) Acts, 1886 to 1931, as the case may be, for such building or structure as an improvement; and any proceedings under subsection (5) of section twenty-eight, or subsection (2) of section twenty-nine, of this Act which relate to any such building or structure shall be brought in the Scottish Land Court and not before the sheriff.

(5) For any reference in this Act 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.

Expenses, Saving, Short Title, &c.

Expenses
and receipts.

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

- (a) any increase attributable to this Act in the expenses of the Minister which, by virtue of subsection (3) of section three of the Ministry of Fuel and Power Act, 1945, are defrayed out of such moneys;

(b) any increase attributable to this Act in the sums payable out of moneys so provided by way of Rate Deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland.

(2) Any sums received under this Act by a Minister of the Crown (other than the Postmaster General) shall be paid into the Exchequer.

69. Nothing in this Act or in a compulsory rights order shall exonerate a person from any action or other proceeding for nuisance. Saving for law of nuisance.

70.—(1) This Act may be cited as the Pipe-lines Act, 1962. Short title, extent and commencement.

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

(3) Section forty-one of this Act shall come into operation on the passing of this Act, and the remainder of this Act shall come into operation on such day as Her Majesty may by Order in Council appoint.

SCHEDULES

FIRST SCHEDULE

APPLICATIONS FOR GRANT OF PIPE-LINE CONSTRUCTION AND DIVERSION AUTHORISATIONS

PART I

APPLICATIONS FOR GRANT OF PIPE-LINE CONSTRUCTION AUTHORISATIONS

1. An application for the grant of a pipe-line construction authorisation must be made to the Minister in writing and must—

- (a) state the name and address of the person who will be the owner of the proposed pipe-line ;
- (b) specify the points between which the proposed pipe-line is to run and be accompanied by three copies of a map (whereof the scale shall be not less than that of six inches to the mile) on which is delineated the route between those points which, subject to lateral deviation therefrom within such limits (if any) as may be specified in the authorisation, it is to take ;
- (c) state whether or not the grant of any rights or the giving of any street or river works consents is requisite to enable the proposed pipe-line to be constructed and to be, during the period during which it may reasonably be expected to remain, inspected, maintained, adjusted, repaired and renewed and, if it be the case that the grant of any rights or the giving of any such consents is requisite for that purpose, specify the rights and consents the grant or giving of which is so requisite and state, with respect to each of them, whether the grant or giving thereof has been, or can be, obtained ;
- (d) state what is proposed to be conveyed in the proposed pipe-line ;
- (e) contain such other (if any) particulars as may be prescribed.

2. Where an application for the grant of a pipe-line construction authorisation is duly made to the Minister, he shall take it into consideration and shall give notice to the applicant of his decision either that he refuses to grant the application or that the application is (without prejudice, however, to subsequent refusal thereof in the exercise of his discretion) to be allowed to proceed.

3.—(1) Where an applicant for the grant of a pipe-line construction authorisation is given notice under the last foregoing paragraph that his application is to be allowed to proceed, compliance with the following requirements shall be a condition precedent to the taking by the Minister of further steps in the matter of the application, namely,—

- (a) there must be published by the applicant in the *Gazette* and thereafter also in such other manner as the Minister may direct (being the manner appearing to him to be best

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calculated for informing persons inhabiting land in the vicinity of the route to be taken by the proposed pipe-line) a notice stating that application has been made to the Minister for the grant of the authorisation, naming a place where a copy of the map that accompanied the application can be inspected and stating the time (not being less than twenty-eight days from the date of the happening of the relevant event) within which, and the manner in which, objections to the application can be sent to the Minister ;

- (b) a like notice must be served by the applicant on every local planning authority in whose area any part of the route of the proposed pipe-line will lie and on such (if any) other persons as may be specified by the Minister.

(2) In the foregoing sub-paragraph "relevant event" means, in relation to a notice published in compliance with the requirement of head (a), the publication or first publication of the notice in the manner directed by the Minister, and, in relation to a notice served in compliance with the requirement of head (b), the service of the notice, and "the Gazette" means—

- (a) in relation to an application for the grant of an authorisation for the execution of works for the placing of a proposed pipe-line along a route lying wholly in England and Wales, the London Gazette ;
- (b) in relation to an application for the grant of an authorisation for the execution of works for the placing of a proposed pipe-line along a route lying wholly in Scotland, the Edinburgh Gazette ;
- (c) in relation to an application for the grant of an authorisation for the execution of works for the placing of a proposed pipe-line along a route lying partly in England and Wales and partly in Scotland, the London Gazette and the Edinburgh Gazette.

4.—(1) Where the proper notices concerning an application for the grant of a pipe-line construction authorisation have been published and served under the last foregoing paragraph, and an objection to the application is duly made by a local planning authority within whose area the route to be taken by the proposed pipe-line or any part thereof will lie, and is not withdrawn, the Minister shall in no event grant the application without causing a public inquiry to be held with respect to the objection and considering the report of the person who held it ; and where such notices as aforesaid have been so published and served and an objection to the application is duly made by a person other than a local planning authority, and is not withdrawn, the Minister shall in no event grant the application without either causing a public inquiry to be held with respect to the objection and considering the report of the person who held it or affording to the person making the objection an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose and considering the report of the person so appointed.

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(2) The Minister may, if he thinks fit, cause a public inquiry to be held with respect to an application for the grant of a pipe-line construction authorisation notwithstanding that no objection to the application has been duly made by a local planning authority or that every objection duly so made has been withdrawn.

5. Where the Minister refuses an application for the grant of a pipe-line construction authorisation, he shall give to the applicant a written statement of his reasons for so doing.

6.—(1) A pipe-line construction authorisation may authorise the execution of works for the placing of the proposed pipe-line along the route delineated on the map whereof copies accompanied the application for the grant of the authorisation or along a modified route, but shall not authorise the execution of works for the placing of it along a modified route unless the Minister is satisfied that full opportunity for objection to departure from the route delineated as aforesaid has been afforded at a public inquiry.

(2) A pipe-line construction authorisation may specify limits within which lateral deviation from the route to be taken by the proposed pipe-line is permissible.

7. There shall be annexed to every pipe-line construction authorisation a map (whereof the scale shall be not less than that of six inches to the mile) on which is delineated the route along which the proposed pipe-line is authorised to be placed by means of the execution of works whose execution is authorised by the authorisation.

8. In this Part of this Schedule "local planning authority" means an authority which for the purposes of the Town and Country Planning Act, 1947, or the Town and Country Planning (Scotland) Act, 1947, is a local planning authority.

PART II

MODIFICATIONS SUBJECT TO WHICH PART I HAS EFFECT IN ITS APPLICATION TO APPLICATIONS FOR PIPE-LINE DIVERSION AUTHORISATIONS

9. The modifications subject to which Part I of this Schedule has effect as applied by subsection (4) of section three of this Act are the following :—

- (a) for references to a pipe-line construction authorisation there shall be substituted references to a pipe-line diversion authorisation ;
- (b) the name and address required by sub-paragraph (a) of paragraph 1 shall, instead of being that therein specified, be that of the person who (according to the circumstances of the case) is or will be the owner of the pipe-line in question and sub-paragraph (d) of that paragraph shall be omitted ;
- (c) for references to the proposed pipe-line there shall be substituted references to the portion of pipe-line to be diverted.

SECOND SCHEDULE

Sections 11, 12
and 47.APPLICATIONS FOR GRANT OF COMPULSORY PURCHASE ORDERS AND
COMPULSORY RIGHTS ORDERS

PART I

APPLICATIONS FOR GRANT OF COMPULSORY PURCHASE ORDERS

1. An application for a compulsory purchase order must be made to the Minister in writing and must—

- (a) state the name and address of the person in whose favour the order whose making is sought by the application is to be made ;
- (b) be accompanied by three copies of a map (whereof the scale shall be not less than that of six inches to the mile) on which are delineated the boundaries of the land proposed to be comprised in the order ;
- (c) contain such other (if any) particulars as may be prescribed.

2. Where an application for a compulsory purchase order is duly made to the Minister, he shall take it into consideration and shall give notice to the applicant of his decision either that he refuses to make the order or that the application is (without prejudice, however, to subsequent refusal thereof in the exercise of his discretion) to be allowed to proceed.

3. Where an applicant for a compulsory purchase order is given notice under the last foregoing paragraph that his application is to be allowed to proceed, compliance with the following requirements of this sub-paragraph (and, where subsection (1) of section fifty-one of this Act applies, with the requirement specified therein) shall be a condition precedent to the taking by the Minister of further steps in the matter of the application, namely,—

- (a) there must be published by the applicant in two successive weeks in one or more local newspapers circulating in the locality in which the land proposed to be comprised in the order is situate a notice in the prescribed form stating that application has been made to the Minister for the making of the order, describing the land, naming a place in the locality where a copy of the map that accompanied the application may be inspected, and specifying the time (not being less than twenty-eight days from the date on which the notice is first published) within which and the manner in which objections to the application may be made to the Minister ;
- (b) there must be served by the applicant on every owner, lessee and occupier (except tenants for a month or any period less than a month) of any land proposed to be comprised in the order a notice in the prescribed form stating the effect of the order and that application for the making thereof has been made to the Minister, and specifying the time (not being less than twenty-eight days

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from the date on which the notice is served) within which and the manner in which objection to the application may be made to the Minister.

4.—(1) Where the proper notices concerning an application for the making of a compulsory purchase order have been published and served under the last foregoing paragraph, and an objection to the application is duly made by any such owner, lessee or occupier as aforesaid and is not withdrawn, the Minister shall in no event grant the application without either causing a public inquiry to be held with respect to the objection and considering the report of the person who held it or affording to the objector an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose and considering the report of the person so appointed.

(2) If any such owner, lessee or occupier as aforesaid by whom an objection has been made avails himself of the opportunity of being heard, the Minister shall afford to the applicant for the order, and to any other persons to whom it appears to the Minister expedient to afford it, an opportunity of being heard on the same occasion.

(3) Notwithstanding anything in the two last foregoing subparagraphs, the Minister may require any such owner, lessee or occupier as aforesaid who has made an objection to state in writing the grounds thereof, and may disregard for the purposes of this paragraph an objection made by any such owner, lessee or occupier as aforesaid if he is satisfied that the objection relates exclusively to matters which can be dealt with by the Lands Tribunal.

(4) In relation to Scotland any inquiry required by sub-paragraph (1) of this paragraph shall, if the Minister 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) the publication and service under the last foregoing paragraph of the proper notices concerning the application for the making of the order shall be deemed to be sufficient compliance with the requirements of subsection (1) of the said section two with regard to the giving of notice by advertisement ; and
- (c) subsection (2) of section forty-seven of this Act shall not apply to such inquiry.

5. Where the Minister refuses to make a compulsory purchase order, he shall give to the applicant therefor a written statement of his reasons for so doing.

6. A compulsory purchase order may be made with or without modification as regards the land sought to be comprised therein, but shall not, unless all persons interested consent, be so made

as to authorise the person in whose favour it is made to purchase any land which the order would not have authorised that person to purchase if it had been made without modification.

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7.—(1) There shall be annexed to every compulsory purchase order a map (whereof the scale shall be not less than that of six inches to the mile) on which is plainly delineated the boundaries of the land comprised in the order.

(2) So soon as may be after a compulsory purchase order has been made the person in whose favour it has been made shall publish in one or more local newspapers circulating in the locality in which the land comprised in the order is situate a notice in the prescribed form, describing the land, stating that the order has been made and naming a place where a copy of the order and of the map annexed thereto may be inspected at all reasonable hours, and shall serve a like notice, a copy of the order and a copy (on the same scale) of the map annexed to the order on every person who is an owner, lessee or occupier of any land comprised in the order.

8. Where application is made to the Minister for the making of a compulsory purchase order applicable to land which includes land which has been acquired by statutory undertakers for the purposes of their undertaking, then if on a representation made to the appropriate Minister before the expiration of the time specified in the notice published, as regards that application, in pursuance of sub-paragraph (a) of paragraph 3 of this Schedule that Minister is satisfied—

- (a) that any of the said land is used for the purposes of the carrying on of their undertaking, or
- (b) that an interest in any of the said land is held for those purposes.

the order shall not be made so as to authorise the purchase of any land as to which that Minister is satisfied as aforesaid except land as to which he is satisfied that its nature and situation are such—

- (i) that it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or
- (ii) that, if purchased, it can be replaced by other land belonging to, or available for acquisition by, the undertakers without such detriment as aforesaid,

and certifies accordingly.

9.—(1) If a person aggrieved by a compulsory purchase order (not being one confirmed by Act of Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, or under subsection (4) of section two, as read with section ten, of that Act) desires to question the validity thereof or of any provision contained therein on the ground that the making of the order or the inclusion of that provision was not authorised by this Act or on the ground that any requirement of this Act or of any regulation thereunder has not been complied with in relation to the order,

2ND SCH. he may, within six weeks from the date on which the order becomes operative under the said Act of 1945, make an application for the purpose to the High Court or the Court of Session, as the case may be.

(2) On an application under the foregoing sub-paragraph, the court—

(a) may, by interim order, suspend the operation of the order whose validity is questioned, or of any provision of that order, either generally or so far as it affects any property of the applicant or a part of any such property, until the final determination of the proceedings; and

(b) if satisfied that the making of the order whose validity is questioned or the inclusion of any provision therein was not authorised by this Act or that the interests of the applicant have been substantially prejudiced by failure to comply in relation to the order with any such requirement as aforesaid, may quash the order, or any provision thereof, either generally or so far as it affects any property of the applicant or a part of any such property.

(3) Except as provided by this paragraph a compulsory purchase order shall not, either before or after it is made, be questioned in any legal proceedings whatever.

PART II

MODIFICATIONS SUBJECT TO WHICH PART I HAS EFFECT IN ITS APPLICATION TO APPLICATIONS FOR GRANT OF COMPULSORY RIGHTS ORDERS

10.—(1) The modifications subject to which Part I of this Schedule has effect as applied by subsection (3) of section twelve of this Act are those set out in the following provisions of this paragraph.

(2) For references to a compulsory purchase order there shall be substituted references to a compulsory rights order.

(3) There shall be included amongst the requirements with which, by virtue of paragraph 1, the application must comply a requirement that it shall state what rights are sought to be obtained by the application.

(4) There shall be included amongst the particulars to be included in a notice published in pursuance of paragraph 3 particulars of the rights sought to be obtained by the application.

(5) For paragraph 6 there shall be substituted the following paragraph:—

“6. A compulsory rights order may be made with or without modification as regards the land sought to be comprised therein or the nature of the rights for the exercise of which authorisation is sought by the order but shall not, unless all persons

interested consent, be so made as to authorise the person in whose favour it is made to exercise any right which the order would not have authorised him to exercise if it had been made without modification or to exercise rights in relation to any land in relation to which the order would not have authorised him to exercise rights if it had been so made."

(6) There shall be included amongst the particulars to be included in a notice published in pursuance of sub-paragraph (2) of paragraph 7 a statement of the rights of which the exercise is authorised by the order.

(7) In paragraph 8, for the words from "the order shall not be made" to the end of the paragraph there shall be substituted the words "the order shall not be made so as to authorise the exercise of a right over any land as to which that Minister is satisfied as aforesaid unless he is also satisfied—

(a) that the nature and situation of the land are such that the exercise thereover of that right will not cause serious detriment to the carrying on of the undertaking, or

(b) that such conditions will be attached to the order under section thirteen of this Act as will ensure that the exercise over the land of that right will not cause such serious detriment as aforesaid,

and certifies accordingly".

THIRD SCHEDULE

Section 11.

PROVISIONS FOR RENDERING COMPULSORY PURCHASE ORDERS EFFECTUAL, &c.

1.—(1) In relation to a compulsory purchase order, the Lands Clauses Acts are hereby incorporated with this Act, with the exception of the following provisions of the Lands Clauses Consolidation Act, 1845, namely,—

(a) sections eighty-five to eighty-eight (entry on land before purchase, on making deposit by way of security and giving bond);

(b) sections one hundred and fifty and one hundred and fifty-one (access to the special Act).

(2) In construing the Lands Clauses Acts as incorporated with this Act—

(a) this Act and the compulsory purchase order shall be deemed to be the special Act;

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

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2. For the purposes of the incorporation with this Act in relation to a compulsory purchase order of the Lands Clauses Acts the following provisions shall be deemed to be included in the Lands Clauses Consolidation Act, 1845, in substitution for section ninety-two thereof, that is to say, that no person shall be required to sell a part only of any house, building or manufactory, or of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, manufactory, park or garden, unless the Lands Tribunal determines that, in the case of a house, building or manufactory, such part as is proposed to be taken can be taken without material detriment to the house, building or manufactory, or, in the case of a park or garden, that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house, and, if the Lands Tribunal so determines, it shall award compensation in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part, and thereupon the party interested shall be required to sell to the person in whose favour the compulsory purchase order is made that part of the house, building, manufactory, park or garden.

3. In determining a question with respect to compensation claimed in consequence of the making of a compulsory purchase order the Lands Tribunal shall not take into account any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, works executed or improvement or alteration made, whether on the land comprised in the order or on any other land with which the claimant is, or was at the time of the erection, doing or making of the building, works, improvement or alteration, directly or indirectly concerned, if the Tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works, or the making of the improvement or alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

4. In the application of this Schedule to Scotland, for references to the Lands Clauses Consolidation Act, 1845, and to sections eighty-five, eighty-eight, ninety-two, one hundred and fifty and one hundred and fifty-one thereof, there shall be substituted respectively references to the Lands Clauses Consolidation (Scotland) Act, 1845, and to sections eighty-four, eighty-six, ninety, one hundred and forty-two and one hundred and forty-three thereof.

Section 12.**FOURTH SCHEDULE****ANCILLARY RIGHTS THAT MAY BE CONFERRED BY A COMPULSORY RIGHTS ORDER**

1. A right for any person authorised by the person for whose benefit the compulsory rights order enures to pass over the land comprised in the order for the purpose of getting to or from the pipe-line on foot or with vehicles, and, where the right specified by the order is one of passing with vehicles, to transport materials, plant and apparatus therein.

2. A right to place, continue or renew markers for indicating the position of the pipe-line in so far as it is placed below the surface of the land comprised in the order.

4TH SCH.

3. A right to erect stiles, gates, bridges or culverts for the facilitation of access to the pipe-line.

4. A right to construct such works accessory to the pipe-line as may be specified in the order, being works for the facilitation of maintenance or inspection of the pipe-line or for protecting it from damage.

5. A right temporarily to place on the land comprised in the order materials, plant or apparatus required in connection with the pipe-line and brought on to the land by a vehicle in pursuance of such a right as is mentioned in paragraph 1 of this Schedule.

FIFTH SCHEDULE

Section 34.

INQUIRIES INTO PIPE-LINE ACCIDENTS

1. An inquiry in pursuance of a direction under section thirty-four of this Act with respect to an event shall be held by a competent person appointed by the Minister, and that person may conduct the inquiry either alone or with the assistance of an assessor or assessors so appointed.

2. The Minister may pay to the person appointed to hold the inquiry and to any assessor appointed to assist him such remuneration and allowances as the Minister may, with the approval of the Treasury, determine.

3. The person appointed to hold the inquiry (hereafter in this Schedule referred to as "the court") shall hold the inquiry in such manner and under such conditions as the court thinks most effectual for ascertaining the causes, circumstances and effects of the event and for enabling the court to make the report hereafter in this Schedule mentioned.

4. The court shall, for the purposes of the inquiry, have power—
- (a) to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for the said purposes ;
 - (b) by summons signed by the court to require any person to attend, at such time and place as is specified in the summons, to give evidence or produce any documents in his custody or under his control which the court considers it necessary for the purposes of the inquiry to examine ;
 - (c) to require a person appearing at the inquiry to furnish to any other person appearing thereat, on payment of such fee, if any, as the court thinks fit, a copy of any document offered, or proposed to be offered, in evidence by the first-mentioned person ;

2 R*

5TH SCH.

- (d) to take evidence on oath, and for that purpose to administer oaths, or, instead of administering an oath, to require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined ;
- (e) to adjourn the inquiry from time to time ; and
- (f) subject to the foregoing sub-paragraphs, to regulate the procedure of the court.

5. A person attending as a witness before the court shall be entitled to be paid by the Minister such expenses as would be allowed to a witness attending on subpoena before a court of record, and any dispute as to the amount to be so allowed shall be referred by the court to a master of the Supreme Court who, on request signed by the court, shall ascertain and certify the proper amount of the expenses.

6. The court shall make a report to the Minister stating the causes, circumstances and effects of the event, adding any observations which the court thinks it right to make, and the Minister shall cause copies of the report, or so much thereof as it is not in his opinion inconsistent with the interests of national security to disclose, to be laid before Parliament.

7. If any person—

- (a) without reasonable excuse (proof whereof shall lie on him), and after having the expenses (if any) to which he is entitled tendered to him, fails to comply with any summons or requisition of the court ; or
- (b) does any other thing which would, if the court had been a court of law having power to commit for contempt, have been contempt of that court,

the court may, by instrument signed by the court, certify the offence of that person to the High Court or, in Scotland, the Court of Session, and the High Court or Court of Session may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the High Court or, as the case may be, the Court of Session.

8. In the application of this Schedule to Scotland, for references to a master of the Supreme Court, to a witness attending on subpoena before a court of record, and to a summons there shall be respectively substituted references to the Auditor of the Court of Session, to a witness attending on citation the High Court of Justiciary, and to an order.



Table of Statutes referred to in this Act

Short Title	Session and Chapter
Lands Clauses Consolidation Act, 1845 ...	7 & 8 Vict. c. 18.
Lands Clauses Consolidation (Scotland) Act, 1845	7 & 8 Vict. c. 19.
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Fatal Accidents Inquiry (Scotland) Act, 1895...	58 & 59 Vict. c. 36.
Ministry of Transport Act, 1919	9 & 10 Geo. 5. c. 50.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5. c. 57.
Mines (Working Facilities and Support) Act, 1923	13 & 14 Geo. 5. c. 20.
Rating and Valuation Act, 1925	15 & 16 Geo. 5. c. 90.
Petroleum (Consolidation) Act, 1928	18 & 19 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.
Private Legislature Procedure (Scotland) Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 52.
Ministry of Fuel and Power Act, 1945	8 & 9 Geo. 6. c. 19.
Water Act, 1945	8 & 9 Geo. 6. c. 42.
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.
Fire Services Act, 1947	10 & 11 Geo. 6. c. 41.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
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.
Requisitioned Land and War Works Act, 1948	11 & 12 Geo. 6. c. 17.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Gas Act, 1948	11 & 12 Geo. 6. c. 67.
Special Roads Act, 1949	12, 13 & 14 Geo. 6. c. 32.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6. c. 42.
Agricultural Holdings (Scotland) Act, 1949 ...	12, 13 & 14 Geo. 6. c. 75.
Housing (Scotland) Act, 1950	14 Geo. 6. c. 34.
Public Utilities Street Works Act, 1950	14 Geo. 6. c. 39.
Rivers (Prevention of Pollution) Act, 1951 ...	14 & 15 Geo. 6. c. 64.
Rivers (Prevention of Pollution) (Scotland) Act, 1951	14 & 15 Geo. 6. c. 66.
Customs and Excise Act, 1952	15 & 16 Geo. 5 & 1 Eliz. 2. c. 44.
Mines and Quarries Act, 1954	2 & 3 Eliz. 2. c. 70.
Oil in Navigable Waters Act, 1955	3 & 4 Eliz. 2. c. 25.
Housing Act, 1957	5 & 6 Eliz. 2. c. 56.
Land Powers (Defence) Act, 1958	6 & 7 Eliz. 2. c. 30.
Highways Act, 1959	7 & 8 Eliz. 2. c. 25.
Road Traffic and Roads Improvement Act, 1960	8 & 9 Eliz. 2. c. 63.
Land Compensation Act, 1961	9 & 10 Eliz. 2. c. 33.
Factories Act, 1961	9 & 10 Eliz. 2. c. 34.
Land Drainage Act, 1961	9 & 10 Eliz. 2. c. 48.

CHAPTER 59*Road Traffic Act, 1962***ARRANGEMENT OF SECTIONS***Unfitness to drive***Section**

1. Standard of unfitness to drive through drink, etc.
2. Evidence on charge of unfitness to drive.
3. Application of s. 2 to corresponding naval, military or air-force offences.
4. Notification of disease or disability.

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5. Disqualification on conviction of certain offences.
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10. Replacement of certain provisions as to speed limits.
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23. Approved driving instructors.
24. Minimum age for driving certain motor vehicles.
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Highway powers and parking places

26. Traffic regulations for London Traffic Area.
27. Exercise of powers for mitigating traffic congestion in London Traffic Area.
28. Experimental traffic schemes.
29. Replacement of certain provisions relating to parking places on highways.
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SCHEDULES:

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Part I—Offences involving obligatory disqualification.

Part II—Offences involving discretionary disqualification.

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An Act to make further provision as to road safety and road traffic and for purposes connected therewith.

[1st August, 1962]

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

Unfitness to drive

1. For the purposes of section six of the principal Act (which imposes penalties for driving, attempting to drive or being in charge of a motor vehicle while unfit to drive through drink or drugs) a person shall be taken to be unfit to drive if his ability to drive properly is for the time being impaired. Standard of unfitness to drive through drink, etc.

2.—(1) In any proceedings for an offence under the said section six, the court shall, subject to subsection (4) of this section, have regard to any evidence which may be given of the proportion or quantity of alcohol or of any drug which was contained in the blood or present in the body of the accused, as ascertained by analysis or measurement of a specimen of blood taken from him with his consent by a medical practitioner, or of urine or breath provided by him, at any material time; and if it is proved that the accused, when so requested by a constable at any such time, refused to consent to the taking of or to provide a specimen for analysis or measurement, his refusal may, unless reasonable Evidence on charge of unfitness to drive.

cause therefor is shown, be treated as supporting any evidence given on behalf of the prosecution, or as rebutting any evidence given on behalf of the defence, with respect to his condition at that time.

(2) For the purposes of any such proceedings, a certificate purporting to be signed by an authorised analyst, and certifying the proportion of alcohol or any drug found in a specimen identified by the certificate and, in the case of a specimen not being a specimen of blood, the proportion of alcohol or of that drug in the blood which corresponds to the proportion found in the specimen, shall be evidence of the matters so certified and of the qualification of the analyst:

Provided that the foregoing provision shall not apply to a certificate tendered on behalf of the prosecution unless a copy has been served on the accused not less than seven days before the hearing or trial, nor if the accused, not less than three days before the hearing or trial, or within such further time as the court may in special circumstances allow, has served notice on the prosecutor requiring the attendance at the hearing or trial of the person by whom the certificate was signed.

(3) In any such proceedings in Scotland, a certificate complying with subsection (2) of this section and, where the person by whom such a certificate was signed is called as a witness, the evidence of that person, shall be sufficient evidence of the facts stated in the certificate.

(4) Where the accused, at the time a specimen of blood or urine was taken from or provided by him, asked to be supplied with such a specimen, evidence of the proportion of alcohol or any drug found in the specimen shall not be admissible on behalf of the prosecution unless—

(a) the specimen is either one of two taken or provided on the same occasion or is part of a single specimen which was divided into two parts at the time it was taken or provided ; and

(b) the other specimen or part was supplied to the accused.

(5) A constable requesting any person to consent to the taking of or to provide a specimen of blood or urine for analysis shall offer to supply to him, in a suitable container, part of the specimen or, in the case of a specimen of blood which it is not practicable to divide, another specimen which he may consent to have taken.

(6) Where, after the coming into operation of this subsection, a constable requests any person to provide a specimen of breath—

(a) subsection (4) of this section shall apply in relation to the specimen as it applies in relation to a specimen of urine ; and

(b) the constable shall offer to supply to that person, in a suitable container, another specimen of breath which he may consent to provide.

(7) In this section "authorised analyst" means any person possessing the qualifications prescribed by regulations made under section eighty-nine of the Food and Drugs Act, 1955, or section twenty-seven of the Food and Drugs (Scotland) Act, 1956, as qualifying persons for appointment as public analysts under those Acts, and any other person authorised by the Secretary of State to make analyses for the purposes of this section.

3.—(1) Section two of this Act shall apply in relation to proceedings for a corresponding service offence as it applies in relation to proceedings for an offence under section six of the principal Act, but shall, as so applying, have effect—

Application of s. 2 to corresponding naval, military or air-force offences.

- (a) as if references to the court included references to any authority before whom the proceedings take place ;
- (b) as if references to a constable included references to any provost officer or any officer or person legally exercising authority under or on behalf of a provost officer ;
- (c) as if the reference to the Secretary of State included a reference to the Admiralty ; and
- (d) as if subsection (3) were omitted.

(2) In this section—

"corresponding service offence" means an offence against section seventy of the Army Act, 1955, or section seventy of the Air Force Act, 1955, or under section forty-two of the Naval Discipline Act, 1957, committed by an act which is punishable under section six of the principal Act or would be so punishable if committed in England ;

"provost officer" means any person who is a provost officer within the meaning of either of the said Acts of 1955 or of the said Act of 1957.

4.—(1) If, in any proceedings for an offence committed in respect of a motor vehicle, it appears to the court that the accused may be suffering from any disease or physical disability which would be likely to cause the driving by him of a motor vehicle to be a source of danger to the public, the court shall notify the licensing authority in whose area the accused resides and, if he holds a licence, also the authority, if known to the court, by whom it was granted.

Notification of disease or disability.

(2) In this section "licence" means a licence to drive a motor vehicle granted under Part II of the principal Act.

Disqualification, endorsement and penalties

Disqualifica-
tion on
conviction
of certain
offences.

5.—(1) Where a person is convicted of an offence specified in Part I of the First Schedule to this Act the court shall order him to be disqualified for such period not less than twelve months as the court thinks fit unless the court for special reasons thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.

(2) Where a person is convicted of an offence specified in Part II of the First Schedule to this Act the court may order him to be disqualified for such period as the court thinks fit.

(3) Where a person convicted of an offence specified in the said Part I or the said Part II has within the three years immediately preceding the commission of the offence and since the commencement of this Act been convicted on not less than two occasions of an offence specified in those Parts and particulars of the convictions have been ordered to be endorsed in accordance with section seven of this Act, the court shall order him to be disqualified for such period not less than six months as the courts thinks fit, unless the court is satisfied, having regard to all the circumstances, that there are grounds for mitigating the normal consequences of the conviction and thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.

(4) Where a person convicted of an offence under subsection (1) of section six of the principal Act (driving or attempting to drive while under the influence of drink or drugs) has within the ten years immediately preceding the commission of the offence been convicted of such an offence, subsection (1) of this section shall apply in relation to him with the substitution of three years for twelve months.

(5) The period of any disqualification imposed under subsection (3) of this section or on a conviction of an offence under paragraph (b) of section one hundred and ten of the principal Act (driving while disqualified) shall be in addition to any other period of disqualification imposed (whether previously or on the same occasion) under this section or under the principal Act or an enactment repealed by that Act or under the Motor Car Act, 1903.

(6) The foregoing provisions of this section shall apply in relation to a conviction of an offence committed by aiding, abetting, counselling or procuring, or inciting to the commission of an offence specified in Part I of the First Schedule to this Act as if the offence were specified in Part II of that Schedule.

(7) Where a person is convicted of an offence specified in Part I or Part II of the First Schedule to this Act, the court may, whether or not he has previously passed the test of competence to drive prescribed under the principal Act, and

whether or not the court makes an order under the foregoing provisions of this section, order him to be disqualified until he has, since the date of the order, passed that test; and a disqualification by virtue of an order under this subsection shall be deemed to have expired on production to the licensing authority of evidence, in such form as may be prescribed by regulations under section one hundred and thirteen of the principal Act, that the person disqualified has, since the order was made, passed that test.

(8) In this section “disqualified” means disqualified for holding or obtaining a licence to drive a motor vehicle granted under Part II of the principal Act, and “disqualification” shall be construed accordingly.

6.—(1) In subsection (2) of section one hundred and six of the principal Act (which specifies the periods which must expire before an application to the court for the removal of a disqualification may be made) the following shall be substituted for paragraphs (a) to (c):—

Removal of disqualification.

- “ (a) two years, if the disqualification is for less than four years,
- (b) one half of the period of the disqualification, if it is for less than ten years but not less than four years,
- (c) five years in any other case.”

(2) This section does not apply in relation to disqualifications imposed before the commencement of this Act.

7.—(1) Subject to subsection (2) of this section, where a person is convicted of an offence specified in Part I or Part II of the First Schedule to this Act, the court shall order that particulars of the conviction, and, if the court orders him to be disqualified, particulars of the disqualification, shall be endorsed on any licence held by him; and particulars of any conviction or disqualification so endorsed may be produced as prima facie evidence of the conviction or disqualification.

Endorsement of licence.

(2) If the court does not order the said person to be disqualified, the court need not order particulars of the conviction to be endorsed as aforesaid if for special reasons it thinks fit not to do so.

(3) An order that the particulars of a conviction or of a disqualification to which the convicted person has become subject are to be endorsed on any licence held by him shall, whether he is at the time the holder of a licence or not, operate as an order that any licence he may then hold or may subsequently obtain shall be so endorsed until he becomes entitled under subsection (7) of this section to have a licence issued to him free from the particulars.

(4) A person who is prosecuted for any offence specified in Part I or Part II of the First Schedule to this Act and who is the holder of a licence, shall either—

- (a) cause it to be delivered to the clerk of the court not later than the day before the date appointed for the hearing, or
- (b) post it, at such a time that in the ordinary course of post it would be delivered not later than that day, in a letter duly addressed to the clerk and either registered or sent by the recorded delivery service ; or
- (c) have it with him at the hearing ;

and if he is convicted of the offence and the court makes an order under subsection (1) of this section, the court shall require the licence to be produced to it for endorsement ; and if the offender has not posted the licence or caused it to be delivered as aforesaid and does not produce it as required, he shall be liable on summary conviction to a fine not exceeding fifty pounds, and the licence shall be suspended from the time when its production was required until it is produced to the court and shall, while suspended, be of no effect.

(5) On the issue of a new licence to a person, any particulars ordered to be endorsed on any licence held by him shall be entered on the licence unless he has become entitled under subsection (7) of this section to have a licence issued to him free from those particulars.

(6) If a person whose licence has been ordered to be endorsed with any particulars and who has not previously become entitled under subsection (7) of this section to have a licence issued to him free from those particulars applies for or obtains a licence without giving particulars of the order, he shall be liable on summary conviction to a fine not exceeding fifty pounds and any licence so obtained shall be of no effect.

(7) Where an order has been made in respect of a person under this section or any previous enactment requiring any licence held by him to be endorsed with any particulars, he shall be entitled, either on applying for the grant of a licence or, subject to a payment of a fee of five shillings and subject to surrender of any subsisting licence, on application at any time, to have issued to him a new licence free from the particulars, if the application is made not less than three years after the date of the conviction in consequence of which the order was made or, if it was a conviction of an offence under subsection (1) of section six of the principal Act, not less than ten years after that conviction.

(8) In this section “ licence ” means a licence to drive a motor vehicle granted under Part II of the principal Act, and “ disqualified ” means disqualified for holding or obtaining such a licence ; and “ disqualification ” shall be construed accordingly.

8. The amendments specified in the second column of the First Schedule to this Act (which relate to the punishment of offences under the enactments mentioned in the first column of that Schedule) shall be made in those enactments as respects offences committed after the commencement of this Act.

Alteration of penalties for certain offences.

9. In any case where a court exercises its power under section five or section seven of this Act not to order any disqualification or endorsement or to order disqualification for a shorter period than would otherwise be required, it shall state the grounds for doing so in open court and, if it is a magistrates' court or, in Scotland, a court of summary jurisdiction, shall cause them to be entered in the register (or, in Scotland, record) of its proceedings.

Statement of special reasons, etc.

Speed limits

10. Provision for regulating the speed of vehicles on roads may be made in accordance with sections eleven to thirteen of this Act but shall not be made by any direction, order or regulations under subsection (2) of section nineteen, section twenty-six or section thirty-four of the principal Act.

Replacement of certain provisions as to speed limits.

11.—(1) The authority specified in subsection (2) of this section may, after giving public notice of their intention to make an order under this subsection as respects any road specified in the notice, make an order prohibiting, either generally or during periods specified in the order, the driving of motor vehicles on that road at a speed exceeding that specified in the order; and while such an order is in force as respects any road, that road shall not be a restricted road for the purposes of section nineteen of the principal Act.

Speed limits on roads other than restricted roads.

(2) The authority having power to make an order under subsection (1) of this section—

- (a) as respects any trunk road or any road in the London Traffic Area, shall be the appropriate Minister; and
- (b) as respects any other road, shall be either the appropriate Minister or the local authority.

(3) No order under subsection (1) of this section shall be made by a local authority except with the consent of the appropriate Minister, and the appropriate Minister may, after giving the local authority notice of his intention to do so, by order vary or revoke any order made by them under that subsection.

(4) Before making an order under subsection (1) of this section as respects any road,—

- (a) a local authority shall consult the chief officer of police and, if the local authority is a county council in Scotland and the road is a classified road in a burgh, also the town council of the burgh;
- (b) the appropriate Minister shall, if the road is neither a trunk road nor a road in the London Traffic Area, give

notice to the local authority of his intention to make the order and may, in the case of any road in the London Traffic Area, consult the London and Home Counties Traffic Advisory Committee.

(5) Any power to make an order conferred by this section on the appropriate Minister shall be exercisable by statutory instrument.

(6) Any limit of speed in force at the commencement of this Act by virtue of any direction, order or regulation under subsection (2) of section nineteen, section twenty-six or section thirty-four of the principal Act shall be deemed to have been imposed by an order under subsection (1) of this section made by the authority who gave the direction or made the order or regulation, and may be varied or revoked accordingly.

(7) In this section "local authority" has, in relation to a road in England or Wales, the meaning assigned to it by paragraph (a) and, in relation to a road in Scotland, the meaning assigned to it by paragraph (b), of subsection (1) of section twenty-three of the principal Act, except that, in paragraph (b) of subsection (4) of this section, it also includes the town council of any burgh in which the road is situate.

(8) This section does not apply to any part of a special road which is open for use as a special road.

Amendments
as to restricted
roads and
traffic signs
indicating
speed limits.

12.—(1) In subsection (3) and subsection (4) of section twenty-one of the principal Act (which require the London and Home Counties Traffic Advisory Committee to be consulted before a direction is given that a road in the London Traffic Area shall become or shall cease to be a restricted road) after the words "after consultation" there shall be inserted the words "if he thinks fit".

(2) For subsection (5) of the said section twenty-one there shall be substituted the following subsection:—

"(5) The appropriate Minister may give notice to the local authority, as respects any road falling within paragraph (a) of subsection (1) of this section, that he has under consideration the question whether—

- (a) a direction should be given that it shall become a restricted road for the purposes of section nineteen of this Act, or
- (b) a direction should be given that it shall cease to be a restricted road for those purposes, or
- (c) a direction for the time being in force that it shall be a restricted road for those purposes should be revoked or varied;

and where such a notice has been given he may, if he thinks fit, hold a local inquiry, and may in any case by order

made by statutory instrument give, or revoke or vary, the direction, as the case may be."

(3) In paragraph (a) of subsection (1) of section twenty-two of the principal Act (which requires the competent authority to erect and maintain prescribed traffic signs for giving adequate guidance to drivers of motor vehicles) for the words from "as to whether" to "for those purposes" there shall be substituted the words "as to whether any, and if so what, limit of speed is to be observed on any road".

(4) In subsection (3) of the said section twenty-two (which gives protection against conviction in the absence of traffic signs) for the words from "but the road" to "is indicated" there shall be substituted the words "but a limit of speed is to be observed on the road, a person shall not be convicted of driving a motor vehicle on the road at a speed exceeding the limit unless the limit is indicated".

13.—(1) Where it appears to the appropriate Minister desirable to do so in the interests of safety or for the purpose of facilitating the movement of traffic, he may, after giving public notice of his intention to do so, by order prohibit, for a period not exceeding four months, the driving of motor vehicles—

Temporary or experimental speed limits.

- (a) on all roads, or on all roads in any area specified in the order, or on any road so specified, at a speed greater than that so specified;
- (b) on any road specified in the order, at a speed less than that so specified, subject to such exceptions as may be so specified;

either generally, or at times, on days or during periods specified in the order; but the provisions of any such order shall not, except in so far as may be provided by the order, affect the provisions of the principal Act with respect to restricted roads or the provisions of section eleven of this Act.

(2) The provisions of any order under subsection (1) of this section may be continued, either indefinitely or for a specified period, by an order of the appropriate Minister made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Where any such provisions having effect as respects any road cease at any time to have effect as respects that road, no order under subsection (1) of this section shall make provision which would have effect as respects that road earlier than two months after that time.

(4) Where by virtue of an order under this section a limit of speed is to be observed, then,—

- (a) if it is to be observed on all roads, section twenty-two of the principal Act (which relates to signs indicating

speed restrictions) shall not apply in relation to that limit ;

- (b) if it is to be observed on all roads in any area and is indicated as respects the area as a whole by means of such traffic signs as are mentioned in subsection (1) of the said section twenty-two at all points where roads lead into the area, the limit shall be taken for the purposes of subsection (3) of that section (which gives protection against conviction in the absence of traffic signs) as so indicated with respect to all roads in the area.

(5) The first order to be made under paragraph (b) of subsection (1) of this section shall not be made until a draft thereof has been laid before Parliament and approved by a resolution of each House of Parliament.

(6) If a person drives a motor vehicle on a road in contravention of an order under paragraph (b) of subsection (1) of this section he shall be liable on summary conviction to a fine not exceeding fifty pounds ; but a person shall not be liable to be convicted of driving as aforesaid solely on the evidence of one witness to the effect that in the opinion of the witness he was driving the vehicle at a speed less than that specified in the order.

(7) This section does not apply to any part of a special road which is open for use as a special road.

Construction, use and equipment of vehicles

Regulation of construction or weight of vehicles.

14. Where regulations under section sixty-four of the principal Act contain provisions varying the requirements as regards the construction or weight of any class or description of vehicle and the Minister is satisfied—

- (a) that it is requisite that those provisions shall apply at a date specified in the regulations to vehicles registered before the expiration of one year from the making of the regulations, or to such of them as are specified in the regulations ; and
- (b) that, notwithstanding that those provisions will then apply to those vehicles, no undue hardship or inconvenience will be caused thereby ;

then, if the regulations state that the Minister is so satisfied, subsection (3) of that section (which requires vehicles registered as mentioned in paragraph (a) of this section to be exempted from such provisions for at least five years) shall not apply in relation to the said provisions.

Head lamps.

15.—(1) Subject to the provisions of this section, every vehicle on a road, being a vehicle of any such class or description as may be prescribed by regulations made by the Minister, shall carry such lamps or lamp designed to illuminate the road as may

be prescribed, in relation to vehicles of that class or description, by the regulations.

(2) The lamps required by this section (in this section referred to as obligatory head lamps) shall comply with such conditions as may be prescribed by the regulations, and shall be kept lit in such circumstances when the vehicle is in motion on a road during the hours of darkness as may be so prescribed.

(3) The requirements of this section with respect to obligatory head lamps are additional to those of the Road Transport Lighting Act, 1957, with respect to lamps (in this section referred to as side lamps) showing to the front a white light visible from a reasonable distance, but provision may be made by regulations under this section for authorising the combination in a single unit of an obligatory head lamp and a side lamp.

(4) Regulations under this section may make provision for any purpose for which provision may be made by regulations under the said Act of 1957, and may apply any regulations in force under that Act with respect to lamps showing a light to the front ; and different provision may be made by such regulations in relation to vehicles of different classes or descriptions or in relation to vehicles of any class or description when used in different circumstances.

(5) Sections twelve to eighteen of the Road Transport Lighting Act, 1957 (relating to offences, regulations, fines, application to the Crown, locomotives, interpretation and application to Scotland) shall apply in relation to this section and regulations thereunder as they apply in relation to that Act and regulations under that Act.

16.—(1) The provision which may be made by regulations of the Minister under the Road Transport Lighting Act, 1957, shall include provision for increasing, in relation to vehicles of any class or description specified in the regulations, the number of tail lamps required by paragraph (b) of subsection (1) of section one of that Act. Amendments
of Road
Transport
Lighting
Act, 1957.

(2) Different provision may be made by such regulations in relation to vehicles of different classes or descriptions or in relation to vehicles of any class or description when used in different circumstances ; and any such regulations may modify the provisions of section six of the said Act (which relates to bicycles, tricycles and invalid carriages) so far as it relates to the tail lamps of vehicles to which the regulations apply.

(3) The conditions which may be prescribed by regulations under the said Act of 1957 as conditions to be complied with by any lamp shall include conditions with respect to—

- (a) position ;
- (b) power, intensity, colour and angle of projection of light ;
- (c) height, width and range of illumination of beam ;

(d) provision for obscuration or deflection of light or beam ; and such regulations may provide for the method by which the height, width or range of illumination of a beam is to be ascertained.

(4) Subsection (2) of section twelve of the said Act of 1957 (which prohibits the sale of unsuitable appliances adapted for use as reflectors) shall apply in relation to tail lamps as it applies in relation to reflectors.

Trailers.

17. The power of the Minister to make regulations under subsection (1) of section sixty-nine of the principal Act (which relates to the number of trailers that may be drawn by a motor vehicle on a highway) shall include power to make regulations substituting, in the case of such trailers or in such circumstances as may be specified in the regulations, two for one as the number of trailers that may be drawn by any class of vehicle so specified.

Articulated vehicles.

18. A vehicle so constructed that it can be divided into two parts both of which are vehicles and one of which is a motor vehicle shall (when not so divided) be treated for the purposes of the principal Act as that motor vehicle with the other part attached as a trailer.

Hover vehicles.

19.—(1) For the purposes of the principal Act, a vehicle designed to be supported on a cushion of air (in this section referred to as a hover vehicle)—

- (a) shall be a motor vehicle, whether or not it is adapted or intended for use on roads ; but
- (b) shall be treated, subject to subsection (2) of this section, as not being a vehicle of any of the classes or descriptions defined in subsections (2) to (8) of section two hundred and fifty-three of that Act.

(2) The Minister may by regulations provide—

- (a) that any provision of the principal Act or the Road Transport Lighting Act, 1957, which would otherwise apply to hover vehicles shall not apply to them or shall apply to them subject to such modifications as may be specified in the regulations ; or
- (b) that any such provision which would not otherwise apply to hover vehicles shall apply to them, subject to such modifications (if any) as may be specified in the regulations.

Defence in certain proceedings against holder of carrier's licence.

20. In any proceedings under subsection (6) of section one hundred and eighty-six of the principal Act against the holder of a carrier's licence for failure to comply with the provisions of that section or of regulations made for the purposes thereof it shall be a defence to prove that he used all due diligence to secure compliance with those provisions.

21.—(1) Current records shall not be required to be kept as mentioned in subsection (1) of section one hundred and eighty-six of the principal Act as respects—

Relaxation of duty of holders of C licences to keep current records.

- (a) any journey made by a vehicle to which this section applies, if no point of the journey is more than five miles from the place where the vehicle is normally kept by the person by whom or on whose behalf it is used ; or
- (b) the work or rest of any person during any period, by reason only that during that period he is employed in driving such a vehicle on a journey fulfilling that condition.

(2) This section applies to any vehicle if, and only if,—

- (a) it is authorised to be used under a C licence ; and
- (b) its weight unladen does not exceed sixteen hundredweight.

(3) This section shall continue in force for a period of two years and shall then expire, unless before the end of that period an order is made under subsection (4) of this section and approved by a resolution of each House of Parliament.

(4) The Minister may by order made by statutory instrument provide either—

- (a) that this section shall cease to have effect at such earlier date as may be specified in the order ; or
- (b) that this section shall continue in force indefinitely, subject to such modification (if any) of the distance of five miles referred to in subsection (1) of this section, and to such modification (if any) of the weight of sixteen hundredweight referred to in subsection (2) of this section, as may be specified in the order.

(5) This section shall be construed as if it were included in Part IV of the principal Act.

22. In subsection (1) of section one hundred and ninety of the principal Act (which enables the Minister to make regulations for the purposes of Part IV of that Act) the following shall be inserted after paragraph (f) :—

Regulations under Part IV of principal Act.

“ and

- (g) for providing that any provisions of this Part of this Act or the Thirteenth Schedule thereto shall, in relation to vehicles brought temporarily into Great Britain, have effect subject to such modifications and adaptations as may be prescribed ”.

Driving instruction, minimum age and test fees

Approved
driving
instructors.

23.—(1) There shall be defrayed out of moneys provided by Parliament any expenses incurred by the Minister in connection with any arrangements made by him for compiling and maintaining a register of persons approved by him as qualified to give instruction in the driving of motor vehicles (in this section referred to as the register of approved instructors).

(2) The Minister may charge such fees as he thinks proper in connection with applications for registration in the register of approved instructors and in connection with any examination or test required to be taken as a condition of approval or continuation of approval for the purposes of such registration; and any sums received by the Minister on account of such fees shall be paid into the Exchequer.

(3) The Minister may make regulations prescribing an official title or description for use by persons registered in the register of approved instructors, and a form of badge or certificate which may be worn or displayed by such persons; and if any person—

- (a) not being registered in the said register, takes or uses a title or description so prescribed, or wears or displays a badge or certificate so prescribed, or takes or uses any name, title, addition or description implying that he is so registered; or
- (b) being a person carrying on business in the provision of instruction in the driving of motor vehicles, uses a title or description so prescribed in relation to any person employed by him who is not so registered, or issues any advertisement or invitation calculated to mislead with respect to the extent to which persons so registered are employed by him,

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

Provided that in proceedings against any person for an offence under paragraph (a) of this subsection or an offence under paragraph (b) of this subsection in relation to a person employed by him, it shall be a defence for the person charged to prove that he did not know, and had no reasonable cause to believe, that he or, as the case may be, the person employed by him, was not registered in the register of approved instructors at the material time.

(4) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act

in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

24. At the end of section ninety-seven of the principal Act (which relates to the minimum age for driving motor vehicles on roads) there shall be added the following subsection—

Minimum age for driving certain motor vehicles.

“(3) Regulations may provide—

- (a) that the age under which a person may not drive on a road a motor car constructed as mentioned in subsection (9) of section two hundred and fifty-three of this Act shall, if the motor car is of a description specified in the regulations, and is driven with a trailer attached to it in the manner mentioned in that subsection, be twenty-one instead of seventeen ;
- (b) that the age under which a person may not drive on a road a tractor used primarily for work on land in connection with agriculture shall, if the tractor is of a description specified in the regulations and is driven in circumstances so specified, be sixteen instead of seventeen ;
- (c) that the age under which a person may not drive on a road a road roller falling within paragraph 4 of the Table set out in subsection (1) of this section shall, if the roller is of a description specified in the regulations and is driven in circumstances so specified, be seventeen instead of twenty-one ;

but—

- (i) a person shall not be prohibited by virtue of regulations under paragraph (a) of this subsection from driving a motor car of any description if at any time before the coming into force of the regulations he has held, or was entitled (on making the requisite application and declaration and on payment of the appropriate fee) to the grant of, a licence, other than a provisional licence, authorising him to drive that description of motor car ; and
- (ii) a person under the age of seventeen who has not passed the prescribed test of competence to drive such a tractor as is mentioned in paragraph (b) of this subsection shall not be authorised by regulations made under that paragraph to drive such a tractor on a road except while taking, proceeding to or returning from such a test.”

Test fees.

25.—(1) Regulations made for the purposes of paragraph (b) of subsection (2) of section ninety-nine of the principal Act (which relates to the payment of fees in respect of tests of competence to drive) may require the fee to be paid upon application for an appointment for a test; and so much of that paragraph as limits the amount of the fee shall cease to have effect.

(2) A fee paid in pursuance of regulations made under the said subsection (2) on application for an appointment for a test may be repaid in the following cases and not otherwise, that is to say:—

- (a) if no such appointment is made, or an appointment made is subsequently cancelled by or on behalf of the Minister;
- (b) if the person for whom the appointment is made gives such notice cancelling the appointment as may be prescribed for the purposes of this paragraph by regulations made as aforesaid;
- (c) if the person for whom the appointment is made keeps the appointment, but the test does not take place, or is not completed, for reasons attributable neither to him nor to any vehicle provided by him for the purposes of the test; or
- (d) if an order for the repayment of the fee is made by the court under subsection (3) of the said section ninety-nine pursuant to a finding that the test was not properly conducted in accordance with the regulations.

*Highway powers and parking places***Traffic regulations for London Traffic Area.**

26. Regulations made by the Minister under section thirty-four of the principal Act (which relates to traffic in the London Traffic Area) before the end of the period of five years mentioned in subsection (1) of section eight of the Road Traffic and Roads Improvement Act, 1960 (which enables such regulations to be made, during that period, without previous reference to the London and Home Counties Traffic Advisory Committee) may be so made as to describe any part of any street specified therein, or any time at which or period during which any provision contained therein is to apply, by reference to any traffic sign mentioned in the regulations and for the time being placed by the Minister or in accordance with directions given by him under subsection (2) of section fifty-two of the principal Act; and for the purposes of any regulations so made any such traffic sign placed on or near a street shall be deemed to have been placed as aforesaid unless the contrary is proved.

27. The power of the Minister under subsection (3) of section one hundred and thirty-seven of the Highways Act, 1959 (which provides for the drawing up of schemes relating to the execution of such works as may involve the closing to vehicular traffic of parts of certain highways in the London Traffic Area) to draw up such schemes as are mentioned in that subsection may be exercised without previous reference to the London and Home Counties Traffic Advisory Committee.

28.—(1) For the purpose of carrying out an experimental scheme of traffic control the authority hereinafter specified may by order under this section (in this section referred to as an experimental traffic order) make the like provision—

- (a) as respects any road outside the London Traffic Area, as may be made by an order under section twenty-six of the principal Act (including any provision which may be so made only if the order is made or confirmed by the appropriate Minister);
- (b) as respects traffic on roads within the London Traffic Area, as may be made by regulations under section thirty-four of that Act.

(2) The authority having power to make an experimental traffic order—

- (a) as respects roads which are neither trunk roads nor roads in the London Traffic Area, shall be the local authority;
- (b) as respects roads in the London Traffic Area which are neither trunk roads nor roads in the metropolitan police district or the City of London, shall be either the local authority or the appropriate Minister;
- (c) as respects any other roads, shall be the appropriate Minister;

and the appropriate Minister may, after giving the local authority notice of his intention to do so, by order vary or revoke any experimental traffic order made by the local authority.

(3) An experimental traffic order shall not continue in force for longer than the following period, that is to say,—

- (a) if it is made by a local authority, a period of three months;
- (b) if it is made by the appropriate Minister, a period of eighteen months;

but the appropriate Minister may on the application of a local authority direct that an experimental traffic order made by the authority shall continue in force for such further period as may be specified in the direction, being a period ending not later than eighteen months after the order came into force.

(4) An experimental traffic order—

- (a) may provide for the modification or suspension, while the order is in force, of any provision previously made by or under any enactment, being a provision that could have been made by the order ; and
- (b) shall, to the extent that it is inconsistent with any provision subsequently made by or under any enactment, cease to have effect.

(5) A local authority, before making an experimental traffic order, shall consult with the chief officer of police and give such public notice as the appropriate Minister may direct ; and where the order would make or vary—

- (a) any provision prohibiting or restricting the loading or unloading of vehicles or preventing such reasonable access to any premises as may reasonably be required for vehicles of any class or description ; or
- (b) any provision prescribing routes to be followed or roads not to be used, or not to be used in a specified direction, by any vehicles or the places where any vehicles may or may not wait, or the stopping places for any vehicles, being a provision applying to vehicles used by any person in providing a service of stage carriages or express carriages ;

the length of the notice shall be not less than twenty-one days ; and the appropriate Minister, before making any experimental traffic order, shall give public notice of his intention to do so.

(6) Where a local authority proposes to make an experimental traffic order making or varying any such provision as is mentioned in paragraph (a) or paragraph (b) of the preceding subsection and, before the expiry of the notice given under that subsection, an objection to the making or variation of that provision is made to the local authority—

- (a) if the provision is such as is mentioned in the said paragraph (a), by any person ;
- (b) if the provision is such as is mentioned in the said paragraph (b), by the person providing the said service ;

and the objection is not withdrawn, the local authority shall not make the order except with the consent of the appropriate Minister ; and no experimental traffic order shall, without that consent, be made by a local authority as respects traffic on any road within the London Traffic Area.

(7) No appeal shall lie to the Minister from the traffic commissioners—

- (a) under subsection (8) of section one hundred and thirty-five or section one hundred and forty-three of the principal Act, in the case of a decision of those commissioners with respect to a road service licence ; or

- (b) under subsection (4) or subsection (6) of section one hundred and forty-one of that Act, in the case of a decision with respect to the approval of a route for a road service ;

if and so far as it is certified by the commissioners that the decision was necessary to secure conformity with an experimental traffic order prescribing the routes to be followed, or roads which are not to be used, by vehicles affected by the decision, the places in roads where such vehicles may or may not wait, or the stopping places for such vehicles.

(8) If a person acts in contravention of or fails to comply with an experimental traffic order he shall be liable on summary conviction to a fine not exceeding, in the case of an offence committed in respect of a motor vehicle by a failure to comply with a requirement to proceed or not to proceed in a specified direction or along a specified part of the carriageway, fifty pounds and, in any other case, twenty pounds.

(9) Section twenty-six of this Act shall apply in relation to an experimental traffic order made by the Minister as respects a road in the London Traffic Area as it applies in relation to regulations under section thirty-four of the principal Act made before the end of the period mentioned in the said section twenty-six.

(10) Any power of the appropriate Minister to make an order under this section shall be exercisable by statutory instrument.

(11) In this section—

- (a) “local authority” has the same meaning as in paragraph (a) of subsection (2) of section twenty-six of the principal Act ; and
- (b) “road”, in relation to the London Traffic Area, includes any street as defined in subsection (9) of section thirty-four of that Act.

29.—(1) For sections eighty-six and eighty-seven of the principal Act there shall be substituted the sections set out in the Second Schedule to this Act.

(2) Nothing in this Act shall affect any order made by virtue of the said sections before the commencement of this Act, or the operation of those sections or of the Road Traffic and Roads Improvement Act, 1960, in relation to any order made under section eighty-five of the principal Act before the commencement of this Act, except in so far as an order under any of those sections may be varied or revoked by an order made under the sections set out in the said Schedule.

Replacement of certain provisions relating to parking places on highways.

Contribution between local authorities providing parking places.

30. Any authority having power under section eighty-one of the principal Act to provide within their district parking places for vehicles may contribute towards the expenses incurred by any other authority in the exercise of their powers under that section.

Extension of power to authorise compulsory purchase of land for off-street parking.

31. The following provisions relating to the compulsory purchase of land for the provision of parking places under section eighty-one of the principal Act, that is to say, subsection (11) of that section and subsections (8) and (9) of section thirteen of the Road Traffic and Roads Improvement Act, 1960, shall have effect as if the references therein to the said section eighty-one included references to paragraph (a) of subsection (6) of the said section thirteen (which enables a local authority to let land for the provision of parking places).

Bollards and other obstructions.

32.—(1) Where the passage, or the passage in any direction, of vehicles or of vehicles of any class or description is prohibited at any point of a road by an order made under section twenty-six of the principal Act, the authority who made the order may, in accordance with the following provisions of this section, place or authorise or require the placing at or near that point of such bollards or other obstructions as they consider appropriate for preventing that passage.

(2) Where the order has been made as respects a trunk road, the appropriate Minister may place the bollards or other obstructions on the trunk road or authorise or require the highway authority for any road leading into or crossing the trunk road at the said point to place them on that other road.

(3) Where the order has been made as respects any other road the authority who made the order may place the bollards or other obstructions on that road, but, where that authority is neither the appropriate Minister nor the highway authority for that road, only with the consent of that highway authority.

(4) The appropriate Minister may authorise or require any authority who have placed bollards or other obstructions on a road in pursuance of this section or of paragraph (b) of subsection (1) of section nine of the Road Traffic and Roads Improvement Act, 1960 (which makes similar provision for the London Traffic Area) to remove them.

(5) Section fifty-seven of the principal Act (which confers default powers in relation to traffic signs) shall apply in relation to any requirement imposed under this section as it applies in relation to directions given to a highway authority under subsection (2) of section fifty-two of that Act.

(6) Any power conferred by this section to place any obstruction or authorise or require any authority to place any obstruction includes power to maintain or light or, as the case may be,

authorise or require the authority to maintain or light, the obstruction.

(7) Any enactment authorising the making of grants or loans in connection with traffic signs shall extend to any such obstructions as are mentioned in the foregoing provisions of this section.

33. Regulations under section fifty-one of the principal Act prescribing any type of object or device for warning traffic of a temporary obstruction may include provisions for authorising, subject to such conditions as may be specified in the regulations, persons not otherwise authorised to do so to place an object or device of that type on or near roads or on or near any description of road so specified, in such circumstances and for such periods as may be so specified.

Warning devices for indicating temporary obstructions.

34.—(1) Any power which is exercisable by the Minister as respects a road in the London Traffic Area under subsection (3) of section twenty or subsection (1) of section thirty-four of the principal Act, or under subsection (1) of section eleven or section twenty-eight of this Act, shall also be exercisable by the Minister, and not by any other authority, as respects a road part of the width of which is in that area; and the references in sections twenty-one and thirty-four of the principal Act, in section nine of the Road Traffic and Roads Improvement Act, 1960, and in sections eleven and twenty-eight of this Act, to the London Traffic Area shall be construed accordingly.

Powers exercisable with respect to boundary roads, etc.

(2) Subject to the preceding subsection, any powers which, under the provisions specified in subsection (3) of this section, are exercisable by a local authority as respects a road (including powers exercisable by such an authority as highway authority) shall, in the case of a road part of the width of which is in the area of one local authority and part in the area of another, be exercisable by either authority with the consent of the other.

(3) The said provisions are the following provisions of the principal Act, that is to say—

Section 20 (3)	Section 44 (1)
„ 26 (1)	„ 49 (1)
„ 36	„ 81 (1)
„ 39 (1)	„ 91 (1)
	„ 220 (2)

and sections eleven and twenty-eight of this Act.

(4) The functions of a highway authority under section thirty-six of the principal Act (which enables such authorities to impose temporary restrictions on the use of roads in connection with road works and other circumstances) shall, in the case of a road which includes a length for the maintenance of which no highway

authority is responsible, extend to that length as well as to the road for the maintenance of which the highway authority are responsible.

(5) In this section "local authority" means the council of any county or county borough, county district, metropolitan borough, borough included in a rural district, or parish or the Common Council of the City of London.

(6) This section does not extend to Scotland.

Exercise of certain powers as respects part of road.

35. Any power which is exercisable in relation to any road under section twenty or section twenty-one of the principal Act or under the provisions of this Act other than section thirty-four shall be exercisable with respect to the whole or any part of the width of the road.

Regulation of motoring events on public highways.

36.—(1) A person who, after such day as the appropriate Minister may by order made by statutory instrument appoint, promotes or takes part in a competition or trial (other than a race or trial of speed) involving the use of motor vehicles on a public highway shall be liable on summary conviction to a fine not exceeding fifty pounds unless the competition or trial is authorised, and is conducted in accordance with any conditions imposed, by or under regulations under this section.

(2) The appropriate Minister may by regulations authorise, or provide for authorising, the holding of such competitions and trials as aforesaid, either generally, or as regards any area, or as regards any class or description of competition or trial or any particular competition or trial, subject to such conditions, including conditions requiring the payment of fees, as may be imposed by or under the regulations.

(3) Regulations under this section may—

- (a) prescribe the procedure to be followed, and the particulars to be given, in connection with applications for authorisation under the regulations; and
- (b) make different provision for different classes or descriptions of competition or trial.

Control of dogs on roads.

37. So much of section two hundred and twenty of the principal Act (which relates to the control of dogs on roads) as requires an order under that section to be confirmed shall cease to have effect; but the appropriate Minister may make regulations prescribing the procedure to be followed in connection with the making of such orders and requiring the authority making such an order to publish in such manner as may be prescribed by the regulations notice of the making and effect of the order.

Offences in Scotland

38. An offence under the Road Transport Lighting Act, 1957, the principal Act, the Road Traffic and Roads Improvement Act, 1960, or this Act, or any regulations made under those Acts, for which the maximum penalty does not exceed fifty pounds (other than an offence mentioned in Part II of the First Schedule to this Act), may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act, 1954, having jurisdiction in the place where the offence was committed.

Jurisdiction of courts of summary jurisdiction in Scotland for certain offences.

39. As respects Scotland, a conviction since the commencement of this Act of an offence specified in Part I or Part II of the First Schedule to this Act may, if not otherwise capable of being treated as an aggravation of an offence so specified, be so treated.

Cognate offences.

40. As respects offences committed after the commencement of this Act, for sections two hundred and forty and two hundred and forty-six of the principal Act there shall be substituted the sections set out in the Third Schedule to this Act.

Replacement of certain provisions relating to offences in Scotland.

Miscellaneous

41.—(1) The Minister may make regulations requiring, subject to such exceptions as may be specified in the regulations, persons driving or riding (otherwise than in side-cars) on motor cycles of any class or description specified in the regulations to wear protective headgear of such description as may be so specified.

Wearing of protective headgear.

(2) Regulations under this section may make different provision in relation to different circumstances.

(3) Any person who drives or rides on a motor cycle in contravention of regulations under this section shall be liable on summary conviction to a fine not exceeding fifty pounds.

42.—(1) If a person drives a motor vehicle on a road while his eyesight is such (whether through a defect which cannot be or one which is not for the time being sufficiently corrected) that he cannot comply with any requirement as to eyesight prescribed under the principal Act for the purposes of tests of competence to drive, he shall be liable on summary conviction to a fine not exceeding fifty pounds or imprisonment for a term not exceeding three months.

Driving with uncorrected defective eyesight.

(2) A constable having reason to suspect that a person driving a motor vehicle may be guilty of an offence under subsection (1) of this section may require him to submit to a test for the purpose of ascertaining whether, using no other means of

correction than he used at the time of driving, he can comply with the said requirement as to eyesight; and if that person refuses to submit to the test he shall be liable on summary conviction to a fine not exceeding fifty pounds.

Pedal cycles.

43.—(1) For subsection (1) of section seventy of the principal Act (which provides for regulating, in certain respects, the equipment of bicycles and tricycles and the use of such equipment) there shall be substituted the following subsection:—

“ (1) The Minister may make regulations as to the use on roads of bicycles and tricycles, not being motor vehicles, their construction and equipment and the conditions under which they may be so used; and in particular, but without prejudice to the generality of the foregoing provision, as to—

- (a) the number, nature and efficiency of brakes and their maintenance in proper working order;
- (b) the appliances to be fitted for signalling approach and their maintenance in proper working order; and
- (c) the testing and inspection, by persons authorised under the regulations, of any equipment prescribed under this subsection and of lighting equipment and reflectors.”

(2) At the end of the said section seventy there shall be added the following subsections:—

“ (4) Regulations under this section as to the use on roads of bicycles or tricycles may prohibit the sale or supply, or the offer of a sale or supply, of a bicycle or tricycle for delivery in such a condition that the use thereof on a road in that condition would be a contravention of the regulations, but no provision made by virtue of this subsection shall affect the validity of any contract or any rights arising under a contract.

(5) If a person sells, supplies or offers to sell or supply a bicycle or a tricycle in contravention of any prohibition imposed by regulations made by virtue of the foregoing subsection he shall be liable on summary conviction to a fine not exceeding fifty pounds, unless he proves—

- (a) that it was sold, supplied or offered for export from Great Britain; or
- (b) that he had reasonable cause to believe that it would not be used on a road in Great Britain, or would not be so used until it had been put into a condition in which it might lawfully be so used.”

(3) The principal Act shall apply in relation to cycles having four or more wheels and not being motor vehicles as it applies in relation to tricycles not being motor vehicles.

44. In subsection (1) of section two hundred and seventeen of the principal Act (which imposes penalties for taking and driving away a motor vehicle without the owner's consent or other lawful authority) after the words "lawful authority" there shall be inserted the words "or, knowing that a motor vehicle has been so taken, drives it or allows himself to be carried in or on it without such consent or authority".

Driving motor vehicle without consent or authority.

45. In section two hundred and nineteen of the principal Act (which imposes a penalty on persons who, otherwise than with lawful authority or reasonable cause, take or retain hold of or get on to motor vehicles or trailers while in motion on a road for the purpose of being drawn or carried) the words "drawn or" shall be omitted and at the end of that section there shall be added the following subsection:—

Holding on to vehicles.

"(2) If a person takes or retains hold of a motor vehicle or trailer while in motion on a road for the purpose of being drawn he shall be liable on summary conviction to a fine not exceeding ten pounds."

46. In paragraph (b) of subsection (1) of section sixteen of the Vehicles (Excise) Act, 1962 (which enables the Minister by regulations to require councils of counties, county boroughs and certain large burghs to make registered particulars of vehicles available) after the word "persons" there shall be inserted the words "on payment, in the prescribed cases, of the prescribed fee (which shall not exceed five shillings)".

Fees for furnishing registration particulars.

47.—(1) Where any international agreement to which the United Kingdom is a party provides—

Approval marks.

(a) for markings to be applied to motor vehicle parts of any description to indicate conformity with a type approved by any country; and

(b) for motor vehicle parts bearing those markings to be recognised as complying with the requirements imposed by the law of another country;

the Minister may by regulations designate the markings as approval marks, and the use of any markings so designated shall be deemed for the purposes of the Merchandise Marks Acts, 1887 to 1953, to be a trade description, whether or not they are commonly taken, according to the custom of the trade, to be such an indication as is mentioned in paragraph (a) of this subsection.

(2) Any person who, without being authorised by the competent authority to apply any approval mark, applies that mark or a mark so nearly resembling it as to be calculated to deceive shall be guilty of an offence against the Merchandise Marks Act.

1887, whether or not he would be guilty of such an offence apart from this subsection.

(3) Section two of the Merchandise Marks Act, 1891 (which provides for the prosecution by the Board of Trade of certain offences under the Merchandise Marks Act, 1887) shall not extend to the prosecution of any offence committed in connection with an approval mark.

(4) The conditions subject to which approval of any type may be given on behalf of the United Kingdom or the use of approval marks indicating conformity with a type approved by the United Kingdom may be authorised may include such conditions as to testing or inspection and the payment of fees as the Minister may impose.

(5) In this section "motor vehicle part" means any article made or adapted for use as part of a mechanically propelled vehicle or a vehicle drawn by a mechanically propelled vehicle, or for use as part of the equipment of any such vehicle; and "the competent authority" means,—

(a) as respects any approval mark indicating conformity with a type approved by the United Kingdom, the Minister; and

(b) as respects any approval mark indicating conformity with a type approved by any other country, the authority having power under the law of that country to authorise the use of that mark.

(6) Any fees received by the Minister under this section shall be paid into the Exchequer.

Supplementary

Orders.

48. Any power conferred by this Act to make an order includes power to vary or revoke such an order by a subsequent order.

Interpretation.

49.—(1) In this Act "the principal Act" means the Road Traffic Act, 1960, and "road" means any length of highway or of any other road to which the public has access.

(2) References in this Act to any enactment shall be construed as references thereto as amended by or under any other enactment including, except where the context otherwise requires, this Act.

Expenses and receipts.

50.—(1) There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums so payable under any other Act and any expenses incurred by the appropriate Minister under section thirty-two of this Act.

(2) There shall be paid into the Exchequer any increase attributable to the provisions of this Act in the sums so payable under any other enactment.

51.—(1) The enactments specified in the Fourth Schedule to this Act shall have effect subject to the amendments specified in relation thereto in the second column of that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act. Minor and consequential amendments and repeals.

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

52.—(1) This Act may be cited as the Road Traffic Act, 1962. Short title, construction, commencement and extent.

(2) This Act, except so far as it amends any enactment other than the principal Act, shall be construed as one with the principal Act; and in particular, but without prejudice to the generality of this provision, paragraph 5 of the Nineteenth Schedule to the principal Act (which contains transitional provisions as to offences committed before the commencement of that Act) shall have effect for the purposes of this Act.

(3) This Act shall come into operation on such day as the Minister may by order made by statutory instrument appoint, and different days may be so appointed for different purposes; and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the time at which that provision comes into operation.

(4) This Act, except so much thereof as relates to proceedings under the Army Act, 1955, the Air Force Act, 1955, or the Naval Discipline Act, 1957, and section forty-seven, does not extend to Northern Ireland.

SCHEDULES

FIRST SCHEDULE

Sections 5, 7, 8
and 39.

DISQUALIFICATION AND PENALTIES

PART I

OFFENCES INVOLVING OBLIGATORY DISQUALIFICATION

Offence	Amendment of enactment mentioned in column 1
1. Manslaughter or, in Scotland, culpable homicide, by the driver of a motor vehicle.	—
2. An offence under section 1 of the principal Act (causing death by dangerous driving).	—
3. An offence under section 2 of the principal Act (dangerous driving etc.) committed within three years after a previous conviction of an offence under that section or under section 1 thereof.	—
4. An offence under section 6 (1) of the principal Act (driving etc. under the influence of drink or drugs).	—
5. An offence under section 7 of the principal Act (racing etc.).	For the words "fifty pounds" there shall be substituted the words "one hundred pounds".
6. An offence under section 110 (b) of the principal Act (driving while disqualified).	After the words "he shall be liable" there shall be inserted the words "(i) in either case", the words from "if the court" to "punishment for the offence" shall be omitted, and at the end of the section there shall be added the words "and (ii) in the case of an offence under paragraph (b) of this section, on conviction on indictment to imprisonment for a term not exceeding twelve months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine".

PART II

1st Sch.

OFFENCES INVOLVING DISCRETIONARY DISQUALIFICATION

Offence	Amendment of enactment mentioned in column 1
7. An offence under section 2 of the principal Act (dangerous driving etc.) committed otherwise than as mentioned in paragraph 3 of this Schedule.	—
8. An offence under section 3 of the principal Act (careless driving etc.).	For the words "forty pounds" there shall be substituted the words "one hundred pounds" and for the words "a fine not exceeding eighty pounds" the words "such a fine".
9. An offence mentioned in section 4 of the principal Act (speeding).	In subsection (1) for the words from "twenty pounds" to the end of the subsection there shall be substituted the words "fifty pounds" and subsection (4) shall be omitted.
10. An offence under section 5 of the principal Act (driving, or causing or permitting a person to drive, a motor vehicle in contravention of the provisions of the Act relating to the minimum age for driving motor vehicles of different classes and descriptions).	For the words from "to a fine", in the first place where they occur, to the end of the section there shall be substituted the words "to a fine not exceeding fifty pounds".
11. An offence under section 6 (2) of the principal Act (being in charge of a motor vehicle while under the influence of drink or drugs).	In paragraph (a) for the words "six months" there shall be substituted the words "twelve months" and in paragraph (b) for the words from "to a fine", in the first place where they occur, to "as aforesaid" there shall be substituted the words "to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding four months".

1st Sch.

Offence	Amendment of enactment mentioned in column 1
12. An offence under section 8 (2) of the principal Act (carrying passenger on motor cycle in contravention of the section).	For the words from " to a fine ", in the first place where they occur, to the end of the subsection there shall be substituted the words " to a fine not exceeding twenty pounds."
13. An offence under section 14 of the principal Act (failure to comply with traffic directions) committed in respect of a motor vehicle by a failure to comply with a direction of a police constable or an indication given by a sign specified for the purposes of this paragraph in regulations made by the Minister and the Secretary of State acting jointly.	In subsection (1) for the words from " to a fine ", in the first place where they occur, to the end of the subsection there shall be substituted the words " to a fine not exceeding fifty pounds ".
14. An offence under section 16 of the principal Act (leaving vehicle in dangerous position) committed in respect of a motor vehicle.	For the words " twenty pounds " there shall be substituted the words " fifty pounds ".
15. An offence under section 37 (4) of the principal Act (contravention of traffic regulation on special roads) committed in respect of a motor vehicle otherwise than by unlawfully stopping or allowing the vehicle to remain at rest on a part of a special road on which vehicles are in certain circumstances permitted to remain at rest.	For the words from " not exceeding twenty pounds " to the end of the subsection there shall be substituted the words " not exceeding, in the case of an offence committed as mentioned in paragraph 15 of the First Schedule to the Road Traffic Act, 1962, fifty pounds and, in any other case, twenty pounds ".
16. An offence under section 46 (5) of the principal Act (contravention of pedestrian crossing regulations) committed in respect of a motor vehicle.	For the words from " to a fine ", in the first place where they occur, to the end of the subsection there shall be substituted the words " to a fine not exceeding fifty pounds ".
17. An offence under section 48 (2) of the principal Act (failure to obey sign exhibited by school crossing patrol) committed in respect of a motor vehicle.	For the words " twenty pounds " there shall be substituted the words " fifty pounds ".

1ST SCH.

Offence	Amendment of enactment mentioned in column 1
18. An offence under section 49 (6) of the principal Act (contravention of order prohibiting or restricting use of street playground by vehicles) committed in respect of a motor vehicle.	For the words from "shall be liable" to the end of the subsection there shall be substituted the words "shall be liable on summary conviction to a fine not exceeding fifty pounds".
19. An offence under section 64 (2) of the principal Act (contravention of construction and use regulations) committed by using a vehicle on a road, or causing or permitting a vehicle to be so used, either— (a) so as to cause, or to be likely to cause, danger by the condition of the vehicle or its parts or accessories, the number of passengers carried by it, or the weight, distribution, packing or adjustment of its load; or (b) in breach of a requirement as to brakes, steering gear, or tyres.	The words from "as to the construction" to "thereof" shall be omitted and for the words from "to a fine", in the first place where they occur, to the end of the subsection there shall be substituted the words "to a fine not exceeding fifty pounds".
20. An offence under section 77 (4) of the principal Act (failure to stop and give particulars after accident).	For the words from "to a fine", in the first place where they occur, to "or to imprisonment" there shall be substituted the words "to a fine not exceeding fifty pounds or to imprisonment".
21. An offence under section 98 (3) of the principal Act (driving without licence) committed by driving a motor vehicle in a case where either no licence authorising the driving of that vehicle could have been granted to the offender or, if a provisional (but no other) licence to drive it could have been granted to him, the driving would not have complied with the conditions thereof.	For the words from "to a fine", in the first place where they occur, to the end of the subsection there shall be substituted the words "to a fine not exceeding fifty pounds".

1st SCH.

Offence	Amendment of enactment mentioned in column 1
22. An offence under section 102 (3) of the principal Act (failure to comply with conditions of provisional licence).	For the words from "to a fine", in the first place where they occur, to "or to imprisonment" there shall be substituted the words "to a fine not exceeding fifty pounds or to imprisonment."
23. An offence under section 201 of the principal Act (use of motor vehicle uninsured or unsecured against third-party risks).	—
24. An offence under section 217 (1) of the principal Act (taking, etc. motor vehicle without authority).	For paragraph (a) there shall be substituted the words "(a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding twelve months or to both a fine and such imprisonment."
25. An offence under section 42 of this Act (driving with uncorrected defective eyesight or refusing to submit to test).	—
26. Stealing a motor vehicle ...	—

PART III

AMENDMENT OF CERTAIN ENACTMENTS RELATING TO OFFENCES NOT INVOLVING DISQUALIFICATION

Enactment	Amendment
27. Section 18 (1) of the principal Act (driving motor vehicles elsewhere than on roads).	For the words from "to a fine", in the first place where they occur, to the end of the subsection there shall be substituted the words "to a fine not exceeding ten pounds".
28. Section 26 (7) of the principal Act (contravention of traffic regulation order).	For the words from "shall be liable" to the end of the subsection there shall be substituted the words "shall be liable on summary conviction, in the case of an offence committed in respect of a motor vehicle by a failure to comply with a requirement to proceed or not

Enactment	Amendment
28. Section 26 (7) of the principal Act— <i>cont.</i>	to proceed in a specified direction or along a specified part of the carriageway, to a fine not exceeding fifty pounds and, in any other case, to a fine not exceeding twenty pounds ”.
29. Section 34 of the principal Act (contravention of traffic regulations in London Traffic Area).	For subsection (4) there shall be substituted the following subsection:— “ (4) If a person acts in contravention of or fails to comply with any regulations under this section he shall be liable on summary conviction to a fine not exceeding, in the case of an offence committed in respect of a motor vehicle by a failure to comply with a requirement to proceed or not to proceed in a specified direction or along a specified part of the carriageway, fifty pounds and, in any other case, twenty pounds ”.
30. Section 35 (3) of the principal Act (contravention of regulations made for the purpose of experimental traffic scheme in London).	For the words from “ not exceeding twenty pounds ” to the end of the subsection there shall be substituted the words “ not exceeding, in the case of an offence committed in respect of a motor vehicle by a failure to comply with a requirement to proceed or not to proceed in a specified direction or along a specified part of the carriageway, fifty pounds and, in any other case, twenty pounds ”.
31. Section 36 (8) of the principal Act (contravention of restriction or prohibition imposed under that section).	For the words from “ to a fine ”, in the first place where they occur, to the end of the subsection there shall be substituted the words “ to a fine not exceeding twenty pounds ”.
32. Section 40 (5) of the principal Act (contravention of order prohibiting or restricting use of vehicles on roads of certain class).	For the words from “ to a fine ”, in the first place where they occur, to the end of the subsection there shall be substituted the words “ to a fine not exceeding twenty pounds ”.

1st Sch.

Enactment	Amendment
33. Section 66 (1) of the principal Act (contravention of requirement as to test certificate).	For the words from " to a fine ", in the first place where they occur, to the end of the subsection there shall be substituted the words " to a fine not exceeding fifty pounds ".
34. Section 68 (3) of the principal Act (sale etc. of motor vehicle in unroadworthy condition).	For the words from " to a fine ", in the first place where they occur, to the end of the subsection there shall be substituted the words " to a fine not exceeding one hundred pounds ".
35. Section 69 (4) of the principal Act (use of trailer in contravention of section).	For the words from " to a fine ", in the first place where they occur, to the end of the subsection there shall be substituted the words " to a fine not exceeding fifty pounds ".
36. Section 78 (2) of the principal Act (obstruction of person authorised to inquire into accident).	For the words from " to a fine ", in the first place where they occur, to the end of the subsection there shall be substituted the words " to a fine not exceeding fifty pounds ".
37. Section 116 (2) of the principal Act (failure to produce Northern Ireland licence).	For the words from " to a fine ", in the first place where they occur, to the end of the subsection there shall be substituted the words " to a fine not exceeding fifty pounds ".
38. Section 205 (5) of the principal Act (failure to surrender certificate of insurance or make statutory declaration).	For the words from " to a fine ", in the first place where they occur, to the end of the subsection there shall be substituted the words " to a fine not exceeding fifty pounds ".
39. Section 209 (2) of the principal Act (failure to give information about insurance in connection with claims).	For the words from " to a fine ", in the first place where they occur, to the end of the subsection there shall be substituted the words " to a fine not exceeding fifty pounds ".
40. Section 218 of the principal Act (tampering with motor vehicles).	The words from " to a fine ", in the first place where they occur, to " subsequent conviction " shall be omitted.

1st SCH.

Enactment	Amendment
41. Section 219 of the principal Act (holding on to or getting on to vehicle in motion).	The words from " to a fine ", in the first place where they occur, to " subsequent conviction " shall be omitted.
42. Section 223 of the principal Act (failure to stop on being so required by police constable in uniform).	For the words " five pounds " there shall be substituted the words " fifty pounds ".
43. Section 224 (1) of the principal Act (failure to comply with requirements as to weighing).	For the words from " to a fine ", in the first place where they occur, to " three months " there shall be substituted the words " to a fine not exceeding fifty pounds ".
44. Section 225 (4) of the principal Act (failure to produce licence).	For the words " five pounds " there shall be substituted the words " fifty pounds ".
45. Section 226 (1) of the principal Act (failure to produce certificate of insurance or test certificate).	For the words from " to a fine ", in the first place where they occur, to " three months " there shall be substituted the words " to a fine not exceeding fifty pounds ".
46. Section 226 (2) of the principal Act (failure to give name and address).	For the words from " to a fine ", in the first place where they occur, to the end of the subsection there shall be substituted the words " to a fine not exceeding fifty pounds ".
47. Section 230 (1) of the principal Act (failure to produce certificate of insurance or other evidence).	For the words from " to a fine ", in the first place where they occur, to the end of the subsection there shall be substituted the words " to a fine not exceeding fifty pounds ".
48. Section 232 (3) of the principal Act (failure to give information as to identity or leading to identification of driver).	For the words from " to a fine ", in the first place where they occur, to the end of the subsection there shall be substituted the words " to a fine not exceeding fifty pounds ".
49. Section 235 of the principal Act (false statement or withholding material information).	In subsection (3), for the words " fifty pounds " there shall be substituted the words " one hundred pounds " and for the words " six months " the words " four months ".

1ST SCH.

Enactment	Amendment
50. Section 238 of the principal Act (personation of authorised examiner, etc.).	The words from " or to imprisonment " to the end of the section shall be omitted.
51. Section 239 of the principal Act (breach of certain regulations).	For the words from " to such maximum penalty " to the end of the section there shall be substituted the words " to a fine not exceeding twenty pounds ".
52. Section 12 (1) of the Road Transport Lighting Act, 1957 (contravention of Act or regulations made thereunder).	For the words from " shall be liable " to " twenty pounds " there shall be substituted the words " shall be liable on summary conviction to a fine not exceeding fifty pounds ".
53. Section 12 (2) of the Road Transport Lighting Act, 1957 (selling, etc. reflectors not complying with regulations).	For the words from " in the case of a first offence " to the end of the subsection there shall be substituted the words " to a fine not exceeding twenty pounds ".
54. Section 5 (2) of the Road Traffic and Roads Improvement Act, 1960 (contravention of designation order).	For the words from " to the like penalty " to the end of the subsection there shall be substituted the words " in the case of an offence committed in respect of a motor vehicle by a failure to comply with a requirement to proceed or not to proceed in a specified direction or along a specified part of the carriageway, to a fine not exceeding fifty pounds and, in any other case, to a fine not exceeding twenty pounds ".

SECOND SCHEDULE

Section 29.

PARKING PLACES ON HIGHWAYS

(PROVISIONS REPLACING SECTIONS 86 AND 87 OF PRINCIPAL ACT)

86.—(1) The Minister shall by order prescribe the charges to be paid for vehicles left in a parking place designated under the last foregoing section, and any such charge may be prescribed either—

Regulation of parking in places designated under s. 85.

- (a) as an amount (hereinafter referred to as an initial charge) payable in respect of an initial period and an amount (hereinafter referred to as an excess charge) payable, in addition to an initial charge, in respect of any excess over an initial period ; or
- (b) as an amount payable regardless of the period for which a vehicle is left.

(2) The Minister may by order make such provision as he considers necessary or expedient for regulating or restricting the use of a parking place designated under the last foregoing section, or otherwise for or in connection with the operation of such a parking place, and in particular, but without prejudice to the generality of the foregoing provision, provision—

- (a) for regulating the time at which and the method by which any charge is to be paid and for requiring the use of apparatus of such type or design as may be approved by the Minister, either generally or specially (hereinafter referred to as a parking meter) being apparatus designed either—
 - (i) to indicate whether any charge has been paid and whether the period for which it has been paid or any further period has elapsed, or
 - (ii) to indicate the time and to issue tickets indicating the payment of a charge and the period in respect of which it has been paid ;
- (b) for treating the indications given by a parking meter or any ticket issued by it, or the absence of any such ticket from a vehicle left in a parking place, as evidence, and in Scotland sufficient evidence, of such facts as may be provided by the order ;
- (c) for prohibiting the insertion in a parking meter of coins additional to those inserted by way of payment of any charge ;
- (d) for enabling the local authority to determine, subject to any restrictions specified in the order, the number and dimensions of the spaces in which vehicles may be left in a parking place ;
- (e) for authorising the alteration of the position in a parking place or the removal from a parking place of vehicles in respect of which any order of the Minister has been contravened or not complied with, and for the safe custody of vehicles so removed ;

2ND SCH.

- (f) for exempting from the payment of any charge any vehicle left in a parking place in such circumstances as may be specified in the order and for treating any vehicles so exempted as having been left there, and the charge from which it is exempted as having been paid, at such time as may be so specified ;
- (g) for prohibiting or restricting the carrying on of trade or other activities, or the doing of any other thing, at a parking place ;
- (h) for conferring on the local authority powers of illuminating parking places, and of erecting notices or signs and carrying out work on or in the vicinity of a parking place.

Provisions
supplementary
to ss. 85 and
86.

87.—(1) Where, under a designation order, vehicles may not be left at all times in the parking place designated by it—

- (a) the parking place shall for the purposes of sections eighty-six and eighty-eight of this Act be treated, as respects any time during which vehicles may not be left there in pursuance of the order, as if it were not designated by the order ;
- (b) any vehicle left in the parking place which remains there at the beginning of a period during which vehicles may be left there in pursuance of the order shall for the purposes of those sections be treated as if it had been left there at the beginning of that period, but without prejudice to any rights or liabilities in respect of anything done or omitted at any time before the beginning or after the end of that period.

(2) A designation order may revoke the designation of any place as a parking place under section thirty-four or eighty-one of this Act, and such an order, or a regulation under the said section thirty-four containing a designation of a place as a parking place, or an order under the said section eighty-one containing such a designation, may provide that the designation shall not have effect as respects any time as respects which provision is made under section eighty-five of this Act for the leaving of vehicles in that place.

(3) The Minister may by order empower the local authority, the chief officer of police, or any other person specified by or under the order to provide for the moving, in case of emergency, of vehicles left in a parking place designated under section eighty-five of this Act, to suspend the use of such a parking place or any part thereof on such occasions or in such circumstances as may be determined by or under the order, and to provide for the temporary removal of any parking meters installed at such a parking place.

(4) Any local authority may acquire, whether by purchase or by hiring, such parking meters and other apparatus as appear to the authority to be required or likely to be required for the purposes of their functions under sections eighty-five and eighty-six of this Act and of this section.

(5) Where provision is made for the use of parking meters it shall be the duty of the local authority to take the prescribed steps for the periodical inspection of the meters and for dealing with any found to be out of order, and for securing the testing of the meters (both before they are brought into use and not less frequently thereafter than may be prescribed or on other prescribed occasions) and for recording in the prescribed manner the date on which and the person by whom a meter has been tested. 2ND SCH.

THIRD SCHEDULE
OFFENCES IN SCOTLAND

Section 40.

(PROVISIONS REPLACING SECTIONS 240 AND 246 OF PRINCIPAL ACT)

240. As respects Scotland, a person who aids, abets, counsels, procures or incites any other person to commit an offence against the provisions of this Act or any regulations made thereunder shall be guilty of an offence, and shall be liable on conviction to the same punishment as might be imposed on conviction of the first-mentioned offence. Penalty for aiding, abetting, &c., commission of offences in Scotland.

246.—(1) A contravention occurring in Scotland of any of the provisions of this Act or of any regulations made thereunder, which is directed to be prosecuted summarily and which, if it had been triable on indictment, could competently have been labelled as an additional or alternative charge in an indictment charging a person with culpable homicide in respect of the driving or attempted driving or use of a motor vehicle, or with a contravention of section one, section two or section six of this Act, may, notwithstanding the direction aforesaid, be so labelled and may be tried accordingly. Inclusion in indictment in Scotland of certain summary offences.

(2) In this section any reference to a contravention of regulations includes a reference to a failure to comply with regulations.

FOURTH SCHEDULE

Section 51.

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

AMENDMENTS OF PRINCIPAL ACT

<i>Section amended</i>	<i>Amendment</i>
Section four	<p style="text-align: center;"><i>Speed limits</i></p> <p>In subsection (1), for the words " statutory speed limit " there shall be substituted the words " limit imposed by or under any enactment mentioned in subsection (3) of this section ".</p> <p>For subsection (3) there shall be substituted the following subsection :—</p> <p style="padding-left: 2em;">" (3) The enactments referred to in subsection (1) of this section are—</p> <p style="padding-left: 4em;">any enactment contained in this Act;</p> <p style="padding-left: 4em;">section two of the Parks Regulation (Amendment) Act, 1926;</p> <p style="padding-left: 4em;">any enactment passed after the commencement of this Act ".</p>

4TH SCH.	<i>Section amended</i>	<i>Amendment</i>
	Section twenty-two ...	In subsection (4), for the words "such a contravention as aforesaid" there shall be substituted the words "a contravention of section nineteen of this Act". At the end of the section there shall be added the following subsection:— “(6) The power to give general directions under subsection (1) of this section shall be exercisable by statutory instrument.”
	<i>Local authorities' traffic regulation orders</i>	
	Section twenty-seven ...	In subsection (4), after the words "shall not require confirmation" there shall be inserted the words "unless its effect is such as is mentioned in subsection (4) of the last foregoing section".
	<i>Temporary prohibition or restriction of traffic on roads</i>	
	Section thirty-six ...	In subsection (1), the words "for the maintenance of which they are responsible" shall be omitted. In subsection (3), there shall be added at the end the words "or any provision restricting the speed of vehicles". In subsection (4), the words from "Any power" to the end of the subsection shall be omitted, and at the end of subsection (11) there shall be added the words "and any power conferred by this section to make an order shall include power to vary or revoke it".
	<i>School crossing patrols</i>	
	Section forty-eight ...	In subsection (4), after paragraph (b), there shall be added the following— "and (c) where it is proved that a prescribed sign was exhibited by a school crossing patrol at a place in a road where children were crossing or seeking to cross the road, it shall be presumed, unless the contrary is proved, that those children were on their way to or from school".
	<i>Traffic signs</i>	
	Section fifty-two ...	At the end of the section there shall be added the following subsection:— “(3) The power to give general directions under subsection (1) of this section shall be exercisable by statutory instrument”.

*Section amended**Amendment*

4TH SCH.

Construction and use of vehicles

- Section sixty-four** ... In subsection (1), for paragraphs (b) and (c) there shall be substituted the following paragraphs :—
- “(b) the emission or consumption of smoke, fumes or vapour and the emission of sparks, ashes and grit;
- (c) noise”
- and in the words following paragraph (j) the words “in the case of regulations made for the purpose specified in paragraph (j) of this subsection” shall be omitted.
- In subsection (4) the following shall be inserted after paragraph (c) :
- “and
- (d) of vehicles or trailers carrying loads of exceptional dimensions”.
- At the end of subsection (7) there shall be added the words “except in the case of orders applying only to specified vehicles or to vehicles of specified persons”.

Test certificates

- Section sixty-six** ... In subsection (8), after the words “change in the length” there shall be inserted the words “of the period specified under subsection (3) of this section or” and for the word “regulations” there shall be substituted the words “order or, as the case may be, regulations”.
- In subsection (9), for the words “after the issue of a test certificate” there shall be substituted the words “after a test certificate is issued or treated for the purposes of this section as issued”, and after that subsection there shall be inserted the following subsection:—
- “(9A) Where the particulars contained in a test certificate in accordance with regulations made under subsection (6) of section sixty-five of this Act include a date of expiry falling later, but not more than one month later, than the end of the appropriate period after the date on which it is issued, the certificate shall be deemed to have been issued in respect of the same vehicle as an earlier test certificate and the date on which it was issued shall be deemed to have been a date

4TH SCH.

Section amended
Section sixty-six—*cont.*

Amendment

falling within the last month of the appropriate period after the date on which that earlier certificate was issued or treated for the purposes of this section as issued; and any date of expiry contained in a test certificate shall be deemed to have been entered in accordance with such regulations unless the contrary is proved."

Testing of vehicles on roads

Section sixty-seven ... In subsection (1), after the word "reflectors", there shall be inserted the words "and as to the prevention or reduction of smoke, fumes or vapour".

Sale, etc. of vehicles in unroadworthy condition

Section sixty-eight ... In subsection (1), for the words from "by virtue", in the first place where they occur, to "that section" there shall be substituted the words "by virtue of any provision made by regulations under section sixty-four of this Act as respects brakes, steering gear or tyres or as respects the construction, weight or equipment of vehicles".

In subsection (2), for the words "the provisions of the said subsection (2)" there shall be substituted the words "any provision made as respects the construction, weight or equipment of vehicles by regulations under the said section sixty-four".

Parking places

Section eighty-one ... In subsection (1), after the words "not being a road" there shall be inserted the words "the whole or part of the width of which is"

Section eighty-eight ... In subsection (1), in paragraph (a), for the words "by the order" there shall be substituted the words "by an order relating to the parking place", and for the words from "prescribed" to "foregoing section" there shall be substituted the words "so authorised".

In subsection (2), for the words from "prescribed" to "foregoing section" there shall be substituted the words "authorised by an order relating to the parking place".

In subsection (5), for the words from "the prescribed description" to the end of the

<i>Section Amended</i>	<i>Amendment</i>
Section-eighty-eight— <i>cont.</i>	subsection there shall be substituted the words “ a type and design approved by the Minister ”. In subsection (6) for the words “ the initial charge ”, in each place where they occur, there shall be substituted the words “ an initial charge ”.

Minimum age for driving

Section ninety-seven ...	In the proviso to subsection (2), after the word “ held ” there shall be inserted the words “ or was entitled (on making the requisite application and declaration and on payment of the appropriate fee) to the grant of ”.
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International driving licences

Section ninety-nine ...	In subsection (1), in paragraph (c), after the words “ not being a licence corresponding to a provisional licence ” there shall be inserted the words “ or a licence granted under any provision of that law corresponding to subsection (4) of this section ”.
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Test fees

Section ninety-nine ...	For paragraph (b) of subsection (2) there shall be substituted the following paragraph:— “ (b) for requiring a fee of such amount as may be specified in the regulations to be paid by a person who submits himself for a test or applies for an appointment for a test; ”.
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Disqualification and endorsement

Section one hundred and six.	At the end of subsection (5) there shall be added the words “ or subsection (7) of section five of the Road Traffic Act, 1962 ”
Section one hundred and nine.	In subsection (3), after the words “ section one hundred and four of this Act ” there shall be inserted the words “ or subsection (7) of section five of the Road Traffic Act, 1962 ”
Section one hundred and twelve.	In subsection (3), after the words “ section one hundred and four of this Act ” there shall be inserted the words “ or subsection (7) of section five of the Road Traffic Act, 1962 ”

4TH SCH.

*Section amended**Amendment**Regulations under Part II*

- Section one hundred and thirteen. The words “ (except in the case of regulations made for the purposes of section ninety-seven of this Act) ” shall be omitted.

Northern Ireland drivers' licences

- Section one hundred and sixteen. For subsection (3) there shall be substituted the following subsection:—
 “ (3) If the holder of any such licence is convicted of an offence and the court orders particulars of the conviction to be endorsed in accordance with section seven of the Road Traffic Act, 1962, the court shall send those particulars to the Minister.”

Approval of type vehicles

- Section one hundred and thirty. In subsection (2), after the words “ after examining ” there shall be inserted the words “ if he thinks fit ”.

Road service licences

- Section one hundred and thirty-five. In subsection (2), for the words “ Metropolitan Traffic Area ” there shall be substituted the words “ London Passenger Transport Area ”.
 In subsection (7), for the words from “ except ” to “ Metropolitan Traffic Area ” there shall be substituted the words “ except as respects a service to be provided in the London Passenger Transport Area ”.
- Section one hundred and thirty-six. In subsection (2), for the words from “ except ” to “ Metropolitan Traffic Area ” there shall be substituted the words “ except as respects a service provided in the London Passenger Transport Area ”.
- Section one hundred and forty-two. In subsection (2), for the word “ section ” there shall be substituted the word “ Act ”.

Duty to give information

- Section two hundred and twenty-six. In the proviso to subsection (1), for the words “ he produces the same in person ” there shall be substituted the words “ it is produced ”.
 After subsection (2) there shall be inserted the following subsection:—
 “ (2A) In this section ‘ owner ’, in relation to a vehicle which is the subject of a hiring agreement, includes each party to the agreement.”

<i>Section amended</i>	<i>Amendment</i>	4TH SCH.
Section two hundred and thirty-one.	At the end of the section there shall be added the following subsection:— “(3) In this section ‘owner’, in relation to a vehicle which is the subject of a hiring agreement, includes each party to the agreement.”	
<i>Forgery and false statements</i>		
Section two hundred and thirty-three.	In subsection (1), after paragraph (f), there shall be added the following paragraphs:— “(g) any badge or certificate prescribed by regulations under section twenty-three of the Road Traffic Act, 1962; (h) any ticket issued by a parking meter.”	
Section two hundred and thirty-five.	In subsection (1), after paragraph (c), there shall be added the following:— “or (d) of securing registration or continued registration in the register of approved driving instructors within the meaning of section twenty-three of the Road Traffic Act, 1962.”	
<i>Notice of prosecution</i>		
Section two hundred and forty-one.	The offences to which the section applies shall include any such offence as is mentioned in section four of the principal Act and any offence against subsection (6) of section thirteen of this Act. In subsection (2), the following shall be substituted for sub-paragraphs (i) and (ii) of paragraph (c):— “(i) in the case of an offence against section nine or subsection (1) of section ten, served on him; (ii) in the case of any other offence, served on him or on the person, if any, registered as the owner of the vehicle at the time of the commission of the offence;” and after that paragraph there shall be inserted the words— “and the notice shall be deemed for the purposes of paragraph (c) of this subsection to have been served on any person if it was sent by registered post	

4TH SCH.

*Section amended**Amendment*

Section two hundred and forty-one—*cont.*

or recorded delivery service addressed to him at his last known address, notwithstanding that the notice was returned as undelivered or was for any other reason not received by him."

Evidence by certificate

Section two hundred and forty-two.

In subsection (1), after the word "driven", in both places where it occurs, there shall be inserted the words "or used"; and for the words "belonged on a particular occasion to", in both places where they occur, there shall be substituted the words "on a particular occasion was used by or belonged to".

Destination of fines

Section two hundred and forty-seven.

The references to fines imposed (otherwise than on conviction on indictment) as mentioned in that section shall be construed as including references to fines imposed in respect of offences under this Act.

Application to Crown

Section two hundred and fifty.

In subsection (1), the reference to Parts I and II of the principal Act shall be construed as including references to the Road Traffic (Driving of Motor Cycles) Act, 1960, and this Act; and in subsection (3), for the words "or heavy motor cars" there shall be substituted the words "heavy motor cars or motor cars", and after those words there shall be inserted the words "and section two of the Road Traffic (Driving of Motor Cycles) Act, 1960".

Tramcars and trolley vehicles

Section two hundred and fifty-nine.

In subsection (1), for the words "seventy-three and seventy-seven" there shall be substituted the words "and seventy-three"; and the reference in that subsection to sections eighteen to twenty-nine of the principal Act shall be construed as including a reference to sections eleven to thirteen of this Act.

PART II

4TH SCH.

AMENDMENTS OF OTHER ENACTMENTS

*Reflectors and tail lamps**Enactment amended**Amendment*

The Road Transport
Lighting Act, 1957,
5 & 6 Eliz. 2. c. 51.

In subsection (2) of section twelve, after the word "offers" there shall be inserted the words "or exposes"; after the word "reflector", in the first place where it occurs, there shall be inserted the words "or tail lamp", and for the words "a reflector which complies" there shall be substituted the words "an appliance which complies".

Schemes for execution of works in London Traffic Area

The Highways Act, 1959,
7 & 8 Eliz. 2. c. 25.

In subsection (3) of section one hundred and thirty-seven, for the words "shall refer all statements" there shall be substituted the words "may refer any statements", for the words "those statements" there shall be substituted the words "any statements so referred", and after the words "after considering" there shall be inserted the words "(in the case of any statements so referred)".

Parking Places

The Road Traffic and
Roads Improvement
Act, 1960,
8 & 9 Eliz. 2. c. 63.

In subsection (7) of section five, for the words "section eighty-seven" there shall be substituted the words "section eighty-six or eighty-seven".

In subsection (1) of section six, for the words "the initial charge", in the first place where they occur, there shall be substituted the words "an initial charge".

In subsection (6) of section eleven, in paragraph (b), after the word "evidence" there shall be inserted the words "and in Scotland sufficient evidence".

In subsection (1) of section fifteen, for the words "under subsection (8) of section eighty-seven" there shall be substituted the words "relating to a parking place designated under section eighty-five".

In subsection (1) of section sixteen, for the words "under subsection (8) of section eighty-seven" there shall be substituted the words "relating to a parking place designated under section eighty-five".

4TH SCH.

*Enactment amended**Amendment**Experimental traffic schemes*

The Road Traffic and Roads Improvement Act, 1960, 8 & 9 Eliz. 2. c. 63. In subsection (1) of section nine, at the end of paragraph (a) there shall be inserted the words "or any order made by him under section twenty-eight of the Road Traffic Act, 1962".

Provisional driving licences for motor cycles

The Road Traffic (Driving of Motor Cycles) Act, 1960, 8 & 9 Eliz. 2. c. 69. In section two, at the end of the section there shall be added the words "not being a vehicle having three wheels, until the holder has passed the test of competence to drive prescribed under section ninety-nine of that Act".

Section 51.

FIFTH SCHEDULE
ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
5 & 6 Eliz. 2. c. 51.	The Road Transport Lighting Act, 1957.	In section five, in subsection (1), the words from "and those conditions" to the end of the subsection.
8 & 9 Eliz. 2. c. 16.	The Road Traffic Act, 1960.	<p>In section eighteen, subsection (2).</p> <p>In section four, subsection (4).</p> <p>In section six, subsections (5) and (6).</p> <p>In section nineteen, subsection (2) and, in subsection (3), the words "or subsection (2)".</p> <p>In section twenty-one, in subsection (1), the words "subsection (2) of section nineteen of this Act or".</p> <p>In section twenty-six, in subsection (3), paragraph (f), and, in subsection (5), the words from "in relation to" to "next following section".</p> <p>In section thirty-six, in subsection (1), the words "for the maintenance of which they are responsible" and, in subsection (4), the words from "Any power" to the end of the subsection.</p> <p>In section sixty-four, in subsection (1), the words from "in the case" to "this subsection" and, in subsection (2), the words from "as to the construction" to "thereof".</p> <p>Section one hundred and four.</p>

5TH SCH.

Session and Chapter	Short Title	Extent of Repeal
8 & 9 Eliz. 2. c. 16— <i>cont.</i>	The Road Traffic Act, 1960— <i>cont.</i>	<p>In section one hundred and ten, the words from “if the court” to “punishment for the offence”.</p> <p>Section one hundred and eleven.</p> <p>In section one hundred and thirteen, the words from “except in the case” to “of this Act”.</p> <p>In section two hundred and eighteen, the words from “to a fine”, in the first place where they occur, to “subsequent conviction”.</p> <p>In section two hundred and nineteen, the words “drawn or” and the words from “to a fine”, in the first place where they occur, to “subsequent conviction”.</p> <p>In section two hundred and twenty, in subsection (4), the words from “and shall not have effect” to the end of the subsection.</p> <p>In section two hundred and twenty-six, subsection (3).</p> <p>In section two hundred and thirty-eight, the words from “or to imprisonment” to the end of the section.</p> <p>In section two hundred and forty-one, in subsection (1), paragraphs (g) and (h).</p> <p>Section two hundred and forty-five.</p> <p>The Eleventh Schedule.</p> <p>In the Nineteenth Schedule, subparagraph (2) of paragraph 5.</p> <p>In the Twentieth Schedule, subparagraphs (a), (c), (d) and (e) of paragraph 1, and paragraphs 2 to 4 and 6.</p>
8 & 9 Eliz. 2. c. 63.	The Road Traffic and Roads Improvement Act, 1960.	<p>In section six, subsection (2).</p> <p>In section fifteen, subsection (8).</p> <p>In the Schedule, the entries relating to sections eighty-six and eighty-seven of the principal Act, in the entry relating to section eighty-eight thereof, the words from “and at the end” to the end of the entry, and the entry relating to section two hundred and forty-five of the principal Act.</p>

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Merchandise Marks Act, 1887	50 & 51 Vict. c. 28.
Merchandise Marks Act, 1891	54 & 55 Vict. c. 15.
Motor Car Act, 1903	3 Edw. 7. c. 36.
Parks Regulation (Amendment) Act, 1926 ...	16 & 17 Geo. 5. c. 36.
Summary Jurisdiction (Scotland) Act, 1954 ...	2 & 3 Eliz. 2. c. 48.
Army Act, 1955	3 & 4 Eliz. 2. c. 18.
Air Force Act, 1955	3 & 4 Eliz. 2. c. 19.
Food and Drugs Act, 1955	4 & 5 Eliz. 2. c. 16.
Food and Drugs (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 30.
Road Transport Lighting Act, 1957	5 & 6 Eliz. 2. c. 51.
Naval Discipline Act, 1957	5 & 6 Eliz. 2. c. 53.
Highways Act, 1959	7 & 8 Eliz. 2. c. 25.
Road Traffic Act, 1960	8 & 9 Eliz. 2. c. 16.
Road Traffic and Roads Improvement Act, 1960	8 & 9 Eliz. 2. c. 63.
Road Traffic (Driving of Motor Cycles) Act, 1960	8 & 9 Eliz. 2. c. 69.
Vehicles (Excise) Act, 1962	10 & 11 Eliz. 2. c. 13.

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## 11 ELIZ. 2

### CHAPTER 1

**An Act to make provision as to the operation of the law upon Tanganyika becoming a Republic within the Commonwealth.**  
[6th December, 1962]

**W**HEREAS on the 9th December 1962 Tanganyika will become a Republic while remaining a member of the Commonwealth:

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

Operation of existing law.

1.—(1) On and after the 9th December 1962 (in this Act referred to as the appointed day) all existing law, that is to say all law which, whether being a rule of law or a provision of an Act of Parliament or of any other enactment or instrument whatsoever, is in force on that day or has been passed or made before that day and comes into force thereafter, shall, unless and until provision to the contrary is made by Parliament or some other authority having power in that behalf, and subject to the following provisions of this section, have the same operation in relation to Tanganyika, and persons and things belonging to or connected with Tanganyika, as it would have apart from this subsection if Tanganyika had not become a Republic.



(2) Her Majesty may by Order in Council make such adaptations in any Act of the Parliament of the United Kingdom passed before the appointed day, or in any instrument having effect under any such Act, as appear to Her necessary or expedient in consequence of Tanganyika becoming a Republic; and any such Order may, though made after the appointed day, be made so as to have effect from that day.

(3) Any Order in Council under subsection (2) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament and may be varied or revoked by a subsequent Order in Council.

(4) This section extends to the Channel Islands and the Isle of Man as well as to the United Kingdom and, so far as it relates to any enactment of the Parliament of the United Kingdom or any Order in Council made by virtue of any such enactment whereby it applies in relation to Tanganyika, extends also to any other country or territory to which that enactment or Order extends.

2.—(1) Her Majesty may by Order in Council confer on the Judicial Committee of the Privy Council such jurisdiction in respect of appeals to Her Majesty in Council—

Pending  
appeals to  
Her Majesty  
in Council.

(a) from a Court or Judge in Tanganyika; or

(b) from the Court of Appeal for Eastern Africa on appeal from such a Court or Judge,

being appeals which are pending immediately before the appointed day, and in which the records have been registered in the Office of the Privy Council before that day, as appears to Her to be appropriate for giving effect to any arrangements between Her Majesty's Government in the United Kingdom and the Government of Tanganyika for any such appeals to be continued before and disposed of by that Committee.

(2) An Order in Council under this section may, if the arrangements so require, direct that any appeal continued before the Judicial Committee of the Privy Council under this section shall abate on a date specified in the Order unless it has been heard by the Committee before that date; and an Order containing such a direction may contain provisions to facilitate the hearing of any such appeal before that date, including provisions as to the sittings of the said Committee and provisions for expediting the steps to be taken by the parties preliminary to the hearing of an appeal.

(3) An Order in Council under this section may determine the practice and procedure to be followed on any appeal continued before the said Committee under this section, and in particular may provide for the form of any report or recommendation to

be made by the Judicial Committee of the Privy Council in the exercise of the jurisdiction conferred on that Committee under this section, and for its transmission to such authority in Tanganyika as may be specified in the Order, and may contain such other incidental and supplemental provisions as appear to Her Majesty to be desirable.

(4) An Order in Council under this section may, though made after the appointed day, be made so as to have effect from that day, and may be varied or revoked by a subsequent Order in Council.

3 & 4 Will. 4,  
c. 41.

(5) Except so far as otherwise provided by an Order in Council under this section, and subject to such modifications as may be so provided, the Judicial Committee Act 1833 shall apply in relation to appeals continued before the Judicial Committee of the Privy Council under this section as it applied in relation to those appeals before the appointed day.

(6) Subject to the provisions of any Order in Council under this section, nothing in this Act shall be construed as continuing in force any right of appeal to Her Majesty in Council from Tanganyika.

Short title.

3. This Act may be cited as the Tanganyika Republic Act 1962.

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## CHAPTER 2

### *Pensions (Increase) Act 1962*

#### ARRANGEMENT OF SECTIONS

##### Section

1. Increase of certain United Kingdom pensions.
2. Additional increase for pensioners over seventy years of age.
3. Supplements in respect of certain colonial and other pensions.
4. Amendment of Pensions (India, Pakistan and Burma) Act 1955.
5. Amendment of Pensions (Increase) Act 1944.
6. Local authority gratuities.
7. Application of Pensions (Increase) Acts to Raw Cotton Commission pensions.
8. Supplementary provisions.
9. Expenses.
10. Interpretation.
11. Short title, citation and extent.

##### SCHEDULES:

Schedule 1—Amendments and modifications of Pensions (Increase) Act 1959 as applied.

Schedule 2—Persons in receipt of more than one pension.

Schedule 3—Overseas pensions.

Schedule 4—Pension Funds added to Pensions (India, Pakistan and Burma) Act 1955 Schedule 2 Part I paragraph 1.

**An Act to provide for increases or supplements in respect of certain pensions.** [20th December, 1962]

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

1.—(1) Subject to the provisions of this section, the annual rate of any pension to which this section applies, being a pension which began not later than 1st April 1961, may, in respect of any period beginning on or after the appointed day, be increased by the pension authority by an amount equal to the following percentage of the adjusted rate of that pension, that is to say—

**Increase of certain United Kingdom pensions.**

- (a) if the pension began not later than 1st April 1956, twelve per cent. ;
- (b) if the pension began after the last-mentioned date but not later than 1st April 1957, ten per cent. ;
- (c) if the pension began after the last-mentioned date but not later than 1st April 1958, eight per cent. ;
- (d) if the pension began after the last-mentioned date but not later than 1st April 1959, six per cent. ;
- (e) if the pension began after the last-mentioned date but not later than 1st April 1960, four per cent. ;
- (f) if the pension began after the last-mentioned date, two per cent.

(2) This section applies to the pensions specified in Part I and Part II of the Schedule to the Act of 1959 ; and that Schedule shall have effect, in its application by virtue of this section, subject to the amendments set out in Part I of Schedule 1 to this Act.

(3) Subsections (2) to (6) of section 1 of the Act of 1959 (which prescribe the conditions for the increase of a pension under that section) shall apply to the increase authorised by this section as they apply to the increase authorised by subsection (1) of that section.

2.—(1) Subject to the provisions of this section, where a person in receipt of a pension which may be increased under the foregoing section of this Act has attained the age of seventy years (whether before or after the appointed day), that pension may, in respect of any period beginning on or after the appointed day, be further increased by the pension authority by the following annual amount, that is to say—

**Additional increase for pensioners over seventy years of age.**

- (a) if the pension began not later than 1st April 1956, twenty pounds ;
- (b) if the pension began after the last-mentioned date but not later than 1st April 1957, seventeen pounds ;

- (c) if the pension began after the last-mentioned date but not later than 1st April 1958, fourteen pounds ;
- (d) if the pension began after the last-mentioned date but not later than 1st April 1959, ten pounds ;
- (e) if the pension began after the last-mentioned date but not later than 1st April 1960, seven pounds ;
- (f) if the pension began after the last-mentioned date, four pounds.

(2) A pension shall not be increased under this section by an amount exceeding twenty-five per cent. of the adjusted rate of that pension.

(3) The provisions of Schedule 2 to this Act shall have effect for the purpose of calculating the increase which may be made under this section in the case of a pensioner in receipt of more than one pension.

(4) For the purposes of this section and of Schedule 2 to this Act, a person for whose benefit a pension is payable shall be deemed to be in receipt of the pension notwithstanding that it is payable to some other person.

Supplements in respect of certain colonial and other pensions.

3.—(1) The Secretary for Technical Co-operation may, with the approval of the Treasury, make regulations authorising the payment by him, in respect of pensions to which this section applies, or any class of such pensions, of supplements of such amounts as may be specified in the regulations in accordance with this section.

(2) This section applies to any pension described in Schedule 3 to this Act, being a pension which—

- (a) is payable to or in respect of a person who is certified by the Secretary for Technical Co-operation, with the consent of the Treasury, as having been an overseas officer in relation to any territory in or for which any services giving rise to the pension were rendered ; and
- (b) in the case of a pension in respect of the services of any person other than the pensioner, is payable either by the Government of any overseas territory or in accordance with an enactment, scheme or other instrument specified in the regulations as being approved by the Secretary for Technical Co-operation for the purposes of this section ;

and for the purposes of this section and the said Schedule 3 “pension” does not include compensation which is payable by instalments over a fixed period and which appears to the Secretary for Technical Co-operation to be payable in consequence of constitutional changes in any territory.

(3) The supplements which may be authorised by regulations under this section in the case of pensions of any class are supplements, in respect of any period beginning on or after the appointed day, of amounts which, together with any increase or supplement payable in respect of those pensions apart from this section, appear to the Secretary for Technical Co-operation to correspond as nearly as may be with the increases payable under any of the previous Pensions (Increase) Acts or this Act in the case of pensions to which these enactments apply.

(4) No supplement shall be payable by virtue of regulations under this section in respect of any pension—

(a) where the pension is payable in any overseas territory in or for which any services giving rise to the pension were rendered, unless the pensioner is for the time being resident in the United Kingdom ;

(b) where the pension is not payable in any such territory, if the pensioner is for the time being resident in any such territory (not being so resident solely for the purposes of a contract of service with the Government of that territory).

(5) Regulations under this section may make different provisions in relation to different classes of pension and may—

(a) prescribe the manner in which applications for supplements under this section are to be made and the evidence required in connection with such applications ; and

(b) contain such other incidental provisions as the Secretary for Technical Co-operation thinks fit, including provisions applying any provision of the previous Pensions (Increase) Acts or this Act, with or without modification, for the purposes of the regulations.

(6) The consent of the Treasury under subsection (2) of this section may be given generally in respect of persons of such descriptions, and subject to such limitations (if any), as may be specified in the consent.

(7) The power to make regulations under this section shall be exercisable by statutory instrument, and any statutory instrument made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

4.—(1) Paragraph 1 of Part I of Schedule 2 to the Pensions (India, Pakistan and Burma) Act 1955 (pensions to which Pensions (Increase) Acts may be applied) shall have effect as if the Funds specified in Part I and Part II of Schedule 4 to this Act were included among the Funds mentioned in sub-paragraph (b) of that paragraph.

Amendment  
of Pensions  
(India,  
Pakistan  
and Burma)  
Act 1955,

(2) In relation to the Funds specified in Part II of the said Schedule, the said paragraph 1 shall have effect as if the words "which is or, but for any arrangements to which subsection (1) of section one of this Act applies, would be, payable out of the revenues of India or Pakistan" were omitted.

(3) Nothing in this section shall affect the operation of the said paragraph 1 in relation to a pension in respect of service to the Crown in a civil capacity, not being service by virtue of which the recipient has pension rights in relation to any Fund mentioned in that paragraph as amended by this section.

**Amendment of Pensions (Increase) Act 1944.**

**5.—**(1) Subsection (3) of section 1 of the Pensions (Increase) Act 1944 (which prescribes the conditions of the increase under that section of pensions payable to dependants other than widows and which also governs certain increases under subsequent Pensions (Increase) Acts) shall have effect, in relation to any period beginning on or after the appointed day, as if the following paragraph were substituted for paragraph (b):—

“(b) the pensioner has not attained the age of sixteen years, or is receiving full-time instruction at an educational establishment, or is undergoing training for a trade, profession or vocation in such circumstances that he is required to devote the whole of his time to that training for a period of not less than two years; or”.

(2) References in any enactment (including this Act) to an increase under the said Act of 1944, and to an increase under any other enactment which is subject to the conditions prescribed by the said subsection (3), shall, as from the appointed day, include references to any such increase which is payable by virtue of this section.

**Local authority gratuities.**

**6.—**(1) For the purposes of this Act, and for the purposes of the previous Pensions (Increase) Acts (other than the Acts of 1920 and 1924) in their application to any period beginning on or after the appointed day, the expression “pension” shall be deemed to include the following gratuities payable in respect of local government service, that is to say:—

(a) any gratuity granted by way of periodical payments under section 23 of the Local Government and other Officers’ Superannuation Act 1922, section 11 of the Local Government Superannuation Act 1937 or section 11 of the Local Government Superannuation (Scotland) Act 1937;

(b) any gratuity granted by way of periodical payments or by way of an annuity under section 18 of the Local Government Superannuation Act 1953; and

- (c) any gratuity granted by way of periodical payments or by way of an annuity under any local Act corresponding to any of the enactments mentioned in paragraphs (a) and (b) of this subsection.

(2) Notwithstanding anything in section 5 (2) of the Act of 1959, or any corresponding provision of the previous Pensions (Increase) Acts, a local authority shall not be required to increase any gratuity which that authority has power to increase by virtue of this section.

(3) In paragraph (c) of subsection (1) of this section, "local Act" includes a provisional order confirmed by Parliament; and any question whether a local Act corresponds to any of the enactments mentioned in paragraphs (a) and (b) of that subsection shall be determined, in the event of dispute, by the Minister of Housing and Local Government, or, in Scotland, the Secretary of State.

(4) The reference in this section to section 23 of the Local Government and other Officers' Superannuation Act 1922 includes a reference to paragraph 4 of Schedule 1 to the Local Government (Clerks) Act 1931.

(5) References in any enactment (including this Act) to an increase under any of the previous Pensions (Increase) Acts shall, as from the appointed day, include references to any such increase which is payable by virtue of this section.

7.—(1) This section applies to any pension payable under section 5 (8) of the Cotton (Centralised Buying) Act 1947 or in pursuance of directions given under section 4 (2) of the Cotton Act 1954.

Application of Pensions (Increase) Acts to Raw Cotton Commission pensions.

(2) The Treasury may make regulations directing that, subject to such modifications, adaptations and exceptions as may be specified in the regulations,—

- (a) the Pensions (Increase) Act 1952 shall apply in relation to any pension to which this section applies as if that pension were specified in Part I of Schedule 1 to that Act;
- (b) the Pensions (Increase) Act 1956 shall apply in relation to any pension to which this section applies as if that pension were specified in Part I of Schedule 1 to that Act;
- (c) the Act of 1959 and this Act shall apply in relation to any pension to which this section applies as if that pension were specified in Part I of the Schedule to the Act of 1959.

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

Supplementary provisions.

8.—(1) In calculating the amount of a pension for the purposes of any relevant increase within the meaning of the Act of 1959, any increase of that pension authorised by section 1 or section 2 of this Act shall be disregarded; and in ascertaining the rate of a pension granted to any person by reference to the rate of some other person's pension, no account shall be taken of any increase of that other person's pension under the said section 1 or section 2.

(2) The provisions of sections 2 to 6 of the Act of 1959 (except subsection (3) of section 5, which corresponds with subsection (1) of this section, and except subsection (1) of section 6, which corresponds with the next following section) shall apply for the purposes of this Act, and accordingly shall have effect subject to the modifications set out in Part II of Schedule 1 to this Act.

Expenses.

9. There shall be defrayed out of moneys provided by Parliament—

- (a) any expenditure incurred by a government department under or by virtue of this Act;
- (b) any increase attributable to any provision of this Act in the sums payable out of moneys so provided under any other enactment.

Interpretation.

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

“the Act of 1959” means the Pensions (Increase) Act 1959;

“adjusted rate”, in relation to a pension, means the aggregate annual rate of that pension after any relevant increase within the meaning of the Act of 1959, any fraction of a pound in that aggregate being treated as a whole pound;

“the appointed day” means the earliest day after the passing of this Act which is the first day of a calendar month;

“overseas territory” means any territory or country outside the United Kingdom, and “Government of an overseas territory” includes a Government constituted for two or more overseas territories and any authority



established for the purpose of providing or administering services which are common to, or relate to matters of common interest to, two or more overseas territories ;

“ pension ” and “ pension authority ” have the same meanings as in the Act of 1959 ;

“ the previous Pensions (Increase) Acts ” means the Pensions (Increase) Acts 1920 and 1924, the Pensions (Increase) Acts 1944 and 1947, the Pensions (Increase) Act 1952, the Pensions (Increase) Act 1954, the Pensions (Increase) Act 1956 and the Pensions (Increase) Act 1959.

(2) Unless the context otherwise requires, any reference in this Act to any enactment is a reference thereto as amended, extended or applied by or under any other enactment, including this Act.

11.—(1) This Act may be cited as the Pensions (Increase) Act 1962 ; and this Act and the previous Pensions (Increase) Acts may be cited together as the Pensions (Increase) Acts 1920 to 1962. Short title,  
citation and  
extent.

(2) Except for the purpose of the increase of pensions payable under Schedule 8 to the Government of Ireland Act 1920, or payable under or by virtue of any other Act extending to Northern Ireland out of the Consolidated Fund of the United Kingdom or out of moneys provided by the Parliament of the United Kingdom, this Act does not extend to Northern Ireland.

## SCHEDULES

### SCHEDULE 1

Sections 1 and 8.

#### AMENDMENTS AND MODIFICATIONS OF PENSIONS (INCREASE) ACT 1959 AS APPLIED

##### PART I

##### AMENDMENTS OF SCHEDULE

1. In Part I, at the end of paragraph 10, there shall be added the words “ or by way of such compensation as is mentioned in section 7 (1) (b) of this Act in pursuance of an order made under section 11 (9) of the said Act of 1946 ”.

2. In Part I, after paragraph 24, there shall be added—

“ 25. A pension payable under any relevant pension enactment (as defined in the Judicial Pensions Act 1959) to a person who retired before 9th July 1959.”

3. In Part II, in paragraph 3, after the words “ the Police Pensions Act 1948 ” there shall be inserted the words “ under the Police (Scotland) Act 1956 ”.

SCH. 1

4. In Part II, in paragraph 4, the word "whole-time" shall be omitted.

5. In Part II, in paragraph 7, for the words "the passing of this Act" there shall be substituted the words "the passing of the Pensions (Increase) Act 1962".

6. In Part II, after paragraph 9, there shall be added—

"10. A pension payable under section 22 of the Administration of Justice (Pensions) Act 1950".

## PART II

### MODIFICATIONS OF SECTIONS 2 TO 6

7. Any reference to the Pensions (Increase) Act 1959 (except in a reference to a specified provision or to the passing of that Act) shall include a reference to this Act.

8. Any reference to section 1 of that Act (including the reference to subsection (1) of that section in section 3 (2)) shall include a reference to sections 1 and 2 of this Act; and the said reference in section 3 (2) shall include a reference to the definition of "adjusted rate" in section 10 of this Act and to Schedule 2 of this Act.

9. In relation to any period beginning on or after the appointed day for the purposes of this Act, the references in section 2 (1) and in section 4 (2) to any relevant increase of a pension shall include references to any increase authorised by section 1 or section 2 of this Act.

10. The reference in section 3 (3) (b) to the increases which would be payable if pensions therein mentioned were specified in the Schedule to that Act shall include a reference to any increase authorised by section 1 or section 2 of this Act which would be payable in that event.

11. In relation to any increase to be authorised or granted in connection with an increase authorised by section 1 or section 2 of this Act, the references in section 3 (4) and section 4 to the appointed day shall be construed as references to the appointed day for the purposes of this Act, and the references in section 4 to the passing of that Act shall be construed as references to the passing of this Act.

12. The reference in subsection (3) of section 6 to that section shall include a reference to section 9 of this Act.

Section 2.

## SCHEDULE 2

### PERSONS IN RECEIPT OF MORE THAN ONE PENSION

1. In this Schedule—

"relevant pension" means a pension which may be increased under section 2 of this Act;

"authorised increase" means an increase which may be made under that section;

“service pension” means a pension granted under any Order in Council, Royal Warrant or order of Her Majesty, in respect of service in Her Majesty’s naval, military or air forces, whether that service has been rendered by the pensioner or by any other person.

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2. Where the pensioner is in receipt of more than one relevant pension, the authorised increases in respect of both or all of those pensions shall not in the aggregate exceed the amount which would represent the authorised increase if he were in receipt of a single pension at a rate equal to the aggregate of the adjusted rates of those pensions and beginning at the time when the earliest of them began; and where the said increases, as ascertained apart from this paragraph, would exceed that amount, the authorised increase in the case of each of the pensions shall be calculated by dividing that amount between them in proportion to the said increases as ascertained as aforesaid.

3. Where two persons being husband and wife are each in receipt of a relevant pension, then if one of those pensions has been granted by the pension authority in consideration of the surrender of part of the other pension under any arrangement providing for such surrender and grant, paragraph 2 of this Schedule shall apply as if the pensioner by whom the said part was surrendered were in receipt of each of those pensions.

4.—(1) Subject to the provisions of this paragraph, where a person who is in receipt of a relevant pension is also in receipt of a service pension, paragraphs 2 and 3 of this Schedule shall apply for the purpose of ascertaining the authorised increase of the relevant pension as if the service pension were also a relevant pension.

(2) A service pension shall be disregarded for the purposes of this paragraph if—

- (a) the pension has been granted solely on account of death or disablement which is attributable to service in Her Majesty’s naval, military or air forces; or
- (b) the pension has been granted partly on account of death or disablement which is attributable to such service, and no specific part of the pension is referable to the death or disablement;

and where any service pension has been granted partly on account of death or disablement which is attributable to service in Her Majesty’s naval, military or air forces and a specific part of the pension is referable to the death or disablement, the pension shall, for the purposes of this paragraph, be deemed to be reduced by the amount of that part.

(3) For the purposes of this paragraph, the death or disablement of any person shall be treated as attributable to service in Her Majesty’s naval, military or air forces, if it is wholly or partly due to any wound, injury or disease which has been caused or aggravated by such service.

5. Where a person who is in receipt of a relevant pension is also in receipt of another pension (not being a relevant pension or a service pension) in the case of which an increase is payable under

SCH. 1 any scheme (wherever in force and whether or not authorised by or under any enactment) determined by the Treasury for the purposes of this paragraph to be similar to the provisions of section 2 of this Act, paragraphs 2 and 3 of this Schedule shall apply, subject to such modifications, if any, as the Treasury may direct, for the purpose of ascertaining the authorised increase of the relevant pension as if the other pension were also a relevant pension.

6.—(1) Where a person who is in receipt of a relevant pension is also in receipt of another pension (not being a relevant pension) in the case of which an increase is payable under section 2 of the Act of 1959 by reference to an increase which would have been payable in respect of that pension under section 2 of this Act if that person had not rendered further service, the authorised increase of the relevant pension shall not exceed the amount which would represent the authorised increase of that pension if no such further service had been rendered.

(2) Where two persons being husband and wife are each in receipt of a pension, then if one of those pensions has been granted by the pension authority in consideration of the surrender of part of the other pension under any arrangement providing for such surrender and grant, this paragraph shall apply as if the pensioner by whom the said part was surrendered were in receipt of each of those pensions.

### SCHEDULE 3

#### OVERSEAS PENSIONS

Section 3.

1. A pension in respect of service under the Government of an overseas territory by a person who—

- (a) was at any time selected for initial appointment to service under the Government of an overseas territory by a Secretary of State, or was recruited by the Crown Agents for Oversea Governments and Administrations, or
- (b) was at any time recruited to a post for which, in the opinion of the Secretary for Technical Co-operation, a normal channel of recruitment would have been either the Colonial Office or the Crown Agents for Oversea Governments and Administrations, or
- (c) was at any time a member of Her Majesty's Overseas Civil Service or Her Majesty's Overseas Judiciary, or
- (d) was at any time a designated officer under an Overseas Service Aid Scheme Agreement.

2. A pension in respect of service under the Sudan Government by a person who, in the opinion of the Secretary for Technical Co-operation, entered the service of that Government in a pensionable capacity before 17th July 1954.

3. A pension in respect of service under the Egyptian Government by a person who, in the opinion of the Secretary for Technical Co-operation, entered the service of that Government in a pensionable capacity before 15th March 1922, and who was a British subject when he entered such service.

4. A pension for the payment of which the Crown assumed responsibility under the Instrument of Cession of Sarawak dated 21st May 1946 or the North Borneo Transfer Agreement dated 26th June 1946.

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5. A pension in respect of service in any of the armed forces of the Crown raised in an overseas territory, not being a pension payable under any warrant or other instrument made by virtue of Her Majesty's prerogative in respect of such forces.

## SCHEDULE 4

Section 4.

PENSION FUNDS ADDED TO PENSIONS (INDIA, PAKISTAN AND BURMA)  
ACT 1955 SCHEDULE 2 PART I PARAGRAPH 1

## PART I

The Indian Civil Service Family Pension Fund (Untransferred).  
The Superior Services (India) Family Pension Fund (Untransferred).  
The Indian Military Widows' and Orphans' Fund (Untransferred).  
The Indian Military Service Family Pension Fund (Untransferred).  
The Bengal and Madras Service Family Pension Fund.

## PART II

The Indian Civil Service Family Pension Fund (Transferred).  
The Superior Services (India) Family Pension Fund (Transferred).  
The Indian Military Widows' and Orphans' Fund (Transferred).  
The Indian Military Service Family Pension Fund (Transferred).

— — — — —  
*Table of Statutes referred to in this Act*

| Short Title                                                        | Session and Chapter                |
|--------------------------------------------------------------------|------------------------------------|
| Pensions (Increase) Act 1920 ... ..                                | 10 & 11 Geo. 5. c. 36.             |
| Government of Ireland Act 1920 ... ..                              | 10 & 11 Geo. 5. c. 67.             |
| Local Government and other Officers Superannuation Act 1922 ... .. | 12 & 13 Geo. 5. c. 59.             |
| Pensions (Increase) Act 1924 ... ..                                | 14 & 15 Geo. 5. c. 32.             |
| Local Government (Clerks) Act 1931 ... ..                          | 21 & 22 Geo. 5. c. 45.             |
| 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.        |
| Pensions (Increase) Act 1944 ... ..                                | 7 & 8 Geo. 6. c. 21.               |
| Pensions (Increase) Act 1947 ... ..                                | 10 & 11 Geo. 6. c. 37.             |
| Cotton (Centralised Buying) Act 1947 ...                           | 10 & 11 Geo. 6. c. 26.             |
| Police Pensions Act 1948 ... ..                                    | 11 & 12 Geo. 6. c. 24.             |
| Administration of Justice (Pensions) Act 1950                      | 14 & 15 Geo. 6. c. 11.             |
| Pensions (Increase) Act 1952 ... ..                                | 15 & 16 Geo. 6 & 1 Eliz. 2. c. 45. |
| Local Government Superannuation Act 1953                           | 1 & 2 Eliz. 2. c. 25.              |
| Cotton Act 1954 ... ..                                             | 2 & 3 Eliz. 2. c. 24.              |
| Pensions (Increase) Act 1954 ... ..                                | 2 & 3 Eliz. 2. c. 25.              |
| Pensions (India, Pakistan and Burma) Act 1955                      | 3 & 4 Eliz. 2. c. 22.              |
| Police (Scotland) Act 1956 ... ..                                  | 4 & 5 Eliz. 2. c. 26.              |
| Pensions (Increase) Act 1956 ... ..                                | 4 & 5 Eliz. 2. c. 39.              |
| Pensions (Increase) Act 1959 ... ..                                | 7 & 8 Eliz. 2. c. 50.              |
| Judicial Pensions Act 1959 ... ..                                  | 8 & 9 Eliz. 2. c. 9.               |

**CHAPTER 3**

An Act to continue certain expiring laws.

[20th December, 1962]

**W**HEREAS the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire—

- (a) as respects those mentioned in columns 1 and 2 of Part I of that Schedule, at the end of December 1962; and
- (b) as respects those mentioned in columns 1 and 2 of Part II of that Schedule, at the end of March 1963;

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

Continuance  
of Acts in  
Schedule.

1.—(1) The Acts mentioned in columns 1 and 2 of Part I of the Schedule to this Act shall, to the extent specified in column 3 of that Part, be continued till the end of December 1963.

(2) The Acts mentioned in columns 1 and 2 of Part II of the Schedule to this Act shall, to the extent specified in column 3 of that Part, be continued till the end of March 1964.

(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.

Short title and  
application  
to Northern  
Ireland.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act 1962.

(2) Except in so far as it continues section 1 of the Aliens Restriction (Amendment) Act 1919, this Act shall not extend to Northern Ireland.

## SCHEDULE

Section 1.

## ACTS CONTINUED

## PART I

Acts continued till end of December 1963

| Session and Chapter        | Short Title                                  | Extent of Continuance | Amending Acts |
|----------------------------|----------------------------------------------|-----------------------|---------------|
| 9 & 10 Geo. 5. c. 92.      | The Aliens Restriction (Amendment) Act 1919. | Section 1             | —             |
| 12, 13 & 14 Geo. 6. c. 25. | The Tenancy of Shops (Scotland) Act 1949.    | The whole Act         | —             |
| 1 & 2 Eliz. 2. c. 23.      | The Accommodation Agencies Act 1953.         | The whole Act         | —             |

## PART II

Acts continued till end of March 1964

| Session and Chapter   | Short Title                                               | Extent of Continuance | Amending Acts                                                                                                                                 |
|-----------------------|-----------------------------------------------------------|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| 6 & 7 Geo. 6. c. 44.  | The Rent of Furnished Houses Control (Scotland) Act 1943. | The whole Act         | 10 & 11 Geo. 6. c. 43.<br>12, 13 & 14 Geo. 6. c. 40.<br>15 & 16 Geo. 6. & 1 Eliz. 2. c. 40.<br>2 & 3 Eliz. 2. c. 50.<br>5 & 6 Eliz. 2. c. 25. |
| 9 & 10 Geo. 6. c. 34. | The Furnished Houses (Rent Control) Act 1946.             | The whole Act         | 12, 13 & 14 Geo. 6. c. 40.<br>15 & 16 Geo. 6. & 1 Eliz. 2. c. 40.<br>2 & 3 Eliz. 2. c. 53.<br>5 & 6 Eliz. 2. c. 25.                           |
| 1 & 2 Eliz. 2. c. 46. | The Licensing Act 1953 ...                                | Part II               | 9 & 10 Eliz. 2. c. 61.                                                                                                                        |

**CHAPTER 4**

**An Act to provide for the payment out of moneys provided by Parliament of additional compensation in respect of claims arising in connection with certain events in Egypt, to require the Foreign Compensation Commission to pay sums into the Exchequer in respect of deductions made in meeting such claims, and to make provision in relation to pensions and other payments to or in respect of members, officers and servants of the Commission. [20th December, 1962]**

**W**HEREAS the sum of £27,500,000 sterling was paid by the Government of the United Arab Republic to Her Majesty's Government in the United Kingdom under an agreement entered into on 28th February 1959 and amended by notes exchanged on 7th August 1962, by which provision was made for the payment of that sum in settlement of claims defined by the agreement and made in respect of British property affected by certain Egyptian measures, and was paid by Her Majesty's Government in the United Kingdom to the Foreign Compensation Commission to be distributed by them in accordance with the Foreign Compensation Act 1950:

And whereas it is expedient to enable additional sums to be made available to the Foreign Compensation Commission out of moneys provided by Parliament towards the settlement of the claims so defined and such other claims arising in connection with events in Egypt as may qualify for payment:

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

Payments to  
Foreign  
Compensation  
Commission.  
14 Geo. 6. c.  
12.

**1.—(1)** The Secretary of State may, out of moneys provided by Parliament, make payments for the purposes of this section to the Foreign Compensation Commission, and the Foreign Compensation Act 1950 shall have effect as if sums so paid had been received by Her Majesty's Government in the United Kingdom, in addition to the said sum of £27,500,000 sterling, under a term of the said agreement providing for them to be paid as compensation towards the settlement of such claims arising in connection with events in Egypt during the period beginning on 30th October 1956 and ending on 28th February 1959 as might be established in accordance with Orders in Council under section 3 of that Act.

**(2)** An Order in Council under section 3 of the Foreign Compensation Act 1950 making provision, in relation to sums paid or to be paid under the preceding subsection, for any of the



matters specified in the said section 3 shall not be made unless a draft of the Order has been laid before Parliament and approved by a resolution of each House of Parliament, and accordingly section 8 (2) of that Act (which provides that all Orders in Council made under the Act shall be subject to annulment in pursuance of a resolution of either House of Parliament) shall not apply to Orders in Council making such provision.

2. Where, in making any payment in respect of a claim arising in connection with events in Egypt during the aforesaid period, the Foreign Compensation Commission has made a deduction in respect of a loan to the claimant or his predecessor in title made by Her Majesty's Government in the United Kingdom, the Commission shall, if so directed by the Secretary of State, pay into the Exchequer, out of moneys paid to the Commission for distribution in respect of claims so arising, a sum equal to the amount of that deduction.

Deductions  
in respect  
of loans to  
claimants.

3.—(1) The Foreign Compensation Commission shall, as regards any persons who are or have been members of the Commission in whose case it may be determined by the Secretary of State with the approval of the Treasury so to do, pay to or in respect of them such pensions or other benefits in connection with their retirement or death, or such sums towards the provision of pensions or other such benefits, as may be so determined.

Pensions etc.  
for members  
and staff of  
Commission.

(2) The power of Her Majesty under section 7 (1) of the Foreign Compensation Act 1950 to make provision by Order in Council with respect to the payment of remuneration and allowances to officers and servants of the Commission shall extend to the making, in relation to persons who are or have been such officers or servants, of provision with respect to pensions or other benefits in connection with their retirement or death.

(3) Section 7 (2) of the Foreign Compensation Act 1950 (which provides for the defraying of the expenses of the Commission out of moneys provided by Parliament and for the payment into the Exchequer by the Commission, out of sums paid to them for the purpose of being distributed under that Act, of amounts in respect of their expenses) shall apply in relation to payments made by virtue of this section as it applies in relation to other expenses of the Commission.

4. This Act may be cited as the Foreign Compensation Short title Act 1962.



**CHAPTER 5***Air Corporations Act 1962*

## ARRANGEMENT OF SECTIONS

## Section

1. Borrowing powers of air corporations.
2. General limits on borrowing.
3. Exchequer advances to air corporations.
4. Pensions in respect of members of air corporations.
5. Payment to members of compensation for loss of office.
6. Construction, amendments and repeals.
7. Short title and citation.

An Act to make further provision with respect to the borrowing powers of the British Overseas Airways Corporation and the British European Airways Corporation, and with respect to the power of the Minister of Aviation to make advances to those corporations; to make further provision with respect to the payment of pension benefits in the case of employees who become members of those corporations, and to provide in certain cases for compensating members of those corporations for loss of office; and for purposes connected with the matters aforesaid.

[20th December, 1962]

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

Borrowing powers of air corporations.

1.—In the Air Corporations Act 1949 (in this Act referred to as “the principal Act”) the following section shall be substituted for section 8 (which relates to the borrowing powers of the British Overseas Airways Corporation and the British European Airways Corporation):—

“8.—(1) Subject to the limits imposed by section 12 of this Act, each of the permanent corporations, with the consent of the Minister and the approval of the Treasury, or in accordance with the terms of any general authority issued by the Minister with the approval of the Treasury, may borrow temporarily, by way of overdraft or otherwise, such sums as the corporation may require for meeting their obligations or discharging their functions.

(2) Subject to those limits, each of the permanent corporations may borrow from the Minister, or, with the consent of the Minister and the approval of the Treasury, may borrow by the issue of stock, such sums as the corporation may require for all or any of the following purposes, that is to say—

- (a) the provision of working capital ;
- (b) the promotion of other undertakings, the acquisition of other undertakings or of shares or stock in other undertakings, and the making of loans to, and the fulfilment of guarantees given for the benefit of, other undertakings ;
- (c) the redemption of any stock which the corporation are required or entitled to redeem ; and
- (d) any other expenditure properly chargeable to capital account, including the repayment of any money borrowed by the corporation for defraying expenditure properly so chargeable.

(3) Subject to those limits, each of the permanent corporations may borrow from the Minister sums required by them for financing any accumulated deficit of the corporation on revenue account which has accrued at any time not later than the end of March 1964, but only to the extent to which that deficit—

- (a) in the case of the British Overseas Airways Corporation, does not exceed one hundred million pounds, and
- (b) in the case of the British European Airways Corporation, does not exceed ten million pounds, and may borrow from the Minister sums required for repaying any money borrowed by them under this subsection.”

2. The following section shall be substituted for section 12 General limits of the principal Act (which imposes limits on borrowing by the air corporations) :—

“ 12.—(1) Subject to the following provisions of this section, the aggregate amount outstanding in respect of the principal of any moneys borrowed by the British Overseas Airways Corporation shall not at any time exceed two hundred and sixty million pounds, or such greater sum, not exceeding three hundred million pounds, as the Minister may from time to time by order specify.

(2) Subject to the following provisions of this section, the aggregate amount outstanding in respect of the principal of any moneys borrowed by the British European Airways Corporation shall not at any time exceed one hundred and ten million pounds, or such greater sum, not exceeding one

hundred and twenty-five million pounds, as the Minister may from time to time by order specify.

(3) Any order under this section shall be made by statutory instrument; and no such order shall be made unless a draft of the order has been approved by a resolution of the Commons House of Parliament.

(4) Nothing in this section shall prevent either of the permanent corporations from borrowing in excess of the limit imposed by virtue of the preceding provisions of this section for the purpose of redeeming any stock of the corporation which they are required or entitled to redeem, or of paying off any loan".

Exchequer  
advances to air  
corporations.

3.—(1) The Minister may with the approval of the Treasury advance to either of the permanent corporations any sums which, within the limits imposed by section 12 of the principal Act, the corporation have power to borrow under section 8 of that Act.

(2) Any advances made by the Minister under this section shall be repaid to him at such times and by such methods, and interest thereon shall be paid to him at such rates and at such times, as he may with the approval of the Treasury from time to time direct.

(3) The Treasury may issue out of the Consolidated Fund to the Minister such sums as are necessary to enable him to make advances under subsection (1) of this section.

(4) For the purpose of providing sums to be issued under the last preceding subsection, or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act 1939; and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(5) Any sums received by the Minister under subsection (2) of this section shall be paid into the Exchequer, and shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say—

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

(b) so much thereof as represents interest shall be applied towards meeting such part of the annual charges for the National Debt as represents interest.

(6) The Minister shall, in respect of each financial year, prepare, in such form and manner as the Treasury may direct,

an account of sums issued to him under this section and of the sums to be paid into the Exchequer under subsection (5) of this section and of the disposal by him of those sums respectively, and shall send it to the Comptroller and Auditor General not later than the end of November following that financial year; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

(7) Any account prepared under the last preceding subsection—

(a) if it is in respect of the year 1962-1963, shall include any sums issued to the Minister under section 42 of the Finance Act 1956 which relate to advances made to either of the permanent corporations in that year before the passing of this Act, and

(b) in any case, shall include any sums received by the Minister under subsection (4) of that section in respect of the financial year to which the account relates; and the Minister shall not be required to prepare an account under that section in respect of the year 1962-1963 or any subsequent year.

(8) In relation to the making of advances to either of the permanent corporations after the passing of this Act, this section shall have effect in substitution for the provisions of section 42 of the Finance Act 1956 in so far as those provisions relate to those corporations; but (except as provided by the last preceding subsection) this section shall have effect without prejudice to the operation of any provisions of that section in relation to advances made before the passing of this Act.

4. Section 2 (1) of the Air Corporations Act 1953 (which makes provision as to the pension rights of employees of the air corporations who become members of those corporations) shall apply to a person who has at any time (whether before or after the passing of this Act) ceased to be an employee of one of the permanent corporations on becoming a member of the other of those corporations, as it applies to a person who becomes a member of the corporation by which he is employed.

Pensions in respect of members of air corporations.

5. Where, after the passing of this Act, a person ceases to be a member of either of the permanent corporations otherwise than on the expiry of his term of office, and it appears to the Minister that there are special circumstances which make it right that that person should receive compensation, the Minister may with the approval of the Treasury require the corporation to make to that person a payment of such amount as may be determined by the Minister with the approval of the Treasury.

Payment to members of compensation for loss of office.

Construction,  
amendments  
and repeals.

6.—(1) Expressions used in this Act to which a meaning is assigned by the principal Act have the same meanings in this Act as in that Act.

(2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment, including this Act.

(3) In section 9 (1) of the principal Act (which relates to the creation and issue of stock by the permanent corporations) and in section 1 (2) of the Air Corporations Act 1956 (which confers additional powers of borrowing on the British Overseas Airways Corporation) for the words “with the consent of the Treasury” there shall be substituted the words “with the consent of the Minister and the approval of the Treasury”; and in the proviso to the said section 1 (2) (which provides for the application to sums borrowed under that subsection of the limit imposed by section 12 (1) of the principal Act as amended by the said Act of 1956) for the words from “as amended” to the end there shall be substituted the words “as for the time being in force”.

(4) Section 42 (2) (b) of the Finance Act 1956, and the Air Corporations Act 1960, are hereby repealed; but (without prejudice to section 3 (7) of this Act) the repeal in the said section 42 shall not affect the operation of any provisions of that section in relation to advances made thereunder before the passing of this Act.

Short title  
and citation.

7.—(1) This Act may be cited as the Air Corporations Act 1962.

(2) This Act and the Air Corporations Acts 1949 to 1956 may be cited together as the Air Corporations Acts 1949 to 1962.

*Table of Statutes referred to in this Act*

| Short Title                      | Session and Chapter        |
|----------------------------------|----------------------------|
| National Loans Act 1939 ... ..   | 2 & 3 Geo. 6. c. 117.      |
| Air Corporations Act 1949 ... .. | 12, 13 & 14 Geo. 6. c. 91. |
| Air Corporations Act 1953 ... .. | 2 & 3 Eliz. 2. c. 7.       |
| Finance Act 1956 ... ..          | 4 & 5 Eliz. 2. c. 54.      |
| Air Corporations Act 1956 ... .. | 5 & 6 Eliz. 2. c. 3.       |
| Air Corporations Act 1960 ... .. | 8 & 9 Eliz. 2. c. 13.      |

## CHAPTER 6

An Act to make further provision with respect to temporary advances to, and temporary borrowings by, the National Coal Board, and to make provision for altering the financial year of the Board; and for purposes connected therewith. [20th December, 1962]

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

1. The following section shall be substituted for section 27 of the Coal Industry Nationalisation Act 1946 (in this Act referred to as "the principal Act"):

Temporary advances to, and borrowings by, National Coal Board. 9 & 10 Geo. 6. c. 59.

"27.—(1) The Minister may advance temporarily to the Board any sums which the Board have power to borrow from him in accordance with the following provisions of this section.

(2) Subject to the limit imposed by the next following subsection, the Board—

- (a) may borrow temporarily from the Minister such sums as they may require for financing any temporary deficit of the Board on revenue account;
- (b) with the consent of the Minister or in accordance with the terms of any general authority given by him, may borrow temporarily from any other person, by way of overdraft or otherwise, such sums as they may require for financing any such deficit or otherwise for meeting their obligations and discharging their functions under this Act.

(3) The aggregate amount outstanding in respect of the principal of sums borrowed under this section shall not at any time exceed twenty million pounds.

(4) The Treasury may guarantee, in such manner and on such conditions as they think fit, the repayment of, and the payment of any interest on, any sum borrowed by the Board, otherwise than from the Minister, under this section.

(5) Any sums required by the Treasury for fulfilling any such guarantee shall be charged on and issued out of the Consolidated Fund.

(6) Immediately after any guarantee is given under this section, the Treasury shall lay a statement of the guarantee before each House of Parliament, and where any sum is issued out of the Consolidated Fund for fulfilling such a guarantee the Treasury shall, as soon as possible after the end of each financial year beginning with that in which the

sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before each House of Parliament a statement relating to that sum.

(7) Any sum issued for fulfilling a guarantee given under this section shall be repaid by the Board to the Treasury, together with interest thereon at such rate as the Treasury may determine, in such manner, and over such period, as the Treasury may determine after consultation with the Minister.

(8) Any sums received by the Treasury under the last preceding subsection shall be paid into the Exchequer.

(9) The provisions of this section shall have effect without prejudice to the exercise of any power conferred by section 26 of this Act ”.

Financial  
year of  
National  
Coal Board.  
4 & 5 Eliz. 2.  
c. 61.

2. The financial year of the National Coal Board which, by virtue of section 2 of the Coal Industry Act 1956, will begin at midnight of the 29th December 1962 shall continue until midnight of the 28th March 1964; and thereafter the financial year of the Board shall be the period beginning at midnight of the last Saturday in March in one calendar year and ending at midnight of the last Saturday in March in the next following calendar year.

Construction,  
consequential  
amendment  
and repeals.

3.—(1) In subsections (3) and (4) of the section substituted by this Act for section 27 of the principal Act, references to sums borrowed under that section are references to sums borrowed either under the section so substituted or under section 27 of the principal Act as originally enacted or as amended before the passing of this Act.

(2) In section 28 (1) (b) of the principal Act (which relates to the payment of interest on, and repayment of, advances to the Board) after the words “ section twenty-six ” there shall be inserted the words “ or section twenty-seven ”.

(3) Section 1 (4) of the Coal Industry Act 1951 (which amended section 27 of the principal Act as originally enacted) is hereby repealed; and section 2 of the Coal Industry Act 1956 is hereby repealed as from the beginning of the financial year first mentioned in the last preceding section.

Short title,  
citation and  
extent.

4.—(1) This Act may be cited as the Coal Industry Act 1962, and shall be included among the Acts which may be cited together as the Coal Industry Acts 1946 to 1962.

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



**CHAPTER 7**

An Act to extend the borrowing powers of the South of Scotland Electricity Board. [20th December, 1962]

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

1. In the proviso to section 47 (7) of the Electricity Act 1947 (which, as applied by the Electricity Reorganisation (Scotland) Act 1954, limits the borrowing powers of the South of Scotland Electricity Board by reference to the aggregate of amounts outstanding), for the words (substituted by section 1 (1) (b) (ii) of the Electricity (Borrowing Powers) Act 1959) "one hundred and ten million pounds or such greater sum, not exceeding one hundred and thirty-five million pounds, as the Secretary of State may by order specify" there shall be substituted as respects sums borrowed before the end of March 1965 the words "one hundred and seventy-five million pounds".

Increase of limit of borrowing powers of South of Scotland Electricity Board.  
10 & 11 Geo. 6. c. 54.  
2 & 3 Eliz. 2. c. 60.  
7 & 8 Eliz. 2. c. 20.

2.—(1) This Act may be cited as the Electricity (Borrowing Powers) (Scotland) Act 1962; and the Electricity (Scotland) Acts 1943 to 1957, the Electricity (Borrowing Powers) Act 1959, so far as it relates to Scotland, and this Act may be cited together as the Electricity (Scotland) Acts 1943 to 1962.

Short title and repeal.

(2) The enactment mentioned in the Schedule to this Act is hereby repealed to the extent specified in the third column of that Schedule.

**SCHEDULE**

Section 2.

**ENACTMENT REPEALED**

| Session and Chapter   | Short Title                                  | Extent of Repeal        |
|-----------------------|----------------------------------------------|-------------------------|
| 7 & 8 Eliz. 2. c. 20. | The Electricity (Borrowing Powers) Act 1959. | Section 1 (1) (b) (ii). |





# TABLE IV

## The Short Title of the Church Assembly Measure, 1962

MEASURE PASSED BY THE NATIONAL ASSEMBLY OF THE CHURCH OF ENGLAND  
WHICH RECEIVED THE ROYAL ASSENT DURING THE YEAR 1962

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10 & 11 Eliz. 2

No. 1. Ecclesiastical Fees Measure, 1962.

10 &amp; 11 ELIZ. 2

No. 1

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

To make further provision for the establishment of tables of ecclesiastical fees, to relieve certain clerks in Holy Orders from the liability to pay certain fees and for purposes connected therewith. [3rd July, 1962]

Framing of orders relating to fees payable to legal officers.

1.—(1) A Fees Committee constituted in accordance with the provisions of subsection (3) of this section may frame orders relating to fees to be demanded, taken and received by any legal officer for the performance by him of the duties of his office, which expression includes—

- (a) specific duties including duties imposed by any Act or Measure passed before or after the passing of this Measure either on the legal officer or on any other person who delegates these duties to him, and
- (b) in the case of the legal secretary of an archbishop or bishop general duties of giving advice and assistance to the archbishop or bishop, in which case the fee shall be a sum specified in the order payable annually, and where more than one person holds such office in any one province or diocese the total amount payable to all such persons shall be the sum specified in the order.

(2) For the purposes of this Measure the expression “legal officer” means any person who carries out the duties of a legal officer in respect of work relating to the province of Canterbury, the province of York, or any diocese, archdeaconry or cathedral church within either of the said provinces, and is by law or custom required or permitted to act.

(3) Whenever the Archbishop of Canterbury and the Archbishop of York are of opinion that it is desirable that an order or orders should be framed under the provisions of this section they shall request the Lord Chancellor to appoint a person who is or has been a Judge of the Supreme Court or who is or has been a Judge of County Courts, the Chairman of the Bar Council to appoint a barrister and the President of the Law Society to appoint a solicitor, and the three persons so appointed shall be the Fees Committee until such time as they report to the Archbishop of Canterbury and the Archbishop of York in writing that in their opinion it is inexpedient

that any order under the provisions of this section or any further such order should be framed for the time being, whereupon the Fees Committee shall be discharged until further appointments are made under the provisions of this subsection.

(4) An order framed under the provisions of this section may establish tables of fees, whether by way of substitution for or variation of any existing table of fees or otherwise, and may revoke in whole or in part, alter or add to any order framed under the provisions of this section or any table of fees in operation at the passing of this Measure, and may contain such incidental provisions as may be necessary or desirable.

(5) Any fee payable under an order made under the provisions of this section shall be recoverable as a debt due by proceedings in the County Court.

2.—(1) The Commissioners shall frame an order establishing a table of parochial fees, which shall, subject to the provisions of subsection (4) of this section and section nine of this Measure, apply in all parishes in the provinces of Canterbury and York, and after such order comes into operation may frame further orders in substitution for any order framed under the provisions of this section or revoking in whole or in part or altering or adding to the same.

Framing of orders relating to parochial fees.

(2) For the purposes of this Measure the expression "parochial fees" means any fees payable to a clerk in Holy Orders, parish clerk, sexton or other person performing duties in connection with a parish or to a parochial church council for or in respect of the solemnisation or performance of Church offices, the erection of monuments in churchyards, such other services or matters as may by law or custom be now included in a table of parochial fees, and such other services or matters of a like nature for which in the opinion of the Commissioners the payment of fees is appropriate.

(3) An order framed under the provisions of this section may contain such incidental provisions as may seem necessary or desirable, may provide for the payment of special or increased fees for special services and may provide that the amount of any fee specified in the order may be determined in each case by the chancellor of the diocese in the light of the circumstances of the particular case.

(4) No order framed under the provisions of this section shall be binding upon a clerk in Holy Orders, or a parish clerk, or a sexton or any other person performing duties in connection with a parish, who at the passing of this Measure holds office or performs duties in connection with a parish for which a table of fees has not been established in

accordance with the provisions of section one of the Ecclesiastical Commissioners (Powers) Measure, 1938, without the consent of that person in writing for so long as he holds such office or performs such duties in that parish, but such consent when given shall be irrevocable.

(5) Subject to the provisions of the preceding subsection, where a licence of a chapel for the publication of banns of marriage and the solemnisation of marriage granted under the provisions of section twenty of the Marriage Act, 1949, includes a provision fixing a fee for the solemnisation of a marriage or the doing of any act for which a fee is prescribed by any order made under the provisions of this section of this Measure, the fee prescribed by such order shall be the fee payable, but any provision in the licence specifying the person or persons to whom the fee is payable shall continue to have effect, and where the fee is payable to two or more persons the fee prescribed in such order shall be payable to the same persons in the same proportions as under the provisions of the licence, or as near the same proportions as may conveniently be.

(6) During a vacancy in a benefice fees which but for the vacancy would be paid to the incumbent shall be paid to the sequestrators as part of the income of the benefice.

(7) Any parochial fee whether payable at the passing of this Measure or established by an order made under the provisions of this section shall be recoverable as a debt due by proceedings in the County Court.

(8) No table of fees established under this section shall extend to any matter in respect of which a table of fees may be made under section three of the Burial Act, 1900, or section twelve of the Cremation Act, 1902.

Coming into  
operation  
of orders.

3.—(1) Every order framed in pursuance of either of the two preceding sections of this Measure shall be laid before the Church Assembly and shall not come into operation unless it has been approved by the Church Assembly.

(2) The Statutory Instruments Act, 1946, shall apply to any order approved by the Church Assembly under the last foregoing subsection as if it were a statutory instrument and were made when so approved, and as if this Measure were an Act providing that any such order should be subject to annulment in pursuance of a resolution of either House of Parliament.

Transfer of  
liability for  
certain fees  
paid by  
clerks in  
Holy Orders.

4. Where any clerk in Holy Orders would but for the passing of this Measure have been liable to pay any fee, whether required by law or custom, to a legal officer in connection with his ordination, admission to a suffragan bishopric, deanery, archdeaconry, canonry, prebend, minor canonry, benefice or

perpetual curacy, resignation from any such office, licence or permission to officiate or preach in any place or licence under any of the provisions of the Pluralities Act, 1838, the liability for such fee in relation to any act done or duty performed after the passing of this Measure shall be transferred as follows:—

- (a) in respect of fees payable to any legal officer holding office in relation to a province, to the archbishop of that province ; and
- (b) in respect of fees payable to any legal officer holding office in relation to a diocese or archdeaconry to the bishop of that diocese or of the diocese in which the archdeaconry is situated, as the case may be ; and
- (c) in respect of fees payable to any legal officer holding office in relation to a cathedral church, to the capitular revenues of that cathedral church.

5. Where an archbishop or bishop has paid any sum—

- (a) by virtue of the foregoing section of this Measure, or
- (b) by virtue of any order made under section one of this Measure, where the liability to pay that sum was imposed upon him as archbishop or bishop,

Reimburse-  
ment of  
Archbishop  
or Bishop.

the Commissioners shall reimburse that sum to the archbishop or bishop.

6.—(1) Where section two of this Measure or any order framed under that section is inconsistent with a Private or Local or Personal Act affecting a parish, the parochial church council of that parish, or if there is no parochial church council the incumbent or minister, may make an application to the Commissioners requesting them to frame a draft scheme providing for the amendment or repeal of such Act to enable that section or any order framed thereunder or any provisions thereof to apply to that parish, and if a scheme comes into operation in accordance with the succeeding provisions of this section, such Act shall to that extent be amended or repealed.

Private,  
Local and  
Personal  
Acts.

(2) If the Commissioners receive an application under the preceding subsection they may frame a draft scheme containing such provisions as aforesaid and shall—

- (a) send a copy of the draft scheme to the bishop of the diocese in which the parish is situated, the parochial church council, if any, the incumbent or minister of the parish and any person whose power of fixing fees or whose right to receive fees is affected by the draft scheme, together with a notice that consideration will be given to any representations sent in writing to them before such date (which shall not be less than one

month from the date of the sending of the notice) as may be specified in the notice ;

- (b) cause a copy of the draft scheme to be posted for a period of not less than one month on the principal door of the church of the parish, or of at least one of such churches if there be more than one, together with a notice that consideration will be given to any representations sent in writing to them before such date (which shall not be less than one month from the date when the copy of the draft scheme was first posted), as may be specified in the notice ;
- (c) publish an advertisement in at least one local newspaper circulating in the parish stating the purport of such draft scheme and at what place in the parish it may be inspected (which may be the church door as provided in the preceding paragraph of this subsection or such other place as the Commissioners may decide) and that consideration will be given to any representations sent in writing to them before such date (which shall not be less than one month from the date when the advertisement was published), as may be specified in the advertisement.

(3) The Commissioners shall consider all representations made to them in pursuance of the provisions of the preceding subsection and may make such amendments in the draft scheme as they shall think fit. When the periods ending on the dates specified in the notices sent or posted under the provisions of paragraphs (a) and (b) of that subsection and in the advertisement published under the provisions of paragraph (c) of that subsection have expired, and the Commissioners have considered all such representations, if any, the Commissioners may seal the draft scheme with such amendments, if any.

(4) As soon as may be after a scheme has been sealed by the Commissioners they shall lay it before Parliament and thereupon subsection (1) of section four, subsection (1) of section five and subsection (1) of section seven of the Statutory Instruments Act, 1946, shall apply to the scheme as if it were a statutory instrument within the meaning of that Act and as if this Measure were an Act providing that the scheme should be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) If no resolution is passed by either House of Parliament for the annulment of the scheme under the provisions of the preceding subsection the Commissioners shall send copies of the scheme to every person or body specified in paragraph (a) of subsection (2) of this section, and shall publish in the



*London Gazette* a notice stating that they have made the scheme and specifying a place where copies of the scheme may be obtained.

(6) A scheme made under this section shall come into operation upon the date of publication of the notice under the preceding subsection or upon such later date as may be specified in the scheme, and shall have the same force and effect as an order framed under section two of this Measure.

(7) After a scheme has come into operation by virtue of this section the Commissioners may frame further schemes in substitution therefor or revoking or amending such scheme or schemes in whole or in part either on the application of the parochial church council or, if there is no parochial church council, the incumbent or minister, or of their own motion, and the provisions of this section shall apply to such further schemes.

7. In this Measure the following expressions have the meanings hereby respectively assigned to them:—

“canonry” includes any canonry, whether or not any remuneration is payable in connection therewith, the holder of which is entitled by virtue of his office to membership of the chapter of a cathedral church;

“Commissioners” means the Church Commissioners;

“minor canonry” includes any office by whatever name known the holder of which performs the duties of a minor canon in a cathedral church;

“parish” means any ecclesiastical parish or district, parochial chapelry or other place the incumbent or minister whereof either is entitled to retain for his own benefit or is under a duty to pay over to another clerk in holy orders the fees chargeable in respect of the performance of church offices.

8.—(1) The provisions of the Acts and Measure mentioned in Part I of the Schedule to this Measure, which fix certain fees in payment for the performance of certain duties specified in the provisions, are repealed to the extent specified in the third column of that Part, but any person who would have been liable but for the passing of this Measure to pay any fee by virtue of any such provision shall continue to be liable unless such liability ceases as a result of an order made under the provisions of this Measure or another fee is substituted by such order.

(2) The provisions of the Acts and Measures mentioned in Part II of the Schedule to this Measure are repealed to the

extent specified in the third column of that Part, but any order made under the said Acts or Measures shall remain in force until replaced or otherwise revoked by an order under this Measure.

**Extent.** 9. This Measure shall extend to the whole of the Provinces of Canterbury and York except the Channel Islands and the Isle of Man, but may be applied to the Channel Islands or either of them as defined by the Channel Islands (Church Legislation) Measures, 1931 and 1957, in accordance with the provisions of those Measures.

**Short Title.** 10. This Measure may be cited as the Ecclesiastical Fees Measure, 1962.

**Section 8.**

## SCHEDULE

### ENACTMENTS REPEALED

#### PART I

| <i>Session and Chapter</i> | <i>Short Title</i>                            | <i>Extent of Repeal</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6 & 7 Will. 4.<br>c. 71.   | The Tithe Act, 1836. ...                      | In section sixty-four the words from "and on payment" to "or extract".                                                                                                                                                                                                                                                                                                                                                                                                       |
| 6 & 7 Will. 4.<br>c. 86.   | The Births and Deaths Registration Act, 1836. | So much of section thirty-five as relates to the payment of fees for searches of registers of baptisms and of burials in church-yards and for certified copies thereof.                                                                                                                                                                                                                                                                                                      |
| 1 & 2 Vict.<br>c. 106.     | The Pluralities Act, 1838.                    | In section six the words from "and for such licence or dispensation there shall be paid" to "two shillings and no more" and the words "nor any other fee, save as hereinbefore mentioned"; section forty-seven; in section fifty the words "upon payment of three shillings, and no more"; section eighty-two; in section one hundred and two the words "upon payment of three shillings and no more" and the words from "Provided always" to "three shillings and no more". |
| 30 & 31 Vict.<br>c. 133.   | The Consecration of Churchyards Act, 1867.    | Section three.                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 34 & 35 Vict.<br>c. 45.    | The Sequestrations Act, 1871.                 | In the Schedule the words "Section eighty-two—Fee for licence".                                                                                                                                                                                                                                                                                                                                                                                                              |
| 6 & 7 Geo. 6.<br>No. 1.    | The New Parishes Measure, 1943.               | Section three, paragraph (3), proviso (b); section ten, subsection (3).                                                                                                                                                                                                                                                                                                                                                                                                      |

## PART II

| <i>Session and Chapter</i> | <i>Short Title</i>                                       | <i>Extent and Repeal</i>            |
|----------------------------|----------------------------------------------------------|-------------------------------------|
| 1 & 2 Vict. c. 106.        | The Pluralities Act, 1838.                               | Section one hundred and thirty-one. |
| 30 & 31 Vict. c. 135.      | The Ecclesiastical Fees Act, 1867.                       | The whole Act.                      |
| 1 & 2 Geo. 6. No. 4.       | The Ecclesiastical Commissioners (Powers) Measure, 1938. | Section one.                        |
| 2 & 3 Geo. 6. No. 2.       | The Ecclesiastical Officers Remuneration Measure, 1939.  | The whole Measure.                  |
| 7 & 8 Eliz. 2. No. 2.      | The Vacancies in Sees Measure, 1959.                     | Section eight.                      |



Table of Enactments referred to in this Measure

| Short Title                                                                         | Session and Chapter    |
|-------------------------------------------------------------------------------------|------------------------|
| Tithe Act, 1836 ... ..                                                              | 6 & 7 Will. 4. c. 71.  |
| Births and Deaths Registration Act, 1836 ... ..                                     | 6 & 7 Will. 4. c. 86.  |
| Pluralities Act, 1838 ... ..                                                        | 1 & 2 Vict. c. 106.    |
| Consecration of Churchyards Act, 1867 ... ..                                        | 30 & 31 Vict. c. 133.  |
| Ecclesiastical Fees Act, 1867 ... ..                                                | 30 & 31 Vict. c. 135.  |
| Sequestrations Act, 1871 ... ..                                                     | 34 & 35 Vict. c. 45.   |
| Burial Act, 1900 ... ..                                                             | 63 & 64 Vict. c. 15.   |
| Cremation Act, 1902 ... ..                                                          | 2 Edw. 7. c. 8.        |
| Channel Islands (Church Legislation) Measure, 1931 ... ..                           | 21 & 22 Geo. 5. No. 4. |
| Ecclesiastical Commissioners (Powers) Measure, 1938 ... ..                          | 1 & 2 Geo. 6. No. 4.   |
| Ecclesiastical Officers Remuneration Measure, 1939 ... ..                           | 2 & 3 Geo. 6. No. 2.   |
| New Parishes Measure, 1943 ... ..                                                   | 6 & 7 Geo. 6. No. 1.   |
| Statutory Instruments Act, 1946 ... ..                                              | 9 & 10 Geo. 6. c. 36.  |
| Marriage Act, 1949... ..                                                            | 12 & 13 Geo. 6. c. 76. |
| Channel Islands (Church Legislation) Measure, 1931 (Amendment) Measure, 1957 ... .. | 5 & 6 Eliz. 2. No. 1.  |
| Vacancies in Sees Measure, 1959 ... ..                                              | 7 & 8 Eliz. 2. No. 2.  |



## TABLE V

## Effect of Legislation

Acts and Measures (in chronological order)  
repealed, amended or otherwise affected  
by those Acts, Measures and Statutory Instruments  
which received the Royal Assent or were made during 1962

[Note: Statute references in the fourth column are to chapters of 10 & 11 Eliz. 2 unless otherwise stated.]

| Session and Chap. or No. of Measure     | Short title or Subject                | How affected                                                             | Chapter of 1962 Act or number of Measure or Statutory Instrument |
|-----------------------------------------|---------------------------------------|--------------------------------------------------------------------------|------------------------------------------------------------------|
| 12 Ric. 2:<br>c. 10 ... ..              | —                                     | Rep. so far as unrepealed ...                                            | 15, s. 20 (2), sch. 5 Pt. II.                                    |
| 34 & 35 Hen. 8:<br>c. 26 ... ..         | Laws in Wales Act 1542                | S. 21 repealed in part ...                                               | 15, s. 20 (2), sch. 5 Pt. II.                                    |
| 12 & 13 Will. 3:<br>c. 2 ... ..         | Act of Settlement ...                 | S. 3 excluded ( <i>temp.</i> ) ...                                       | 23, s. 1 (3).                                                    |
| 23 Geo. 3:<br>c. 28 ... ..              | Irish Appeals Act 1783 ...            | Repealed ... ..                                                          | 30, ss. 28, 30, schs. 3, 4 Pt. IV.                               |
| 39 & 40 Geo. 3:<br>c. 67 ... ..         | Union with Ireland Act 1800.          | S. 1 repealed in part ...                                                | 30, s. 30, sch. 4 Pt. I.                                         |
| 48 Geo. 3:<br>c. 145 ... ..             | Judges' Pensions (Scotland) Act 1808. | Pensions increased ...                                                   | 2 (11 Eliz. 2), s. 1 (2), sch. 1 Pt. I.                          |
| 52 Geo. 3:<br>c. 101 ... ..             | Charities Procedure Act 1812.         | S. 1 repealed in part ...                                                | 30, s. 30, sch. 4 Pt. I.                                         |
| 55 Geo. 3:<br>c. 157 ... ..             | Evidence (Ireland) Act 1815.          | S. 7 substituted ... ..                                                  | 30, s. 7, sch. 1.                                                |
| 60 Geo. 3 &<br>1 Geo. 4:<br>c. 4 ... .. | Pleading in Misdemeanor Act 1819.     | Ss. 4 repealed ( <i>prosp.</i> ), 10 repealed in part ( <i>prosp.</i> ). | 30, s. 30, sch. 4 Pt. III.                                       |
| 5 Geo. 4:<br>c. 83 ... ..               | Vagrancy Act 1824 ...                 | S. 5 amended ( <i>prosp.</i> ) ...                                       | 15, s. 15 (1), (3).                                              |
| 7 Geo. 4:<br>c. 21 ... ..               | Mandamus (Ireland) Act 1826.          | Repealed ( <i>prosp.</i> ) ... ..                                        | 30, s. 30, sch. 4 Pt. III.                                       |
| 9 Geo. 4:<br>c. 69 ... ..               | Night Poaching Act 1828               | S. 9 repealed in part ...                                                | 15, s. 20 (2), sch. 5 Pt. II.                                    |
| 3 & 4 Will. 4:<br>c. 41 ... ..          | Judicial Committee Act 1833.          | Saved ... ..                                                             | 1 (11 Eliz. 2), s. 2 (5).                                        |

| Session and Chap. or No. of Measure  | Short title or Subject                     | How affected                                                                                                                                                                                                  | Chapter of 1962 Act or number of Measure or Statutory Instrument                                                                                                 |
|--------------------------------------|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4 & 5 Will. 4:<br>c. 92 ... ..       | Fines and Recoveries (Ireland) Act 1834.   | S. 80 rep. ... ..                                                                                                                                                                                             | 30, ss. 28, 30, schs. 3, 4 Pt. IV.                                                                                                                               |
| 6 & 7 Will. 4:<br>c. 71 ... ..       | Tithe Act 1836 ... ..                      | S. 64 rep. in pt. ... ..                                                                                                                                                                                      | C.A.M. No. 1, s. 8 (1), sch. Pt. I.                                                                                                                              |
| c. 86 ... ..                         | Births and Deaths Registration Act 1836.   | S. 35 rep. in pt. ... ..                                                                                                                                                                                      | C.A.M. No. 1, s. 8 (1), sch. Pt. I.                                                                                                                              |
| 7 Will. 4 & 1 Vict.:<br>c. 41 ... .. | Small Debt (Scotland) Act 1837.            | Appl. ... ..                                                                                                                                                                                                  | 28, s. 27 (3).                                                                                                                                                   |
| 1 & 2 Vict.:<br>c. 74 ... ..         | Small Tenements Recovery Act 1838.         | Appl. ... ..                                                                                                                                                                                                  | 38, s. 84 (4).                                                                                                                                                   |
| c. 106 ... ..                        | Pluralities Act 1838 ... ..                | Ss. 6 rep. in pt., 47 rep., 50 rep. in pt., 47 rep., 50 rep. in pt., 82 rep., 102 rep. in pt.<br>S. 131 rep. ... ..                                                                                           | C.A.M. No. 1, s. 8 (1), sch. Pt. I.<br>C.A.M. No. 1, s. 8 (2), sch. Pt. II.                                                                                      |
| 2 & 3 Vict.:<br>c. 47 ... ..         | Metropolitan Police Act 1839.              | S. 58 am. ... ..                                                                                                                                                                                              | 52, s. 1 (1) (b), (2) (b).                                                                                                                                       |
| c. 71 ... ..                         | Metropolitan Police Courts Act 1839.       | S. 5 am. ... ..                                                                                                                                                                                               | 15, s. 20 (1), sch. 4.                                                                                                                                           |
| 3 & 4 Vict.:<br>c. 97 ... ..         | Railway Regulation Act 1840.               | Ss. 7-9 rep. ... ..<br>Ss. 13, 14, 18, 19 rep. ... ..                                                                                                                                                         | 46, s. 95 (2), sch. 12 Pt. II.<br>46, s. 95 (1), sch. 12 Pt. I.                                                                                                  |
| c. 108 ... ..                        | Municipal Corporations (Ireland) Act 1840. | S. 139 rep. in pt. ... ..                                                                                                                                                                                     | 30, s. 30, sch. 4 Pt. I.                                                                                                                                         |
| 4 & 5 Vict.:<br>c. 38 ... ..         | School Sites Act 1841 ... ..               | S. 2. Power to mod. (S.)                                                                                                                                                                                      | 47, s. 119.                                                                                                                                                      |
| 5 & 6 Vict.:<br>c. 38 ... ..         | Quarter Sessions Act 1842                  | S. 1 para. 10 rep. ... ..                                                                                                                                                                                     | 15, s. 20 (2), sch. 5 Pt. II.                                                                                                                                    |
| c. 55 ... ..                         | Railway Regulation Act 1842.               | Ss. 11-13, 16, 22 rep. ... ..                                                                                                                                                                                 | 46, s. 95 (1), sch. 12 Pt. I.                                                                                                                                    |
| 6 & 7 Vict.:<br>c. 36 ... ..         | Scientific Societies Act 1843.             | Rep. (saving) (S.) ... ..                                                                                                                                                                                     | 9, ss 5 (1) (2), 12 (2), sch. 3.                                                                                                                                 |
| 7 & 8 Vict.:<br>c. 85 ... ..         | Railway Regulation Act 1844.               | Rep. ... ..                                                                                                                                                                                                   | 46, s. 95 (1), sch. 12 Pt. I.                                                                                                                                    |
| 8 & 9 Vict.:<br>c. 18 ... ..         | Lands Clauses Consolidation Act 1845.      | Incorp. (mod.) ( <i>prosp.</i> ) ... ..<br>Incorp. (mod.) ... ..<br>Appl. (mod.) ... ..<br>S. 63 appl. ... ..<br>S. 68 expld. ... ..<br>appl. ... ..<br>Ss. 69-79 excl. ... ..<br>Ss. 84-86 excl. (E.) ... .. | 38, s. 71 (3).<br>58, s. 11 (4), sch. 3.<br>38, s. 75 (2) (7), sch. 4.<br>38, s. 81 (3).<br>38, s. 73 (4).<br>38, s. 81 (3).<br>58, s. 51 (4).<br>38, s. 75 (6). |

| Session and Chap. or No. of Measure       | Short title or Subject                              | How affected                                                                                                                                                                                                                                                                            | Chapter of 1962 Act or number of Measure or Statutory Instrument                                                                                                                                                                                                                                                    |
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| 8 & 9 Vict.— <i>cont.</i><br>c. 19 ... .. | Lands Clauses Consolidation (Scotland) Act 1845.    | Incorp. (mod.) ... ..<br>Incorp. (mod.) ... ..                                                                                                                                                                                                                                          | 47, s. 20 (2).<br>58, s. 11 (4),<br>sch. 3.                                                                                                                                                                                                                                                                         |
| c. 20 ... ..                              | Railways Clauses Consolidation Act 1845.            | Appl. (mod.) ... ..<br>Ss. 3 rep. in pt., 45, 76,<br>89, 96, 98–102, 106,<br>107 rep.<br>Ss. 108, 109 rep. ... ..<br><br>Ss. 110, 111 rep. ... ..<br>Ss. 125–137, 141 rep. ... ..<br>S. 143 rep. ... ..<br>S. 144 am. ... ..<br>S. 145 rep. in pt. ... ..<br>Ss. 157–159 rep.... ... .. | 46, s. 32, sch. 2<br>46, s. 95 (1),<br>sch. 12 Pt. I.<br><br>46, s. 67 (13), 95<br>(2), sch. 12 Pt.<br>II.<br>46, s. 95 (2),<br>sch. 12 Pt. II.<br>46, s. 95 (1),<br>sch. 12 Pt. I.<br>46, s. 95 (2),<br>sch. 12 Pt. II.<br>46, s. 84 (4).<br>46, s. 95 (2),<br>sch. 12 Pt. II.<br>46, s. 95 (1),<br>sch. 12 Pt. I. |
| c. 28 ... ..                              | Canal Tolls Act 1845 ...                            | Rep. ... ..                                                                                                                                                                                                                                                                             | 46, s. 95 (1),<br>sch. 12 Pt. I.                                                                                                                                                                                                                                                                                    |
| c. 33 ... ..                              | Railways Clauses Consolidation (Scotland) Act 1845. | Appl. (mod.) ... ..<br>Ss. 3 rep. in pt., 38, 69,<br>82, 89, 91–95, 99, 100<br>rep.<br>Ss. 101, 102 rep. ... ..<br><br>Ss. 103, 104 rep. ... ..<br>Ss. 118–129, 133 rep. ... ..<br>S. 135 rep. ... ..<br>S. 136 am. ... ..<br>S. 137 rep. in pt. ... ..                                 | 46, s. 32, sch. 2<br>46, s. 95 (1),<br>sch. 12 Pt. I.<br><br>46, ss. 67 (13),<br>95 (2), sch. 12<br>Pt. II.<br>46, s. 95 (2),<br>sch. 12 Pt. II.<br>46, s. 95 (1),<br>sch. 12 Pt. I.<br>46, s. 95 (2),<br>sch. 12 Pt. II.<br>46, s. 84 (4).<br>46, s. 95 (2),<br>sch. 12 Pt. II.                                    |
| c. 42 ... ..                              | Canal Carriers Act 1845                             | Ss. 4, 12 rep. ... ..                                                                                                                                                                                                                                                                   | 46, s. 95 (1),<br>sch. 12 Pt. I.                                                                                                                                                                                                                                                                                    |
| c. 96 ... ..                              | Railway (Sales and Leases) Act 1845.                | Rep. ... ..                                                                                                                                                                                                                                                                             | 46, s. 95 (1),<br>sch. 12 Pt. I.                                                                                                                                                                                                                                                                                    |
| 10 & 11 Vict.:                            |                                                     |                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                     |
| c. 27 ... ..                              | Harbours, Docks and Piers Clauses Act 1847          | Ss. 27–48 appl. ... ..                                                                                                                                                                                                                                                                  | 46, s. 50, sch. 9<br>para. 6.                                                                                                                                                                                                                                                                                       |
| c. 89 ... ..                              | Town Police Clauses Act 1847.                       | S. 29 am. (E.) ... ..                                                                                                                                                                                                                                                                   | 52, s. 1 (1) (b),<br>(2) (b).                                                                                                                                                                                                                                                                                       |
| 13 & 14 Vict.:                            |                                                     |                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                     |
| c. 83 ... ..                              | Abandonment of Railways Act 1850.                   | Rep. ... ..                                                                                                                                                                                                                                                                             | 46, s. 95 (1),<br>sch. 12 Pt. I.                                                                                                                                                                                                                                                                                    |
| 14 & 15 Vict.:                            |                                                     |                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                     |
| c. 55 ... ..                              | Criminal Justice Administration Act 1851.           | Ss. 9–11 rep. ... ..                                                                                                                                                                                                                                                                    | 15, s. 20 (2),<br>sch. 5 Pt. I.                                                                                                                                                                                                                                                                                     |
| c. 64 ... ..                              | Railways Regulation Act 1851.                       | Rep. (saving) ... ..                                                                                                                                                                                                                                                                    | 46, s. 95 (1),<br>sch. 12 Pt. I.                                                                                                                                                                                                                                                                                    |
| c. 93 ... ..                              | Petty Sessions (Ireland) Act 1851.                  | Ss. 27 para. 3, 29, 44 am.                                                                                                                                                                                                                                                              | 30, s. 24.                                                                                                                                                                                                                                                                                                          |
| 16 & 17 Vict.:                            |                                                     |                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                     |
| c. 38 ... ..                              | Malicious Injuries (Ireland) Act 1853.              | Rep ... ..                                                                                                                                                                                                                                                                              | 30, s. 30, sch. 4<br>Pt. IV.                                                                                                                                                                                                                                                                                        |

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| 16 & 17 Vict.—<br>c. 113 ... <i>cont.</i> | Common Law Procedure Amendment Act (Ireland) 1853.                 | Ss. 129, 143, 144, 162 rep.                             | 30, ss. 28, 30, schs. 3, 4 Pt. IV.                                                                        |
| 17 & 18 Vict.:<br>c. 31 ...               | Railway and Canal Traffic Act 1854.                                | Rep. ...                                                | 46, s. 95 (1), sch. 12 Pt. I.                                                                             |
| c. 91 ...                                 | Valuation of Lands (Scotland) Act 1854.                            | Am. ...                                                 | 9, s. 9.                                                                                                  |
| 18 & 19 Vict.:<br>c. 120 ...              | Metropolis Management Act, 1855.                                   | S. 105 appl. (mod.) ...                                 | 38, s. 202, sch. 9 para. 15.                                                                              |
| 19 & 20 Vict.:<br>c. 102 ...              | Common Law Procedure Amendment Act (Ireland) 1856.                 | Ss. 22 rep., 98 rep. in pt.                             | 30, ss. 28, 30, schs. 3, 4, Pt. IV.                                                                       |
| 20 & 21 Vict.:<br>c. 60 ...               | Irish Bankrupt and Insolvent Act 1857.                             | Am. ...                                                 | 30, s. 7, sch. 1.                                                                                         |
| c. 79 ...                                 | Probates and Letters of Administration Act (Ireland) 1857.         | Ss. 34, 36, 55, 57, 71, 73 am.<br>S. 74 rep. in pt. ... | 30, s. 7, sch. 1.<br>30, ss. 28, 30, schs. 3, 4 Pt. IV.                                                   |
| c. 81 ...                                 | Burial Act 1857 ...                                                | S. 25 restr. ...                                        | 38, s. 82 (6).                                                                                            |
| 22 Vict.:<br>c. 20 ...                    | Evidence by Commission Act 1859.                                   | S. 6 am. ...                                            | 30, s. 7, sch. 1.                                                                                         |
| c. 26 ...                                 | Superannuation Act 1859.                                           | Pensions increase ...                                   | 2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2.                                                       |
| 22 & 23 Vict.:<br>c. 4 ...                | Middlesex Sessions Act 1859.                                       | S. 4 rep. ...                                           | 15, s. 20 (2), sch. 5 Pt. II.                                                                             |
| c. 59 ...                                 | Railway Companies Arbitration Act 1859.                            | Rep. ...                                                | 46, s. 95 (1), sch. 12 Pt. I.                                                                             |
| 23 & 24 Vict.:<br>c. 4 ...                | Annual Revision of Rateable Property (Ireland) Amendment Act 1860. | S. 11 rep. in pt. ...                                   | 30, s. 30, sch. 4 Pt. I.                                                                                  |
| c. 27 ...                                 | Refreshment Houses Act 1860.                                       | S. 41 am. ...                                           | 52, s. 1 (1) (a), (2) (a).                                                                                |
| c. 38 ...                                 | Law of Property Act 1860                                           | S. 10 subst. ...                                        | 30, s. 7, sch. 1.                                                                                         |
| c. 106 ...                                | Lands Clauses Consolidation Acts Amendment Act 1860.               | Incorp. ...<br>Appl. (mod.) ...                         | 38, s. 71 (3).<br>38, s. 75 (2) (7), sch. 4.                                                              |
| 25 & 26 Vict.:<br>c. 102 ...              | Metropolis Management Amendment Act 1862.                          | S. 77 appl. (mod.) ...                                  | 38, s. 202, sch. 9 para. 15.                                                                              |
| 26 & 27 Vict.:<br>c. 92 ...               | Railways Clauses Act 1863.                                         | Ss. 8–11, 22–29 rep.<br>S. 32 rep.<br>S. 35 rep.        | 46, s. 95 (1), sch. 12 Pt. I.<br>46, s. 67 (13), 95 (2), sch. 12 Pt. II.<br>46, s. 95 (1), sch. 12 Pt. I. |
| c. 112 ...                                | Telegraph Act 1863 ...                                             | S. 48 saved ...                                         | 14, s. 1 (2).                                                                                             |



| Session and Chap. or No. of Measure | Short title or Subject                                    | How affected                                                                                                                                                                                                                         | Chapter of 1962 Act or number of Measure or Statutory Instrument                                                                                                                                                                                                                                          |
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| 27 & 28 Vict.:<br>c. 38 ... ..      | Chief Rents Redemption (Ireland) Act 1864.                | S. 11 rep. ... ..                                                                                                                                                                                                                    | 30, ss. 28, 30, schs. 3, 4 Pt. IV.                                                                                                                                                                                                                                                                        |
| c. 99 ... ..                        | Civil Bill Courts Procedure Amendment Act (Ireland) 1864. | S. 38 rep. ... ..                                                                                                                                                                                                                    | 30, ss. 28, 30, schs. 3, 4 Pt. IV.                                                                                                                                                                                                                                                                        |
| 28 & 29 Vict.:<br>c. 63 ... ..      | Colonial Laws Validity Act 1865.                          | Excl. ... ..                                                                                                                                                                                                                         | 40, s. 1, sch. 1 para. 1.<br>54, s. 1, sch. 1 para. 1.<br>57, s. 1, sch. 1 para. 1.                                                                                                                                                                                                                       |
| 29 & 30 Vict.:<br>c. 12 ... ..      | Jamaica Act 1866 ...                                      | Rep. ... ..                                                                                                                                                                                                                          | 19, s. 10 (3), sch.                                                                                                                                                                                                                                                                                       |
| c. 108 ... ..                       | Railway Companies Securities Act 1866.                    | Rep. ... ..                                                                                                                                                                                                                          | 46, s. 95 (1), sch. 12 Pt. I.                                                                                                                                                                                                                                                                             |
| 30 & 31 Vict.:<br>c. 126 ... ..     | Railway Companies (Scotland) Act 1867.                    | Ss. 6-37 rep. ... ..                                                                                                                                                                                                                 | 46, s. 95 (1), sch. 12 Pt. I.                                                                                                                                                                                                                                                                             |
| c. 127 ... ..                       | Railway Companies Act 1867.                               | Ss. 6-36 rep. ... ..                                                                                                                                                                                                                 | 46, s. 95 (1), sch. 12 Pt. I.                                                                                                                                                                                                                                                                             |
| c. 133 ... ..                       | Consecration of Churchyards Act 1867.                     | S. 3 rep. ... ..                                                                                                                                                                                                                     | C.A.M. No. 1, s. 8 (1), sch. Pt. I.                                                                                                                                                                                                                                                                       |
| c. 135 ... ..                       | Ecclesiastical Fees Act 1867.                             | Rep. ... ..                                                                                                                                                                                                                          | C.A.M. No. 1, s. 8 (2), sch. Pt. II.                                                                                                                                                                                                                                                                      |
| 31 & 32 Vict.:<br>c. 20 ... ..      | Legitimacy Declaration Act (Ireland) 1868.                | S. 4 rep. in pt. ... ..                                                                                                                                                                                                              | 30, ss. 28, 30, schs. 3, 4 Pt. IV.                                                                                                                                                                                                                                                                        |
| c. 45 ... ..                        | Sea Fisheries Act 1868...                                 | Pt. III am. ... ..<br>S. 29 am. ... ..<br><br>S. 30 am. ... ..<br>S. 33 am. ... ..<br>S. 36 am. ... ..<br>S. 37 rep. ... ..<br>S. 38 rep. ... ..<br>S. 39 rep. ... ..<br>S. 41 am. ... ..<br>S. 45 am. ... ..<br>S. 64 restr. ... .. | 31, s. 34, (3).<br>31, ss. 23 (1), 37, sch. 2 para. 1.<br>31, s. 23 (2), 37, sch. 2 para. 2.<br>31, s. 37, sch. 2 para. 3.<br>31, s. 23 (3), 37, sch. 2 para. 4.<br>31, ss. 23 (4), 37, sch. 4.<br>31, s. 37, sch. 4.<br>31, ss. 23 (5), 37, sch. 4.<br>31, s. 25<br>31, s. 24.<br>30, s. 25 (2), sch. 2. |
| c. 54 ... ..                        | Judgments Extension Act 1868.                             | S. 7 rep. in pt. ... ..                                                                                                                                                                                                              | 30, ss. 28, 30, schs. 3, 4 Pt. IV.                                                                                                                                                                                                                                                                        |
| c. 119 ... ..                       | Regulation of Railways Act 1868.                          | Pt. I (ss. 1-13), 29, Pt. VI (ss. 30-32), 34, 41-44 rep.                                                                                                                                                                             | 46, s. 95 (1), sch. 12 Pt. I.                                                                                                                                                                                                                                                                             |
| c. 125 ... ..                       | Parliamentary Elections Act 1868.                         | S. 25 rep. ... ..                                                                                                                                                                                                                    | 30, ss. 28, 30, schs. 3, 4 Pt. IV.                                                                                                                                                                                                                                                                        |

| Session and Chap. or No. of Measure | Short title or Subject                                            | How affected                                                                                                                                               | Chapter of 1962 Act or number of Measure or Statutory Instrument                                                 |
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| 32 & 33 Vict.:<br>c. 18 ... ..      | Lands Clauses Consolida-<br>tion Act 1869.                        | Incorp. ... ..<br>Appl. (mod.) ... ..                                                                                                                      | 38, s. 71 (3).<br>38, s. 75 (2) (7),<br>sch. 4.                                                                  |
| c. 40 ... ..                        | Sunday and Ragged<br>Schools (Exemption<br>from Rating) Act 1869. | Rep. (S.)... ..                                                                                                                                            | 9, ss. 5 (1), 12 (2),<br>sch. 3.                                                                                 |
| c. 43 ... ..                        | Diplomatic Salaries, &c.<br>Act 1869.                             | Pensions increase ... ..                                                                                                                                   | 2 (11 Eliz. 2), ss.<br>1, 2, 6 (1), 8<br>(1), schs. 1, 2,<br>46, s. 95 (1),<br>sch. 12 Pt. I.                    |
| c. 114 ... ..                       | Abandonment of Rail-<br>ways Act 1869.                            | Rep. ... ..                                                                                                                                                | 46, s. 95 (1),<br>sch. 12 Pt. I.                                                                                 |
| 33 & 34 Vict.:<br>c. 46 ... ..      | Landlord and Tenant<br>(Ireland) Act 1870.                        | S. 41 rep. ... ..                                                                                                                                          | 30, ss. 28, 30,<br>schs. 3, 4 Pt.<br>IV.                                                                         |
| 34 & 35 Vict.:<br>c. 31 ... ..      | Trade Union Act 1871...                                           | S. 19 rep. in pt. ... ..                                                                                                                                   | 30, s. 30, sch. 4<br>Pt. IV.                                                                                     |
| c. 45 ... ..                        | Sequestration Act 1871                                            | Sch. rep. in pt. ... ..                                                                                                                                    | C.A.M. No. 1,<br>s. 8 (1), sch.<br>Pt. I.                                                                        |
| c. 78 ... ..                        | Regulation of Railways<br>Act 1871.                               | S. 2 rep. in pt. (N.I.) ... ..<br>S. 12 rep. ... ..                                                                                                        | 30, s. 30, sch. 4<br>Pt. IV.<br>46, s. 95 (1),<br>sch. 12 Pt. I.                                                 |
| c. 96 ... ..                        | Pedlars Act 1871 ...                                              | S. 20 proviso para. 1 (c)<br>rep.                                                                                                                          | 30, s. 30, sch. 4<br>Pt. IV.                                                                                     |
| c. 112 ... ..                       | Prevention of Crimes Act<br>1871.                                 | S. 17 rep. in pt. (N.I.) ... ..                                                                                                                            | 30, s. 30, sch. 4<br>Pt. IV.                                                                                     |
| 35 & 36 Vict.:<br>c. 50 ... ..      | Railway Rolling Stock<br>Protection Act 1872.                     | S. 2 rep. in pt. (N.I.) ... ..                                                                                                                             | 30, s. 30, sch. 4<br>Pt. IV.                                                                                     |
| c. 57 ... ..                        | Debtors Act (Ireland)<br>1872.                                    | S. 10 am. ... ..<br>rep. in pt. ... ..                                                                                                                     | 30, s. 7, sch. 1.<br>30, ss. 28, 30,<br>schs. 3, 4<br>Pt. IV.                                                    |
| c. 58 ... ..                        | Bankruptcy (Ireland)<br>Amendment Act 1872.                       | Ss. 15, 19, 57, 124 am. ... ..                                                                                                                             | 30, s. 7, sch. 1.                                                                                                |
| c. 77 ... ..                        | Metalliferous Mines<br>Regulation Act 1872.                       | S. 33 rep. in pt. ... ..                                                                                                                                   | 30, s. 30, sch. 4<br>Pt. IV.                                                                                     |
| c. 94 ... ..                        | Licensing Act 1872 ...                                            | S. 12 am. (E.) ... ..                                                                                                                                      | 52, s. 1 (1) (2).                                                                                                |
| 36 & 37 Vict.:<br>c. 48 ... ..      | Regulation of Railways<br>Act 1873.                               | Ss. 6-10 rep. ... ..<br>S. 17 am. ... ..<br>Ss. 35, 36 rep. ... ..                                                                                         | 46, s. 95 (1),<br>sch. 12 Pt. I.<br>46, s. 61 (1).<br>46, s. 95 (1),<br>sch. 12 Pt. I.                           |
| 37 & 38 Vict.:<br>c. 40 ... ..      | Board of Trade Arbitra-<br>tion &c. Act 1874.                     | Ss. 6-8 rep. ... ..                                                                                                                                        | 46, s. 95 (1),<br>sch. 12 Pt. I.                                                                                 |
| c. 42 ... ..                        | Building Societies Act<br>1874.                                   | Rep. (E.) (S.), exc. ss. 1,<br>4, 7, and in pt. s. 32<br>(with saving for s. 15<br>(4)).<br>S. 7 expld. ... ..<br>S. 32 saved ... ..<br>rep. in pt. ... .. | 37, ss. 131, 133<br>(3), 134, sch.<br>10.<br>37, s. 125 (4).<br>37, s. 103 (1).<br>37, ss. 131, 134,<br>sch. 10. |

| Session and Chap. or No. of Measure | Short title or Subject                           | How affected                                                                                                                                                                                                                                                                                       | Chapter of 1962 Act or number of Measure or Statutory Instrument                                                                                                                                                                                                                                                                   |
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| 38 Vict.:<br>c. 9 ... ..            | Building Societies Act 1875.                     | Rep. ... ..                                                                                                                                                                                                                                                                                        | 37, ss. 131, 134, sch. 10.                                                                                                                                                                                                                                                                                                         |
| 38 & 39 Vict.:<br>c. 25 ... ..      | Public Stores Act 1875 ...                       | S. 14 proviso rep. in pt.<br>S. 15 restr. ... ..                                                                                                                                                                                                                                                   | 30, s. 30, sch. 4 Pt. IV.<br>30, s. 25 (2), sch. 2.                                                                                                                                                                                                                                                                                |
| c. 55 ... ..                        | Public Health Act 1875...                        | S. 297 (5) am. ... ..                                                                                                                                                                                                                                                                              | S.I. No. 409, art. 4 (1).                                                                                                                                                                                                                                                                                                          |
| c. 86 ... ..                        | Conspiracy and Protection of Property Act 1875.  | S. 21 rep. in pt. ... ..                                                                                                                                                                                                                                                                           | 30, s. 30, sch. 4 Pt. IV.                                                                                                                                                                                                                                                                                                          |
| c. 89 ... ..                        | Public Works Loans Act 1875.                     | S. 9 am. (E.) ... ..                                                                                                                                                                                                                                                                               | 38, s. 187.                                                                                                                                                                                                                                                                                                                        |
| 39 & 40 Vict.:<br>c. 47 ... ..      | Saint Vincent and Grenada Constitution Act 1876. | Rep. ... ..                                                                                                                                                                                                                                                                                        | 19, s. 10 (3), sch.                                                                                                                                                                                                                                                                                                                |
| c. 59 ... ..                        | Appellate Jurisdiction Act 1876.                 | Pensions increase ...<br>S. 3 para. (3) rep. ...<br>Ss. 4, 5 appl. ... ..<br>S. 11 am. ... ..<br>S. 12 rep. in pt. ... ..                                                                                                                                                                          | 2 (11 Eliz. 2), s. 1 (2), sch. 1 Pt. I.<br>30, s. 30, sch. 4 Pt. I.<br>30, s. 1.<br>30, s. 1 (5).<br>30, s. 30, sch. 4 Pt. I.                                                                                                                                                                                                      |
| 40 & 41 Vict.:<br>c. 2 ... ..       | Treasury Bills Act 1877...                       | S. 6 excl. ... ..                                                                                                                                                                                                                                                                                  | { 7, s. 2 (2).<br>11, s. 3 (2).<br>45, s. 2 (2).                                                                                                                                                                                                                                                                                   |
| c. 18 ... ..                        | Settled Estates Act 1877                         | S. 42 subst. (N.I.) ...<br>S. 43 rep. (N.I.) ...                                                                                                                                                                                                                                                   | 30, s. 7, sch. 1.<br>30, s. 30, sch. 4 Pt. IV.                                                                                                                                                                                                                                                                                     |
| c. 42 ... ..                        | Fisheries (Oyster, Crab, and Lobster) Act 1877.  | S. 7 rep. ... ..                                                                                                                                                                                                                                                                                   | 31, s. 37, sch. 4.                                                                                                                                                                                                                                                                                                                 |
| c. 57 ... ..                        | Supreme Court of Judicature Act (Ireland) 1877.  | S. 3 am. ... ..<br>S. 6 rep. in pt. ... ..<br><br>S. 7 am. ... ..<br>Ss. 10-14 rep. in pt. ...<br>Ss. 18, 19 rep. in pt. ...<br>S. 19 Pensions increase ...<br>S. 20 rep. in pt. ... ..<br>S. 23 para. (4) rep. ...<br>S. 24 am. ( <i>prosp.</i> ) ... ..<br>S. 26 am. ... ..<br>S. 30 rep. ... .. | 30, s. 7, sch. 1.<br>30, ss. 28, 30, schs. 3, 4 Pt. IV.<br>30, s. 9.<br>30, s. 30, sch. 4 Pt. IV.<br>30, ss. 28, 30, schs. 3, 4 Pt. IV.<br>2 (11 Eliz. 2), s. 1 (2), sch. Pt. I.<br>30, s. 30, sch. 4 Pt. IV.<br>30, ss. 28, 30, schs. 3, 4 Pt. IV.<br>30, ss. 2 (5), 7, sch. 1.<br>30, s. 7, sch. 1.<br>30, s. 30, sch. 4 Pt. IV. |

| Session and Chap. or No. of Measure | Short title or Subject                                       | How affected                                                                                                                       | Chapter of 1962 Act or number of Measure or Statutory Instrument                                                               |
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| 40 & 41 Vict.:                      |                                                              |                                                                                                                                    |                                                                                                                                |
| c. 57— <i>cont.</i>                 | Supreme Court of Judicature Act (Ireland) 1877— <i>cont.</i> | S. 39 am. ...<br>S. 41 rep. in pt. ...<br><br>S. 48 am. ...<br><br>Ss. 52 rep. ( <i>prosp.</i> ), 54 rep. in pt.<br>S. 55 rep. ... | 30, s. 9.<br>30, ss. 28, 30, schs. 3, 4 Pt. IV.<br>30, s. 7, sch. 1.<br>30, s. 30, sch. 4 Pt. II.<br>30, s. 30, sch. 4 Pt. IV. |
|                                     |                                                              | S. 60 rep. in pt. ...<br>S. 61 rep. and superseded                                                                                 | 30, s. 7, sch. 1.<br>30, ss. 7 (8), 30, sch. 4 Pt. IV.                                                                         |
|                                     |                                                              | S. 62 am. ...<br>S. 65 rep. in pt. ...                                                                                             | 30, s. 9.<br>30, ss. 7, 28, 30, schs. 1, 3, 4 Pt. IV.                                                                          |
|                                     |                                                              | S. 66 subst. ...<br>S. 73 rep. in pt. ...                                                                                          | 30, s. 7, sch. 1.<br>30, ss. 28, 30, schs. 3, 4, Pt. IV.                                                                       |
|                                     |                                                              | S. 76. Power to ext. ...<br>S. 79 rep. in pt. ...                                                                                  | 30, s. 8 (4).<br>30, s. 30, sch. 4 Pt. IV.                                                                                     |
|                                     |                                                              | S. 84 am. ...<br>S. 86 rep. in pt. ...                                                                                             | 30, s. 9.<br>30, ss. 28, 30, schs. 3, 4, Pts. I, IV.                                                                           |
| c. 63 ...                           | Building Societies Act 1877.                                 | Rep. (E.) (S.) ...                                                                                                                 | 37, ss. 131, 134, sch. 10.                                                                                                     |
| c. 65 ...                           | Fisheries (Dynamite) Act 1877.                               | S. 4 rep. in pt. ...                                                                                                               | 30, s. 30, sch. 4 Pt. IV.                                                                                                      |
| 41 & 42 Vict.:                      |                                                              |                                                                                                                                    |                                                                                                                                |
| c. 50 ...                           | County of Hertford Act 1878.                                 | S. 5 am. ...                                                                                                                       | 15, s. 20 (1), sch. 4 Pt. II.                                                                                                  |
| c. 76 ...                           | Telegraph Act 1878 ...                                       | S. 4 (3) am. ...<br>S. 7 ext. (E.) ...<br>expld. (E.) (S.) ...<br>S.10 rep. in pt. ...                                             | 30, s. 7, sch. 1.<br>38, s. 158 (1).<br>58, s. 40 (2).<br>30, ss. 25 (2), 30, schs. 2, 4, Pt. IV.                              |
| 42 & 43 Vict.:                      |                                                              |                                                                                                                                    |                                                                                                                                |
| c. 19 ...                           | Habitual Drunkards Act 1879.                                 | S. 3 para. (a) rep. in pt....                                                                                                      | 30, s. 30, sch. 4 Pt. IV.                                                                                                      |
| c. 49 ...                           | Summary Jurisdiction Act 1879.                               | S. 31 (1) mod. ( <i>prosp.</i> ) ...                                                                                               | 15, s. 15 (3).                                                                                                                 |
| c. 50 ...                           | Bills of Sale (Ireland) Act 1879.                            | Ss. 4 am. so far as defining "prescribed", 21 subst.                                                                               | 30, s. 7, sch. 1.                                                                                                              |
| 44 & 45 Vict.:                      |                                                              |                                                                                                                                    |                                                                                                                                |
| c. 41 ...                           | Conveyancing Act 1881                                        | S. 72 (3) rep. in pt. ...                                                                                                          | 30, ss. 28, 30, schs. 3, 4 Pt. IV.                                                                                             |
|                                     |                                                              | S. 72 (5) subst. ...                                                                                                               | 30, s. 7, sch. 1.                                                                                                              |
| c. 62 ...                           | Veterinary Surgeons Act 1881.                                | S. 13 (2) appl. (mod.) (South Africa).                                                                                             | 23, s. 2 (2), sch. 3 para. 2.                                                                                                  |
| c. 69 ..                            | Fugitive Offenders Act 1881.                                 | Ext. (South Africa) ...                                                                                                            | 23, s. 2 (2), sch. 3 para. 1.                                                                                                  |

| Session and Chap. or No. of Measure | Short title or Subject                             | How affected                                                                                                           | Chapter of 1962 Act or number of Measure or Statutory Instrument                                              |
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| 45 & 46 Vict.:<br>c. 22 ... ..      | Boiler Explosions Act 1882.                        | S. 3 rep. in pt. (N.I.) ...                                                                                            | 30, s. 30, sch. 4 Pt. IV.                                                                                     |
| c. 38 ... ..                        | Settled Land Act 1882 ...                          | S. 65 (3) am., 65 (5) rep.                                                                                             | 30, s. 7, sch. 1.                                                                                             |
| c. 39 ... ..                        | Conveyancing Act 1882                              | S. 7 (3) rep. ... ..                                                                                                   | 30, ss. 28, 30, schs. 3, 4 Pt. IV.                                                                            |
| c. 50 ... ..                        | Municipal Corporations Act 1882.                   | Ss. 162 (2) rep. in pt., 163 (7) rep.<br>S. 165 (1) rep. in pt. ...                                                    | 15, s. 20 (2), sch. 5 Pt. I.<br>15, s. 20 (2), sch. 5 Pt. II.                                                 |
|                                     |                                                    | S. 166 am. ... ..                                                                                                      | 15, s. 7 (1) (2).                                                                                             |
|                                     |                                                    | S. 166 (1) rep. in pt., 166 (2) rep.                                                                                   | 15, s. 20 (2), sch. 5 Pt. I.                                                                                  |
|                                     |                                                    | S. 168 (1) am. ... ..                                                                                                  | 15, s. 20 (1), sch. 4 Pt. II.                                                                                 |
|                                     |                                                    | S. 168 (6) (a) rep. ...                                                                                                | 15, ss. 7 (3), 20 (2), sch. 5 Pt. I.                                                                          |
|                                     |                                                    | S. 168 (7) rep., 168 (10) rep. in pt.                                                                                  | 15, s. 20 (2), sch. 5 Pt. I.                                                                                  |
| c. 75 ... ..                        | Married Women's Property Act 1882.                 | Ss. 12 rep. (E.) exc. so far as relating to criminal proceedings, 23 rep. (E.).                                        | 48, s. 3, sch.                                                                                                |
| c. 77 ... ..                        | Citation Amendment (Scotland) Act 1882.            | Sch. 2 (A) am. ... ..                                                                                                  | 27, s. 1 (2), sch. para. 3.                                                                                   |
| 46 & 47 Vict.:<br>c. 22 ... ..      | Sea Fisheries Act 1883                             | Excl. ... ..<br>S. 7 (3) am. ... ..<br>S. 11 am. ... ..<br>S. 12 am. ... ..<br>S. 14 am. ... ..<br>S. 21 restr. ... .. | 31, s. 17.<br>31, s. 16.<br>31, s. 12 (6).<br>31, s. 12 (6), (7).<br>31, s. 12 (7).<br>30, s. 25 (2), sch. 2. |
| c. 51 ... ..                        | Corrupt and Illegal Practices Prevention Act 1883. | S. 56 am. (N.I.) ...                                                                                                   | 30, s. 7, sch. 1.                                                                                             |
| 47 & 48 Vict.:<br>c. 41 ... ..      | Building Societies Act 1884.                       | Rep. (E.) (S.) ... ..                                                                                                  | 37, ss. 131, 134, sch. 10.                                                                                    |
| 48 & 49 Vict.:<br>c. 58 ... ..      | Telegraph Act 1885 ...                             | Rep. ... ..                                                                                                            | 14, s. 2 (3), sch.                                                                                            |
| 49 & 50 Vict.:<br>c. 27 ... ..      | Guardianship of Infants Act 1886.                  | Ss. 9-11 am. (N.I.) ...                                                                                                | 30, s. 7, sch. 1.                                                                                             |
| 50 & 51 Vict.:<br>c. 20 ... ..      | Criminal Law and Procedure (Ireland) Act 1887.     | S. 19 rep. in pt. ... ..                                                                                               | 30, s. 30, sch. 4 Pt. IV.                                                                                     |
| c. 28 ... ..                        | Merchandise Marks Act 1887.                        | Expld. ... ..<br>Appl. ... ..<br>S. 2 (1) (d), (2) expld. ...                                                          | 59, s. 47 (1).<br>59, s. 47 (2).<br>23, s. 2 (2), sch. 3 para. 7.                                             |
|                                     |                                                    | S. 22 rep. ... ..                                                                                                      | 30, s. 30, sch. 4 Pt. IV.                                                                                     |
| c. 33 ... ..                        | Land Law (Ireland) Act 1887.                       | Ss. 33 (1) rep., 34 am. ...                                                                                            | 30, s. 7, sch. 1.                                                                                             |
| c. 44 ... ..                        | Trinidad and Tobago Act 1887.                      | Rep. (saving) ... ..                                                                                                   | 19, s. 10 (3), sch.                                                                                           |
| c. 55 ... ..                        | Sheriffs Act 1887 ...                              | S. 6 (1) excl. ... ..                                                                                                  | 15, s. 3 (2) (6)                                                                                              |

| Session and Chap. or No. of Measure          | Short title or Subject                                    | How affected                                                                    | Chapter of 1962 Act or number of Measure or Statutory Instrument                  |
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| 50 & 51 Vict.—<br>c. 57 ... <i>cont.</i> ... | Deeds of Arrangement Act 1887.                            | S. 18 subst. ... ..                                                             | 30, s. 7, sch. 1.                                                                 |
| 51 & 52 Vict.:<br>c. 25 ... ..               | Railway and Canal Traffic Act 1888.                       | Ss. 7, 8–12, 14, 15 rep. ...                                                    | 46, s. 95 (1), sch. 12 Pt. I.                                                     |
|                                              |                                                           | S. 16 (1) rep. in pt. ...                                                       | 46, s. 95 (1), sch. 12 Pt. I.                                                     |
|                                              |                                                           | S. 16 (2) am. ... ..                                                            | 46, s. 57 (8).                                                                    |
|                                              |                                                           | S. 17 am. ... ..                                                                | 30, s. 7, sch. 1.                                                                 |
|                                              |                                                           | Ss. 25–37 rep. ... ..                                                           | 46, s. 95 (1), sch. 12 Pt. I.                                                     |
|                                              |                                                           | S. 39 excl. ... ..                                                              | 46, s. 24 (4).                                                                    |
|                                              |                                                           | Ss. 43 (2), 44, 48 rep., 52 rep. in pt., 54 (1) (4) rep. in pt., 55 rep. in pt. | 46, s. 95 (1), sch. 12 Pt. I.                                                     |
| c. 27 ... ..                                 | Supreme Court of Judicature (Ireland) Amendment Act 1888. | Ss. 2 am., 3 rep in pt., 4 added.                                               | 30, s. 7, sch. 1.                                                                 |
| c. 41 ... ..                                 | Local Government Act 1888.                                | S. 42 (3) am. ... ..                                                            | 15, s. 20 (1), sch. 4 Pt. I.                                                      |
|                                              |                                                           | S. 42 (6) (7) am. ...                                                           | 15, s. 6.                                                                         |
| 52 & 53 Vict.:<br>c. 26 ... ..               | Small Debt Amendment (Scotland) Act 1889.                 | Appl. ... ..                                                                    | 28, s. 27 (3).                                                                    |
| c. 48 ... ..                                 | County Court Appeals (Ireland) Act 1889.                  | S. 18 (1) subst., 18 (3) (5) rep.                                               | 30, s. 7, sch. 1.                                                                 |
|                                              |                                                           | S. 18 (7) rep. ... ..                                                           | 30, ss. 28, 30, schs. 3, 4 Pt. IV.                                                |
| c. 57 ... ..                                 | Regulation of Railways Act 1889.                          | S. 2 rep. ... ..                                                                | 46, s. 95 (1), sch. 12 Pt. I.                                                     |
|                                              |                                                           | S. 5 (1) (3) am. ... ..                                                         | 46, s. 84 (2).                                                                    |
|                                              |                                                           | S. 7 rep. ... ..                                                                | 46, s. 67 (13), 95 (2), sch. 12 Pt. II.                                           |
| c. 63 ... ..                                 | Interpretation Act 1889                                   | S. 13 paras. (9) rep., (10) rep. in pt., (11) rep. (N.I.).                      | 30, s. 30, sch. 4 Pt. IV.                                                         |
|                                              |                                                           | S. 18 (3) restr. ...                                                            | 40, s. 3 (1).                                                                     |
|                                              |                                                           |                                                                                 | 54, s. 3 (1).                                                                     |
|                                              |                                                           |                                                                                 | 57, s. 3 (1).                                                                     |
|                                              |                                                           | S. 26 excl. ... ..                                                              | 58, s. 49 (3).                                                                    |
|                                              |                                                           | S. 37 saved (E.) ... ..                                                         | 38, s. 225 (5).                                                                   |
|                                              |                                                           | S. 38 saved ...                                                                 | 37, s. 133 (7).                                                                   |
|                                              |                                                           |                                                                                 | 46, s. 95 (4).                                                                    |
|                                              |                                                           | saved (E.) ... ..                                                               | 38, s. 224.                                                                       |
|                                              |                                                           | saved (S.) ... ..                                                               | 47, s. 147.                                                                       |
|                                              |                                                           | appl. ... ..                                                                    | 23, s. 2 (4).                                                                     |
|                                              |                                                           |                                                                                 | 21, s. 5 (2).                                                                     |
|                                              |                                                           |                                                                                 | 44, s. 34, sch. 11 Pt. II.                                                        |
|                                              |                                                           | S. 38 (2) appl. ...                                                             | S.I. Nos. 400, art. 11, 405, sch. 2, s. 48, 826, art. 51, 907, 1084, arts. 3, 16. |
| 53 & 54 Vict.:<br>c. 24 ... ..               | Deeds of Arrangement Amendment Act 1890.                  | S. 3 subst. ... ..                                                              | 30, s. 7, sch. 1.                                                                 |

| Session and Chap. or No. of Measure      | Short title or Subject                               | How affected                                                                                                                                                                                                                             | Chapter of 1962 Act or number of Measure or Statutory Instrument                                                                                                                                                                                                |
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| 53 & 54 Vict.—<br>c. 27 ... <i>cont.</i> | Colonial Courts of Admiralty Act 1890.               | Appl. (mod.)—<br>(Mauritius) ...<br>(Fiji) ...<br>(Sarawak, North Borneo and Brunei).<br>(British Guiana) ...<br>(Jamaica) ...<br>(Hong Kong) ...<br>(Zanzibar) ...<br>(Bahama Islands) ...<br><br>S. 4 excl. ...<br><br>S. 7 restr. ... | S.I. No. 167.<br>S.I. No. 398.<br>S.I. No. 399.<br><br>S.I. No. 630.<br>S.I. No. 631.<br>S.I. No. 1547.<br>S.I. No. 2180.<br>S.I. No. 2348.<br>40, s. 1, sch. 1 para. 5.<br>54, s. 1, sch. 1 para. 5.<br>40, s. 1, sch. 1 para. 5.<br>54, s. 1, sch. 1 para. 5. |
| c. 54 ...                                | Metropolis Management Act, 1862, Amendment Act 1890. | Appl. (mod.) ...                                                                                                                                                                                                                         | 38, s. 202, sch. 9 para. 15.                                                                                                                                                                                                                                    |
| 54 & 55 Vict.:                           |                                                      |                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                 |
| c. 15 ...                                | Merchandise Marks Act 1891.                          | Expld. ...<br>S. 2 excl. ...                                                                                                                                                                                                             | 59, s. 47 (1).<br>59, s. 47 (3).                                                                                                                                                                                                                                |
| c. 24 ...                                | Public Accounts and Charges Act 1891.                | S. 2 ext. ...                                                                                                                                                                                                                            | 45, s. 3.                                                                                                                                                                                                                                                       |
| c. 31 ...                                | Mail Ships Act 1891 ...                              | Sch. rep. in pt. ...                                                                                                                                                                                                                     | 23, s. 2 (3), sch. 5.                                                                                                                                                                                                                                           |
| c. 39 ...                                | Stamp Act 1891 ...                                   | S. 15 am. ...<br>Ss. 104–106 rep. ...<br><br>S. 112 excl. ...<br>Sch. 1 am. ...<br>rep. in pt. ...                                                                                                                                       | 44, s. 30 (1).<br>44, s. 34 (7), sch. 11 Pt. V.<br>46, s. 41 (2).<br>44, s. 30 (1).<br>44, ss. 30 (1), 34 (7), sch. 11 Pt. V.                                                                                                                                   |
| c. 48 ...                                | Purchase of Land (Ireland) Act 1891.                 | S. 25 rep. in pt. ...                                                                                                                                                                                                                    | 30, s. 7, sch. 1                                                                                                                                                                                                                                                |
| 55 & 56 Vict.:                           |                                                      |                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                 |
| c. 6 ...                                 | Colonial Probates Act 1892.                          | Ext. (South Africa) ...<br>S. 2 am. (N.I.) ...                                                                                                                                                                                           | 23, s. 2 (1), sch. 2 para. 1.<br>30, s. 7, sch. 1.                                                                                                                                                                                                              |
| 57 & 58 Vict.:                           |                                                      |                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                 |
| c. 17 ...                                | Colonial Officers (Leave of Absence) Act 1894.       | Sch. rep. in pt. (saving) ...                                                                                                                                                                                                            | 23, s. 2 (3), sch. 5.                                                                                                                                                                                                                                           |
| c. 30 ...                                | Finance Act 1894 ...                                 | S. 7 (2) rep. in pt. (saving) ...<br><br>S. 7 (4) rep. (saving) ...<br><br>S. 7 (5) proviso excl. ...<br>S. 8 (3) (4) am. ...<br>S. 9 (1) ext. ...<br>S. 10 (1) rep. in pt. (N.I.)                                                       | 44, ss. 28 (5), 34 (4) (7), sch. 11 Pt. IV.<br>44, ss. 29 (1), 34 (4) (7), sch. 11 Pt. IV.<br>44, ss. 28 (4) (c), 34 (4).<br>44, ss. 28 (2), 34 (4).<br>44, ss. 28 (3), 34 (4).<br>30, s. 7, sch. 1.                                                            |

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| 57 & 58 Vict.:<br>c. 30— <i>cont.</i> | Finance Act 1894— <i>cont.</i>                          | S. 20 (1) (3) (4) rep. (saving).                                           | 44, s. 34 (4) (7), sch. II Pt. IV.                                                  |
| c. 47 ... ..                          | Building Societies Act 1894.                            | Rep. (E.) (S.), exc. ss. 8 and 29.                                         | 37, ss. 131, 134, sch. 10.                                                          |
| c. 60 ... ..                          | Merchant Shipping Act 1894.                             | S. 8 saved (E.) ... ..<br>Ss. 92–104 appl. (saving)                        | 37, s. 103 (1) (5).<br>23, s. 2 (2), sch. 3 para. 6.                                |
|                                       |                                                         | S. 221 (a) am. ... ..                                                      | 30, s. 25 (1).                                                                      |
|                                       |                                                         | S. 287 (1) am. (E.) (S.)... ..                                             | 52, s. 1 (1) (a), (2) (a).                                                          |
|                                       |                                                         | S. 376 (1) (a) am. ... ..                                                  | 30, s. 25 (1).                                                                      |
|                                       |                                                         | S. 378 expld. ... ..                                                       | 30, s. 25.                                                                          |
|                                       |                                                         | S. 427 (2) am. ... ..                                                      | 40, s. 3, sch. 2 para. 7.<br>54, s. 3, sch. 2 para. 7.<br>57, s. 3, sch. 3 para. 7. |
|                                       |                                                         | S. 515 am. ... ..                                                          | 30, s. 23.                                                                          |
|                                       |                                                         | ext. (N.I.) ... ..                                                         | 30, s. 23 (3).                                                                      |
|                                       |                                                         | S. 699 (2) (a) am. ... ..                                                  | 30, s. 25 (1).                                                                      |
|                                       |                                                         | Ss. 735–736 expld.                                                         | 40, s. 1, sch. 1 para. 4.<br>54, s. 1, sch. 1 para. 4.<br>57, s. 1, sch. 1 para. 4. |
| 58 & 59 Vict.:<br>c. 16 ... ..        | Finance Act 1895 ... ..                                 | S. 12 mod. (E.) ... ..                                                     | 38, s. 75, sch. 4 para. 13.                                                         |
| c. 36 ... ..                          | Fatal Accidents (Scotland) Act 1895.                    | Excl. ... ..                                                               | 46, s. 41 (1).<br>58, s. 34 (3).                                                    |
| 59 & 60 Vict.:<br>c. 8 ... ..         | Life Insurance Companies (Payment into Court) Act 1896. | Ss. 3, 4 expld. (N.I.) ... ..                                              | 30, s. 7, sch. 1.                                                                   |
| c. 25 ... ..                          | Friendly Societies Act 1896.                            | Ss. 2 (1) (b) rep., 4 (1) (b) rep. (S.).                                   | 37, s. 131, sch. 10.                                                                |
| c. 48 ... ..                          | Light Railways Act 1896                                 | S. 15 (5) rep. ... ..                                                      | 46, ss. 84 (1), 95 (1), sch. 12 Pt. I.                                              |
|                                       |                                                         | Sch. 2 rep. in pt. ... ..                                                  | 46, s. 95 (1), sch. 12 Pt. I.                                                       |
| c. 55 ... ..                          | Quarter Sessions (London) Act 1896.                     | S. 2 am. ... ..                                                            | 15, s. 20 (1), sch. 4 Pt. I.                                                        |
| 60 & 61 Vict.:<br>c. 51 ... ..        | Public Works Loans Act 1897.                            | S. 1 appl. (S.) ... ..                                                     | 28, s. 11 (2) (a).                                                                  |
| c. 66 ... ..                          | Supreme Court of Judicature (Ireland) (No. 2) Act 1897. | S. 3 (2) rep. in pt. ... ..<br>S. 4 (5)–(7) am. ... ..<br>S. 7 rep. ... .. | 30, s. 7, sch. 1.<br>30, s. 7, sch. 1.<br>30, s. 30, sch. 4 Pt. IV.                 |
| 61 & 62 Vict.:<br>c. 37 ... ..        | Local Government (Ireland) Act 1898.                    | S. 5 (4) (7) am. ... ..                                                    | 30, s. 7, sch. 1.                                                                   |



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| 61 & 62 Vict.:<br>c. 37— <i>cont.</i>   | Local Government (Ireland) Act 1898— <i>cont.</i>      | Sch. 1 Pt. I rep. so far as relating to the Merchant Shipping Act, 1894 (c. 60).            | 30, s. 30, sch. 4 Pt. IV.                                        |
| c. 57 ... ..                            | Elementary School Teachers (Superannuation) Act 1898.  | Pensions increase ...                                                                       | 2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), sch. 1, 2.               |
| 62 & 63 Vict.:<br>c. 14 ... ..          | London Government Act 1899.                            | Ss. 5 rep., 28 (3) rep. in pt., sch. 2 Pt. II rep.                                          | 46, s. 95 (1), sch. 12 Pt. I.                                    |
| 63 & 64 Vict.:<br>c. 14 ... ..          | Colonial Solicitors Act 1900.                          | S. 1 appl. (S. Africa) ...                                                                  | 23, s. 2 (2), sch. 3 para. 5.                                    |
| c. 27 ... ..                            | Railway Employment (Prevention of Accidents) Act 1900. | S. 3 am. ... ..<br>Ss. 6 rep., 11 and 15 (4) rep. in pt.                                    | 46, s. 57 (7).<br>46, s. 95 (1), sch. 12 Pt. I.                  |
| 2 Edw. 7:<br>c. 28 ... ..               | Licensing Act 1902 ...                                 | S. 2 am. ... ..                                                                             | 52, s. 1 (1) (b), (2) (b).                                       |
| 3 Edw. 7:<br>c. 25 ... ..               | Licensing (Scotland) Act 1903.                         | S. 70 am. ... ..                                                                            | 52, s. 1 (1), (2).                                               |
| c. 37 ... ..                            | Irish Land Act 1903 ...                                | S. 71 rep. ... ..                                                                           | 30, ss. 28, 30, schs. 3, 4 Pt. IV.                               |
| 4 Edw. 7:<br>c. 7 ... ..                | Finance Act 1904 ...                                   | Ss. 2 (3), 11 rep. ...                                                                      | 44, s. 34 (4) (7), sch. 11 Pt. I.                                |
| c. 9 ... ..                             | Registration of Clubs (Ireland) Act 1904.              | S. 13 rep. in pt. ...                                                                       | 30, s. 30, sch. 4 Pt. IV.                                        |
| c. 19 ... ..                            | Railways (Private Sidings) Act 1904.                   | Rep. ... ..                                                                                 | 46, s. 95 (1), sch. 12 Pt. I.                                    |
| 5 Edw. 7:<br>c. 11 ... ..               | Railway Fires Act 1905...                              | S. 2 ext. ... ..                                                                            | 46, s. 32, sch. 2.                                               |
| 6 Edw. 7:<br>c. 25 ... ..               | Open Spaces Act 1906 ...                               | S. 4 (3) am. ... ..                                                                         | 30, s. 7, sch. 1.                                                |
| c. 48 ... ..                            | Merchant Shipping Act 1906.                            | S. 68 (1) am. (N.I.) ...                                                                    | 30, s. 7, sch. 1.                                                |
| c. 54 ... ..                            | Town Tenants (Ireland) Act 1906.                       | S. 11 rep. in pt. ...                                                                       | 30, s. 7, sch. 1.                                                |
| 7 Edw. 7:<br>c. 23 ... ..               | Criminal Appeal Act 1907.                              | S. 21 expld. ... ..                                                                         | 21, s. 8 (4).                                                    |
| 8 Edw. 7:<br>c. 41 ... ..               | Assizes and Quarter Sessions Act 1908.                 | S. 1 (3) proviso expld. ( <i>prosp.</i> )<br>S. 1 (3) proviso rep. in pt. ( <i>prosp.</i> ) | 15, s. 18.<br>15, s. 20 (2), sch. 5 Pt. II.                      |
| c. 51 ... ..                            | Appellate Jurisdiction Act 1908.                       | Sch. rep. in pt. ... ..                                                                     | 23, s. 2 (3), sch. 5.                                            |
| 9 Edw. 7:<br>c. 47 ... ..               | Development and Road Improvement Funds Act 1909.       | S. 10 appl. (E.) ...                                                                        | 38, s. 202, sch. 9 para. 16.                                     |
| 10 Edw. 7 &<br>1 Geo. 5:<br>c. 8 ... .. | Finance (1909-10) Act 1910.                            | S. 33 (4) rep. in pt., 33 (4A) added.<br>S. 60 (3) excl. ... ..                             | 30 s. 7, sch. 1.<br>44, ss. 28 (4) (b), 34 (4).                  |

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| 10 Edw. 7 & 1 Geo. 5:<br>c. 8— <i>cont.</i> | Finance (1909–10) Act 1910— <i>cont.</i>              | S. 74 (4) rep. ... ..                                            | 44, s. 34 (4) (7), sch. 11 Pt. V.                                                                       |
| 1 & 2 Geo. 5:<br>c. 27 ... ..               | Protection of Animals Act 1911.                       | S. 8 restr. ... ..                                               | 26, s. 1.                                                                                               |
| c. 34 ... ..                                | Railway Companies (Accounts and Returns) Act 1911.    | Excl. ... ..<br>S. 2 (3) rep. ... ..                             | 46, s. 24 (4).<br>46, s. 95 (1), sch. 12 Pt. 1.                                                         |
| c. 50 ... ..                                | Coal Mines Act 1911 ...                               | S. 125 para. (1) rep. ...                                        | 30, s. 30, sch. 4 Pt. IV.                                                                               |
| c. 57 ... ..                                | Maritime Conventions Act 1911.                        | S. 8 am. (N.I.) ... ..<br>S. 9 (1) rep. in pt. ...               | 30, s. 7, sch. 1.<br>23, s. 2 (3), sch. 5.                                                              |
| 2 & 3 Geo. 5:<br>c. 10 ... ..               | Seal Fisheries (North Pacific) Act 1912.              | S. 5 (2) rep. in pt. ...                                         | 23, s. 2 (3), sch. 5.                                                                                   |
| c. 12 ... ..                                | Elementary School Teachers (Superannuation) Act 1912. | Pensions increase ...                                            | 2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2.                                                     |
| c. 14 ... ..                                | Protection of Animals (Scotland) Act 1912.            | S. 7 restr. ... ..                                               | 26, s. 1.                                                                                               |
| c. 30 ... ..                                | Trade Union Act 1913 ...                              | S. 2 (4) am. (N.I.) ...                                          | 30, s. 7, sch. 1.                                                                                       |
| 3 & 4 Geo. 5:<br>c. 21 ... ..               | Appellate Jurisdiction Act 1913.                      | S. 3 rep. ... ..                                                 | 23, s. 2 (3), sch. 5.                                                                                   |
| c. 27 ... ..                                | Forgery Act 1913 ...                                  | Ext. ( <i>prosp.</i> ) (Eurocontrol).                            | 8, s. 6 (5).                                                                                            |
| 4 & 5 Geo. 5:<br>c. 61 ... ..               | Special Constables Act 1914.                          | Pensions increase ...                                            | 2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2.                                                     |
| 5 & 6 Geo. 5:<br>c. 24 ... ..               | Injuries in War (Compensation) Act 1915.              | Pensions increase ...                                            | 2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), sch. 1, 2.                                                      |
| c. 57 ... ..                                | Prize Courts Act 1915 ...                             | S. 4 rep. in pt. ... ..                                          | 23, s. 2 (3), sch. 5.                                                                                   |
| s. 74 ... ..                                | Police Magistrates (Superannuation) Act 1915.         | Pensions increase ...                                            | 2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2.                                                     |
| 6 & 7 Geo. 5:<br>c. 24 ... ..               | Finance Act 1916 ...                                  | S. 22 rep. ( <i>prosp.</i> ) ...                                 | 44, s. 34 (4) (7), sch. 11 Pt. II.                                                                      |
| 8 & 9 Geo. 5:<br>c. 15 ... ..               | Finance Act 1918 ...                                  | S. 4 (1) rep. in pt. ...<br>mod. ... ..<br>S. 45 (1) rep. ... .. | 44, s. 34 (4) (7), sch. 11 Pt. I.<br>44, ss. 1, 2, 34 (4), sch. 1.<br>44, s. 34 (4) (7), sch. 11 Pt. I. |
| c. 39 ... ..                                | Education Act 1918 ...                                | S. 48 (1) am. (definition of compulsory school age).             | 12, s. 9 (5)–(7).                                                                                       |
| c. 48 ... ..                                | Education (Scotland) Act 1918.                        | Rep. ... ..                                                      | 47, s. 147, sch. 8.                                                                                     |
| c. 55 ... ..                                | School Teachers (Superannuation) Act 1918.            | Pensions increase ...                                            | 2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2.                                                     |
| 9 & 10 Geo. 5:<br>c. 32 ... ..              | Finance Act 1919 ...                                  | S. 8 (1) rep. ( <i>prosp.</i> ) ...                              | 44, s. 34 (4) (7), sch. 11 Pt. II.                                                                      |

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| 9 & 10 Geo. 5:<br>c. 32— <i>cont.</i> | Finance Act 1919— <i>cont.</i>                                  | S. 8 (2) (3) expld. ...<br>S. 10 rep. ...<br>S. 38 (1) rep. ( <i>prosp.</i> ) ...<br>Sch. 2 rep. ...                                                                                                              | 44, ss. 1 (2), 34 (4), sch. 4.<br>44, s. 34 (4) (7), sch. 11 Pt. I.<br>44, s. 34 (4) (7), sch. 11 Pt. II.<br>44, s. 34 (4) (7), sch. 11 Pt. I.                             |
| c. 46 ...                             | Police Act 1919 ...                                             | S. 1 (1) excl. ...<br>S. 1 (1) am. ( <i>prosp.</i> ) ...<br>S. 13 (1) rep. in pt. ...<br>Sch. rep. exc. para. 18 ( <i>prosp.</i> )                                                                                | 25, s. 1 (3).<br>25, s. 1 (5).<br>25, s. 1 (6).<br>25, s. 2 (2), sch.                                                                                                      |
| c. 47 ...                             | West Indian Court of Appeal Act 1919.                           | Rep. ...                                                                                                                                                                                                          | 19, s. 10 (3), sch.                                                                                                                                                        |
| c. 50 ...                             | Ministry of Transport Act 1919.                                 | S. 20 appl. ...                                                                                                                                                                                                   | 46, s. 90.                                                                                                                                                                 |
| c. 57 ...                             | Acquisition of Land (Assessment of Compensation) Act 1919.      | Mod. ...<br>Ss. 3, 5, 6 appl. (mod.) (S.) ( <i>temp.</i> )                                                                                                                                                        | 58, s. 11 (4) (6), sch. 3.<br>58, s. 67 (5).                                                                                                                               |
| c. 71 ...                             | Sex Disqualification (Removal) Act 1919.                        | S. 1 am. ...                                                                                                                                                                                                      | 30, s. 7, sch. 1.                                                                                                                                                          |
| c. 92 ...                             | Aliens Restriction (Amendment) Act 1919.                        | S. 1 cont. until 31.12.1963.<br>Ss. 4-6 excl. ( <i>temp.</i> ) ...                                                                                                                                                | 3 (11 Eliz. 2), s. 1 (1).<br>23, s. 1 (3).                                                                                                                                 |
| 10 & 11 Geo. 5:<br>c. 3 ...           | Coinage Act 1920 ...                                            | S. 3 (2) rep. in pt. ...                                                                                                                                                                                          | 23, s. 2 (3), sch. 5.                                                                                                                                                      |
| c. 16 ...                             | Imperial War Museum Act 1920.                                   | Sch. para. (1) am. and rep. in pt.                                                                                                                                                                                | 23, s. 2 (3), sch. 4.                                                                                                                                                      |
| c. 17 ...                             | Increase of Rent and Mortgage Interest (Restrictions) Act 1920. | S. 2 (1) (a) mod. (S.) ...<br>S. 5 excl. (E.) ...                                                                                                                                                                 | 28, s. 16.<br>38, s. 84 (3).                                                                                                                                               |
| c. 18 ...                             | Finance Act 1920 ...                                            | S. 3 (1) (2) am. ...<br>Sch. 1 rep. ...                                                                                                                                                                           | 44, ss. 1 (2), 2 (1) (a), 34 (4), sch. 1.<br>44, s. 34 (4) (7), sch. 11 Pt. I.                                                                                             |
| c. 33 ...                             | Maintenance Orders (Facilities for Enforcement) Act 1920.       | Ext. (South Africa) ...                                                                                                                                                                                           | 23, s. 2 (1), sch. 2 para. 2.                                                                                                                                              |
| c. 65 ...                             | Employment of Women, Young Persons and Children Act 1920.       | S. 1 (3) excl. ...<br>S. 4, sch. Pts. I-III am. so far as defining compulsory school age.                                                                                                                         | S.I. No. 183.<br>12, s. 9 (5)-(7).                                                                                                                                         |
| c. 67 ...                             | Government of Ireland Act 1920.                                 | S. 4 mod. ...<br>S. 4 (1) expld. ...<br>S. 4 (1) para. (1) expld. ...<br>S. 4 (1) para. (7) expld. ...<br>S. 4 (1) para. (10) expld. ...<br>S. 4 (1) para. (14) restr. ...<br>S. 5 (1) rep. in pt. ...<br>am. ... | 30, s. 19 (1).<br>30, ss. 1 (8), 2 (3).<br>44, s. 28 (6).<br>30, ss. 16 (1), 20.<br>30, s. 17.<br>30, s. 17.<br>30, s. 12.<br>30, ss. 14, 30, sch. 4 Pt. IV.<br>30, s. 13. |

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| 10 & 11 Geo. 5:<br>c. 67— <i>cont.</i> | Government of Ireland Act 1920— <i>cont.</i>          | S. 6 mod. ...                                                             | 21, s. 20 (3).<br>23, s. 3 (3).<br>27, s. 3 (2).<br>30, ss. 7 (11), 16 (2), 21.<br>31, s. 35 (4).<br>33, s. 7 (5).<br>46, s. 93 (2).<br>30, s. 19 (2). |
|                                        |                                                       | S. 22 expld. ...                                                          | 30, ss. 1 (8), 2(3).                                                                                                                                   |
|                                        |                                                       | S. 40 expld. ...                                                          | 30, s. 30, sch. 4 Pt. IV.                                                                                                                              |
|                                        |                                                       | S. 41 (2) rep. ...                                                        | 30, s. 30, sch. 4 Pt. I.                                                                                                                               |
|                                        |                                                       | S. 49 rep. (saving) ...                                                   | 30, s. 30, sch. 4 Pt. IV.                                                                                                                              |
|                                        |                                                       | Sch. 7 Pt. II para. 2 (1) rep. in pt., para. 2 (3) rep.                   | 30, s. 26.                                                                                                                                             |
|                                        |                                                       | Sch. 8 am. and mod. (in pt. <i>retrosp.</i> ).                            | 2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2.                                                                                                    |
|                                        |                                                       | Sch. 8. Pensions increase.                                                | 23, s. 2 (3), sch. 5.                                                                                                                                  |
| c. 75 ...                              | Official Secrets Act 1920                             | S. 11 (1) rep. in pt. ...                                                 | 30, s. 7, sch. 1.                                                                                                                                      |
| c. 81 ...                              | Administration of Justice Act 1920.                   | Ss. 9, 11, 12 (2) am. (N.I.)                                              |                                                                                                                                                        |
| 11 & 12 Geo. 5:<br>c. 31 ...           | Police Pensions Act 1921                              | Pensions increase ...                                                     | 2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2.                                                                                                    |
| c. 55 ...                              | Railways Act 1921 ...                                 | Ss. 16–18, 20–26, 39, 56, rep.<br>Pt. IV (ss. 62–67) rep. ...             | 46, s. 95 (1), sch. 12 Pt. I.<br>46, s. 95 (2), sch. 12 Pt. II.                                                                                        |
|                                        |                                                       | Ss. 76, 78 rep. ...                                                       | 46, s. 95 (1), sch. 12 Pt. I.                                                                                                                          |
|                                        |                                                       | Ss. 80–82, 83 (b), 85, sch. 1 rep.                                        | 46, s. 95 (2), sch. 12 Pt. II.                                                                                                                         |
|                                        |                                                       | Sch. 6 rep. ...                                                           | 46, s. 95 (1), sch. 12 Pt. I.                                                                                                                          |
|                                        |                                                       | Sch. 7 rep. ...                                                           | 46, s. 95 (2), sch. 12 Pt. II.                                                                                                                         |
| 12 & 13 Geo. 5:<br>c. 13 ...           | Empire Settlement Act 1922.                           | S. 1 (3) (c) ext. ...                                                     | 17, s. 1 (1).                                                                                                                                          |
| c. 16 ...                              | Law of Property Act 1922                              | S. 144A (4) am....                                                        | 56, s. 7 (1).                                                                                                                                          |
| 13 Geo. 5 (Sess. 2):<br>c. 2 ...       | Irish Free State (Consequential Provisions) Act 1922. | S. 5 saved ...<br>Sch. 1 para. 6 (2) saved<br>Sch. 1 para. 6 (3) rep. ... | 30, s. 29 (1).<br>30, s. 2 (4).<br>30, s. 30, sch. 4 Pt. I.                                                                                            |
| 13 & 14 Geo. 5:<br>c. 16 ...           | Salmon and Freshwater Fisheries Act 1923.             | Ss. 67 (1) (d) am., 67 (3) (4), 79 ext.                                   | 31, s. 14 (1) (a).                                                                                                                                     |
| c. 20 ...                              | Mines (Working Facilities and Support) Act 1923.      | Appl. (mod.) (E.) ...                                                     | 38, s. 198 (1).                                                                                                                                        |
| c. 24 ...                              | Housing &c. Act 1923 ...                              | S. 3 (2) (b) expld. ...<br>S. 2 rep. (saving) (S.) ...                    | 58, s. 57.<br>28, s. 35, sch. 4 para. 26.                                                                                                              |

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| 14 & 15 Geo 5:<br>c. 21 ... ..      | Finance Act 1924 ...                                           | S. 2 rep. ... ..<br>S. 3 rep. ( <i>prosp.</i> ) ...<br>S. 3 (4) rep. in pt. ...<br>S. 41 (1) rep. ( <i>prosp.</i> ) ...                                                                                                                                                  | 44, s. 34 (7), sch. 11 Pt. I.<br>44, ss. 3 (3) (5), 34 (7), schs. 6, 11 Pt. II.<br>44, s. 34 (7), sch. 11 Pt. I.<br>44, s. 34 (7), sch. 11 Pt. II.                                                                                                                         |
| c. 27 ... ..                        | Conveyancing (Scotland) Act 1924.                              | S. 34 am. ... ..                                                                                                                                                                                                                                                         | 27, s. 1, sch.                                                                                                                                                                                                                                                             |
| 15 & 16 Geo. 5:<br>c. 18 ... ..     | Settled Land Act 1925...                                       | S. 71 ext. ... ..<br>S. 73 ext. ... ..<br>Sch. 3 Pt. II ext. ... ..                                                                                                                                                                                                      | 38, s. 206 (1).<br>38, s. 206 (1).<br>38, s. 206 (3).                                                                                                                                                                                                                      |
| c. 20 ... ..                        | Law of Property Act 1925                                       | S. 28 ext. ... ..<br>S. 64 ext. ... ..<br>S. 115 (1), (3), (6), (8) appl.<br>S. 115 (9) excl. and mod.<br>S. 191 (1) (4) rep. in pt....                                                                                                                                  | 38, s. 206 (1).<br>38, s. 206 (1).<br>38, s. 206 (3).<br>38, s. 206 (1).<br>38, s. 75, sch. 4 para. 14.<br>37, s. 37 (2).<br>37, s. 37 (3).<br>44, s. 34 (7), sch. 11 Pt. VI.                                                                                              |
| c. 22 ... ..                        | Land Charges Act 1925...                                       | S. 196 (4) am. ... ..<br>S. 10 Class B ext. ... ..<br>S. 15 ext. ... ..                                                                                                                                                                                                  | 27, s. 1, sch.<br>S.I. No. 148, reg. 23.<br>38, ss. 32 (3), 74 (2), 112 (5).                                                                                                                                                                                               |
| c. 24 ... ..                        | Universities and College Estates Act 1925.                     | S. 17 (1) (2), (7)-(9) appl.<br>Ss. 26, 31 ext. ... ..                                                                                                                                                                                                                   | S.I. No. 959, r. 8.<br>38, s. 206 (1).                                                                                                                                                                                                                                     |
| c. 42 ... ..                        | Merchant Shipping (International Labour Conventions) Act 1925. | Sch. 2 rep. in pt....                                                                                                                                                                                                                                                    | 23, s. 2 (3), sch. 5.                                                                                                                                                                                                                                                      |
| c. 49 ... ..                        | Supreme Court of Judicature (Consolidation) Act 1925.          | S. 2 (1) am. ... ..<br>S. 14. Pensions increase<br>S. 27 ext. ... ..<br>S. 63 (1) ext. ... ..<br>S. 72 am. ... ..<br>S. 78 (3) proviso expld. ( <i>prosp.</i> )<br>rep. in pt. ( <i>prosp.</i> )<br>S. 99 ext. ... ..<br>S. 128 (1) ext. ... ..<br>S. 220 (1) am. ... .. | 15, s. 20 (1), sch. 4 Pt. I.<br>2 (11 Eliz. 2), s. 1 (2), sch. 1 Pt. I.<br>38, s. 180 (3).<br>38, ss. 180 (5), 181 (5).<br>15, s. 3 (5).<br>15, s. 18.<br>15, s. 20 (2), sch. 5 Pt. II.<br>38, ss. 180, 181.<br>46, s. 57, sch. 10 para. 8.<br>27, s. 1 (2), sch. para. 4. |
| c. 59 ... ..                        | Teachers Superannuation Act 1925.                              | Pensions increase ... ..<br>S. 2 (1) (a) (iv) mod. ...<br>S. 3 (1) (c) expld. ... ..<br>S. 14 (3) (b) Pensions increase ... ..                                                                                                                                           | 2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2.<br>S.I. No. 538, r. 19.<br>S.I. No. 538, r. 18.<br>2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2.                                                                                                                 |

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| 15 & 16 Geo. 5:<br>c. 86 ... ..     | Criminal Justice Act 1925                                 | S. 14 expld. ( <i>prosp.</i> ) ...<br>Ss. 14 (4) rep. ( <i>prosp.</i> ),<br>22 rep.<br>S. 23 subst. ... .. | 15, s. 18.<br>15, s. 20 (2),<br>sch. 5 Pt. II.<br>15, s. 20 (1),<br>sch. 4 Pt. II.              |
| c. 90 ... ..                        | Rating and Valuation Act 1925.                            | Sch. 1 para. 6 am. ...<br>Sch. 2 Pt. I am. ...<br>Sch. 3 para. 5 added ...                                 | 15, s. 12 (2).<br>S.I. No. 940.<br>58, s. 41 (1).                                               |
| 16 & 17 Geo. 5:<br>c. 15 ... ..     | Criminal Appeal (Scotland) Act 1926.                      | S. 18 expld. ... ..                                                                                        | 21, s. 8 (4) (5).                                                                               |
| c. 16 ... ..                        | Execution of Diligence (Scotland) Act 1926.               | S. 2 (2) am. ... ..                                                                                        | 27, s. 1, sch.                                                                                  |
| c. 22 ... ..                        | Finance Act 1926. ...                                     | S. 4 rep. ( <i>prosp.</i> ) ...                                                                            | 44, s. 34 (7),<br>sch. 11 Pt. II.                                                               |
| c. 40 ... ..                        | Indian and Colonial Divorce Jurisdiction Act 1926.        | S. 2 (2) rep. in pt. ...                                                                                   | 23, s. 2 (3), sch. 5                                                                            |
|                                     |                                                           | am. ...                                                                                                    | 40, s. 3, sch. 2<br>para. 14.<br>54, s. 3, sch. 2<br>para. 14.<br>57, s. 3, sch. 3<br>para. 13. |
| c. 44 ... ..                        | Supreme Court of Judicature of Northern Ireland Act 1926. | S. 1 (1) rep. in pt. ...                                                                                   | 30, s. 30, sch. 4<br>Pt. IV.                                                                    |
| c. 53 ... ..                        | Merchandise Marks Act 1926.                               | S. 1 (1) expld. (South Africa).                                                                            | 23, s. 2 (2), sch. 3<br>para. 7.                                                                |
| c. 59 ... ..                        | Coroners (Amendment) Act 1926.                            | S. 6. Pensions increase                                                                                    | 2 (11 Eliz. 2), ss.<br>1, 2, 6(1), 8(1),<br>schs. 1, 2.                                         |
| c. 63 ... ..                        | Sale of Food (Weights and Measures) Act 1926.             | S. 7 excl. ... ..                                                                                          | S.I. No. 1786,<br>art. 4.                                                                       |
| 17 & 18 Geo. 5:<br>c. 36 ... ..     | Landlord and Tenant Act 1927.                             | Ss. 18 (2), 23 (1) am. ...                                                                                 | 27, s. 1, sch.                                                                                  |
| 18 & 19 Geo. 5:<br>c. 17 ... ..     | Finance Act 1928.                                         | S. 4 rep. ... ..<br>S. 6 mod. ... ..<br>Sch. 2 rep. ... ..                                                 | 44, s. 34 (7),<br>sch. 11 Pt. I.<br>44, s. 2 (1) (c).<br>44, s. 34 (7),<br>sch. 11 Pt. I.       |
| c. 24 ... ..                        | Northern Ireland (Miscellaneous Provisions) Act 1928.     | S. 1 rep. (saving) ...                                                                                     | 30, s. 30, sch. 4<br>Pt. IV.                                                                    |
| c. 35 ... ..                        | Easter Act 1928 ...                                       | S. 2 (1) am. ... ..<br>Sch. rep. in pt. ... ..                                                             | 30, s. 18.<br>23, s. 2 (3), sch. 5.                                                             |
| 19 & 20 Geo. 5:<br>c. 11 ... ..     | Superannuation (Diplomatic Service) Act 1929.             | Pensions increase ...                                                                                      | 2 (11 Eliz. 2), ss.<br>1, 2, 6(1), 8(1),<br>schs. 1, 2.                                         |
| c. 17 ... ..                        | Local Government Act 1929.                                | S. 124 (5) (c) appl. (mod.)                                                                                | S.I. No. 538, r. 8.                                                                             |
| c. 27 ... ..                        | Savings Banks Act 1929                                    | Rep. ... ..                                                                                                | 44, s. 34 (7),<br>sch. 11 Pt. VI.                                                               |
| c. 29 ... ..                        | Government Annuities Act 1929.                            | Am. ... ..                                                                                                 | 44, s. 33 (1).                                                                                  |

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| 19 & 20 Geo. 5:<br>c. 29— <i>cont.</i> | Government Annuities Act 1929— <i>cont.</i>                                                                                                  | Ss. 1–7 rep., 8 (1) rep. in pt. 9 (2), 9 (3) proviso, 12, 13 (2) rep., 13 (3) rep. in pt. 14, 16–18, 22 (1) (a)–(c) rep., 22 (1) (d) rep. in pt. 23 (3) rep. in pt., 28 rep., 30 rep. as respects accounts for any period after 5.1.1963, 32 (1) rep., 33 para. (f) rep., 33 paras. (g) and (i) rep. in pt., 37–40, 42 (2), 42 (3) proviso rep.<br>Ss. 45, 46 saved... ..<br>expld. ... ..<br>Ss. 53 rep., 54 (1) rep. in pt., 54 (2) rep., 54 (3) and (4) rep. in pt., 58 rep. in pt., 63 para. (h) rep. in pt., 65 rep. as respects accounts for any period after 5.1.1963, 67 (1) rep. in pt., 67 (2) (3) rep., 67 (4) rep. in pt., sch. 1 rep. | 44, s. 34 (7), sch. 11 Pt. VI.<br><br>44, s. 33 (2).<br>44, s. 33 (3).<br>44, s. 34 (7), sch. 11 Pt. IV.                                                                      |
| c. 37 ... ..                           | Police Magistrates Superannuation (Amendment) Act 1929.                                                                                      | Pensions increase ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2.                                                                                                                           |
| 20 & 21 Geo. 5:                        | Finance Act 1930 ... ..<br>Land Drainage Act 1930 ... ..<br>Criminal Appeal (Northern Ireland) Act 1930.                                     | S. 42 appl. ... ..<br>S. 75 am. ... ..<br>Ss. 1 (9), 5 (1), 7 (1), 8, 9, 10 (1), 11, 14 (3), 15 (3) am., 16 subst., 20 am.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 46, ss. 26, 29 (17).<br>27, s. 1, sch.<br>30, s. 7, sch. 1.                                                                                                                   |
| 21 & 22 Geo. 5:                        | Ancient Monuments Act 1931.<br>Architects (Registration) Act 1931.                                                                           | S. 10 (1) am. ... ..<br>S. 16 am. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 27, s. 1, sch.<br>27, s. 1, sch.                                                                                                                                              |
| 22 & 23 Geo. 5:                        | Statute of Westminster 1931.<br>Northern Ireland (Miscellaneous Provisions) Act 1932.<br>Finance Act 1932 ... ..<br>Carriage by Air Act 1932 | S. 1 rep. in pt. ... ..<br>Ss. 1 and 6 rep. (saving)<br>S. 29. Pensions increase<br>S. 2 am. ( <i>prosp.</i> ) ... ..<br>S. 2 am. (N.I.) ... ..<br>Ss. 3, 4 ext. ( <i>temp.</i> ) ... ..<br>Sch. 1 ext. ( <i>prosp.</i> ) ... ..                                                                                                                                                                                                                                                                                                                                                                                                                   | 23, s. 2 (3), sch. 5.<br>30, s. 30, sch. 4 Pt. IV.<br>2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2.<br>43, s. 3 (3).<br>30, s. 7, sch. 1.<br>43, s. 5 (3).<br>43, s. 4. |

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| 23 & 24 Geo. 5:<br>c. 6 ... ..      | Visiting Forces (British Commonwealth) Act 1933.              | S. 4 appl.—<br>(Jamaica) ... ..<br>(Trinidad and Tobago)<br>(Uganda) ... ..                                                                                                                                                                                                                                                                                           | 40, s. 3, sch. 2 para. 5.<br>54, s. 3, sch. 2 para. 5.<br>57, s. 3, sch. 3 para. 5.                                                                                                                                                                                                                                    |
| c. 13 ... ..                        | Foreign Judgments (Reciprocal Enforcement) Act 1933           | Ss. 4 (1), 8 (1) rep. in pt. Pt. I appl. (Norway) ...                                                                                                                                                                                                                                                                                                                 | 23, s. 2 (3), sch. 5. S.I. No. 636.                                                                                                                                                                                                                                                                                    |
| c. 14 ... ..                        | London Passenger Transport Act 1933.                          | S. 13 para. (b) am. ...<br>Am. ... ..<br>Pt. I (ss. 1-4), Pt. II (ss. 5-36) (exc. ss. 5, 16, 17, 19, 23-26) rep.<br>Ss. 16, 17 (2) am. ...<br>ext. ... ..<br>S. 26 appl.<br>Ss. 26 (2), 28-30, 36 (2) rep.<br>Pt. VI (ss. 67-72), 80 (15), 97, 101, 103 rep.<br>S. 106 am. ... ..<br>S. 107 (1) rep. in pt., 107 (3) rep.<br>Sch. 1 rep. ... ..<br>Sch. 9 rep. ... .. | 30, s. 7, sch. 1.<br>46, s. 32, sch. 2.<br>46, s. 95 (2), sch. 12 Pt. II.<br>46, s. 58 (1)<br>46, s. 58 (2).<br>46, s. 7 (4).<br>46, s. 95 (1), sch. 12 Pt. I.<br>46, s. 95 (2), sch. 12 Pt. II.<br>46, s. 68 (1).<br>46, s. 95 (1), sch. 12 Pt. I.<br>46, s. 95 (2), sch. 12 Pt. II.<br>46, s. 95 (1), sch. 12 Pt. I. |
| c. 19 ... ..                        | Finance Act 1933 ...                                          | S. 45 rep. ... ..                                                                                                                                                                                                                                                                                                                                                     | 44, s. 34 (7), sch. 11 Pt. VI.                                                                                                                                                                                                                                                                                         |
| c. 32 ... ..                        | Rent and Mortgage Interest Restrictions (Amendment) Act 1933. | Ss. 10, 11 am. (E.) ...<br>Ss. 14 (1) (b), (3) rep. (E.)                                                                                                                                                                                                                                                                                                              | 50, s. 5.<br>50, s. 7 (4), sch.                                                                                                                                                                                                                                                                                        |
| c. 38 ... ..                        | Summary Jurisdiction (Appeals) Act 1933.                      | Ss. 2 (3) rep. in pt., 7 rep., 8 (3) rep. in pt., 9 (3) rep.                                                                                                                                                                                                                                                                                                          | 15, s. 20 (2), sch. 5 Pt. II.                                                                                                                                                                                                                                                                                          |
| c. 45 ... ..                        | Sea-Fishing Industry Act 1933.                                | Excl. ... ..<br>S. 2 am. ... ..<br>S. 2 (3) (4) am. ... ..<br><br>S. 4 (1) am. ... ..<br>S. 4 (6) am. ... ..<br>S. 9 (1) am. ... ..                                                                                                                                                                                                                                   | 31, s. 17.<br>31, ss. 12, 34 (3).<br>31, s. 37, sch. 2, para. 5.<br>31, s. 15 (2).<br>31, s. 15 (5).<br>31, ss. 12 (1), 37, sch. 2 para. 6.                                                                                                                                                                            |
| c. 51 ... ..                        | Local Government Act 1933.                                    | Ss. 85, 91 ext. ... ..<br>S. 163 excl. ... ..<br>S. 163 (1) excl. ... ..<br>S. 163 (2) appl. ... ..<br>Ss. 164, 165 excl. ... ..<br>S. 166 appl. (mod.) ... ..<br>S. 279 appl. ... ..<br>S. 279 (1) am. ... ..<br>S. 279 (2) rep. in pt. ... ..<br><br>S. 290 (2)-(4) appl.                                                                                           | 56, s. 3.<br>38, s. 73 (3).<br>38, s. 77 (5).<br>38, s. 77 (4).<br>38, s. 78 (9).<br>38, s. 78 (8).<br>56, s. 2 (5).<br>56, s. 7 (2).<br>56, s. 7 (2).<br>56, s. 7 (2).<br>31, s. 27, sch. 1.<br>38, s. 213 (2).<br>58, s. 47 (1).                                                                                     |



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| 23 & 24 Geo. 5: c. 51— <i>cont.</i> | Local Government Act 1933— <i>cont.</i>               | S. 290 (5) appl. ...                                                                                                                                                                                                                                                              | 31, s. 27, sch. 1.<br>38, ss. 64 (1), 213 (2).<br>58, s. 47 (1).                                                                                                             |
| c. 53 ... ..                        | Road and Rail Traffic Act 1933.                       | S. 37 rep. ... ..<br>S. 39 rep. ... ..<br><br>S. 45 rep. so far as defining "agreed charge", "merchandise", "trader", "tribunal" and "undue preference".                                                                                                                          | 46, s. 95 (1), sch. 12 Pt. I.<br>46, ss. 57 (11), 95 (1), sch. 12 Pt. I.<br>46, s. 95 (1), sch. 12 Pt. I.                                                                    |
| 24 & 25 Geo. 5: c. 32 ... ..        | Finance Act 1934 ...                                  | Sch. 1 rep. ... ..                                                                                                                                                                                                                                                                | 44, s. 34 (7), sch. 11 Pt. I.                                                                                                                                                |
| c. 49 ... ..                        | Whaling Industry (Regulation) Act 1934.               | S. 16 restr. ... ..<br><br>S. 17 (1) am. (meaning of "British ship")                                                                                                                                                                                                              | 30, s. 25 (2), sch. 2.<br>40, s. 3, sch. 2 para. 11.<br>54, s. 3, sch. 2 para. 11.<br>57, s. 3, sch. 3 para. 11.                                                             |
| c. 53 ... ..                        | County Courts Act 1934                                | S. 9. Pensions increase ...                                                                                                                                                                                                                                                       | 23, s. 2, sch. 5.<br>2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2.                                                                                                     |
| c. 58 ... ..                        | Betting and Lotteries Act 1934.                       | S. 23 expld. ... ..                                                                                                                                                                                                                                                               | 55, s. 1 (1), (4).                                                                                                                                                           |
| 25 & 26 Geo. 5: c. 9 ... ..         | Herring Industry Act 1935.                            | S. 7 am. ... ..<br>S. 15 (2)-(4) ext. ...                                                                                                                                                                                                                                         | 31, ss. 6 (2), 37, sch. 2 para. 7.<br>31, s. 35 (2).                                                                                                                         |
| c. 21 ... ..                        | Northern Ireland Land Purchase (Winding up) Act 1935. | s. 2 (3) rep. ... ..<br><br>S. 2 (5) rep. in pt. and am.<br>S. 6 (1) am. ... ..<br>Sch. 2 para. (b) expld. ...                                                                                                                                                                    | 30, s. 30, sch. 4 Pt. IV.<br>30, s. 7, sch. 1.<br>30, s. 22 (2).<br>30, s. 22 (1).                                                                                           |
| c. 30 ... ..                        | Law Reform (Married Women and Tortfeasors) Act 1935.  | S. 1 rep. in pt. ... ..                                                                                                                                                                                                                                                           | 48, s. 3, sch.                                                                                                                                                               |
| c. 35 ... ..                        | Teachers (Superannuation) Act 1935.                   | Pensions increase ...                                                                                                                                                                                                                                                             | 2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2.                                                                                                                          |
| 26 Geo. 5 & 1 Edw. 8: c. 31 ... ..  | Old Age Pensions Act 1936.                            | S. 2 (1) mod. (South Africa).<br>Ext. ... ..<br>S. 11 saved ... ..<br>S. 36 (2) am. ... ..<br>Pt. III appl. ( <i>temp.</i> ) ... ..<br>S. 259 appl. ( <i>temp.</i> ) ... ..<br>S. 276. Power to appl. (mod.).<br>S. 276 appl. ... ..<br>Ss. 289, 292, 294. Power to appl. (mod.). | 23, s. 2 (2), sch. 3 para. 8.<br>44, s. 32.<br>44, s. 32.<br>56, s. 7 (1).<br>46, s. 64 (4).<br>46, s. 64 (4).<br>38, s. 49 (2) (3).<br>38, s. 61 (2).<br>38, s. 49 (2) (3). |
| c. 43 ... ..                        | Tithe Act 1936 ... ..                                 |                                                                                                                                                                                                                                                                                   |                                                                                                                                                                              |
| c. 49 ... ..                        | Public Health Act 1936                                |                                                                                                                                                                                                                                                                                   |                                                                                                                                                                              |

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| 26 Geo. 5 & 1 Edw. 8— <i>cont.</i><br>c. 50 ... .. | Public Health (London) Act 1936.                                   | S. 82 (1) (b) appl. ( <i>temp.</i> )<br>S. 304 (3) am. ... ..                                                                          | 46, s. 64 (4).<br>46, s. 32, sch. 2 Pt. I.                                                     |
| c. 52 ... ..                                       | Private Legislation Procedure (Scotland) Act 1936.                 | Appl. ... ..                                                                                                                           | 58, s. 11 (3), sch. 2 para. 4 (4).                                                             |
| 1 Edw. 8 & 1 Geo. 6:<br>c. 12 ... ..               | Firearms Act 1937 ...                                              | S. 4 (8) saved ... ..<br>S. 4 (9) am. ... ..<br>S. 29 am. ... ..<br>Sch. 1 para. 9 rep. in pt.                                         | 49, s. 1 (5) (a)<br>49, s. 5.<br>27, s. 1, sch. 15, s. 20 (2), sch. 5 Pt. II.<br>17, s. 1 (1). |
| c. 18 ... ..                                       | Empire Settlement Act 1937.                                        | S. 1 (1) am. ... ..                                                                                                                    | 17, s. 1 (1).                                                                                  |
| c. 37 ... ..                                       | Children and Young Persons (Scotland) Act 1937.                    | Pt. III am. (meaning of "child").<br><br>S. 36 (1) (3) appl. ... ..<br>S. 58 am. ... ..<br>S. 66 appl. ... ..<br>S. 71 (1) mod. ... .. | 47, s. 139.<br><br>47, s. 137 (4).<br>47, s. 142 (1).<br>47, s. 36 (4) (5).<br>47, s. 36 (5).  |
| c. 52 ... ..                                       | Chairmen of Traffic Commissioners &c. (Tenure of Office) Act 1937. | Rep. ... ..                                                                                                                            | 46, s. 95 (1), sch. 12 Pt. I.                                                                  |
| c. 54 ... ..                                       | Finance Act 1937 ...                                               | S. 20 (3) excl. ... ..<br>S. 22 expld. ... ..<br>S. 33 rep. ... ..                                                                     | 44, s. 10 (7) (b)<br>44, s. 10 (7) (c)<br>44, s. 34 (7), sch. 11 Pt. VI.                       |
| c. 67 ... ..                                       | Factories Act 1937 ...                                             | Pt. VI (ss. 70-100) (exc. ss. 99, 100) excl.                                                                                           | S.I. No. 183.                                                                                  |
| c. 68 ... ..                                       | Local Government Superannuation Act 1937.                          | S. 35 ext. ... ..                                                                                                                      | S.I. No. 109, r.5.                                                                             |
| c. 69 ... ..                                       | Local Government Superannuation (Scotland) Act 1937.               | S. 10 (5) appl. ... ..<br><br>S. 15 excl. ... ..<br><br>S. 30 ext. ... ..                                                              | 47, s. 102, sch. 3 Pt. III para. 33<br>S.I. No. 1000, r.10.<br>S.I. Nos. 94, r.7, 1000, r.13.  |
| 1 & 2 Geo. 6:<br>c. 10 ... ..                      | Dominica Act 1938 ...                                              | Rep. ... ..                                                                                                                            | 19, s. 10 (3), sch.                                                                            |
| c. 13 ... ..                                       | Superannuation (Various Services) Act 1938 ...                     | Sch. Pt. I am. so far as relating to the Railways Act 1921 (c. 55).                                                                    | 46, s. 57, sch. 10 para. 8 (1).                                                                |
| c. 22 ... ..                                       | Trade Marks Act 1938...                                            | Ss. 18, 32, 68 (1) am. (N.I.).                                                                                                         | 30, s. 7, sch. 1.                                                                              |
| c. 26 ... ..                                       | Increase of Rent and Mortgage Interest (Restrictions) Act 1938.    | S. 6 rep. (E.) ... ..                                                                                                                  | 50, s. 7, sch.                                                                                 |
| c. 30 ... ..                                       | Sea Fish Industry Act 1938.                                        | Ss. 58 (3) rep., 61 (2) rep. in pt.                                                                                                    | 31, s. 37, sch. 4.                                                                             |
| c. 31 ... ..                                       | Scottish Land Court Act 1938.                                      | S. 1 (3). Pensions increase.                                                                                                           | 2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2.                                            |
| c. 42 ... ..                                       | Herring Industry Act 1938.                                         | S. 1 (1) rep. in pt. and am.                                                                                                           | 31, ss. 29 (2), 37, sch. 2 para. 8, 4.                                                         |

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| 1 & 2 Geo. 6—<br><i>cont.</i>       |                                                                  |                                                                 |                                                                  |
| c. 44 ...                           | Road Haulage Wages Act 1938.                                     | Pt. II expld. ...                                               | 46, s. 82.                                                       |
| c. 63 ...                           | Administration of Justice (Miscellaneous Provisions) Act 1938.   | S. 2 am.<br>excl. ( <i>prosp.</i> )<br>S. 2 (1) (5) (6) am. ... | 15, s. 12 (1).<br>15, s. 16 (4).                                 |
|                                     |                                                                  | S. 3 (1) and (2) rep. in pt.                                    | 15, s. 20 (1),<br>sch. 4 Pt. II.                                 |
|                                     |                                                                  | S. 4 (1) am. ...                                                | 15, s. 20 (2),<br>sch. 5 Pt. II.                                 |
|                                     |                                                                  | S. 11 (2) (3) expld.<br>( <i>prosp.</i> ).                      | 15, s. 20 (1),<br>sch. 4 Pt. I.                                  |
|                                     |                                                                  | S. 11 (4) rep. ...                                              | 15, s. 18.                                                       |
| C.A.M. No. 4                        | Ecclesiastical Commissioners (Powers) Measure 1938.              | S. 1 rep. ...                                                   | 15, s. 20 (2),<br>sch. 5 Pt. II.                                 |
|                                     |                                                                  |                                                                 | C.A.M. No. 1,<br>s. 8 (2), sch.<br>Pt. II.                       |
| 2 & 3 Geo. 6:                       |                                                                  |                                                                 |                                                                  |
| c. 20 ...                           | Reorganisation of Offices (Scotland) Act 1939.                   | S. 1 (2) appl. ...                                              | 47, s. 74 (1).                                                   |
| c. 21 ...                           | Limitation Act 1939 ...                                          | Pt. I ext. ...                                                  | 38, s. 75, sch. 4<br>para. 15.                                   |
| c. 40 ...                           | London Government Act 1939.                                      | S. 59 ext. ...                                                  | 56, s. 3.                                                        |
|                                     |                                                                  | S. 106 excl. ...                                                | 38, ss. 73 (3), 202,<br>sch. 9 para. 7.                          |
|                                     |                                                                  | S. 106 (1) excl. ...                                            | 38, ss. 77 (5), 202,<br>sch. 9 para. 7.                          |
|                                     |                                                                  | S. 106 (2) appl. ...                                            | 38, ss. 77 (4), 202,<br>sch. 9 para. 7.                          |
|                                     |                                                                  | Ss. 107, 108 excl. ...                                          | 38, ss. 78 (9), 202,<br>sch. 9 para. 7.                          |
|                                     |                                                                  | S. 109 appl. (mod.) ...                                         | 38, ss. 78 (8), 202,<br>sch. 9 para. 7.                          |
|                                     |                                                                  | S. 169 appl. ...                                                | 56, s. 2 (5).                                                    |
| c. 49 ...                           | House of Commons Members' Fund Act 1939.                         | S. 3 (1) rep. ...                                               | 53, s. 2 (4), sch.                                               |
|                                     |                                                                  | Sch. 3 rep. and super-<br>seded.                                | 53, ss. 1 (1), 2 (4),<br>sch.                                    |
| c. 55 ...                           | Building Societies Act 1939.                                     | Rep. (saving) ...                                               | 37, ss. 131, 133<br>(4), sch. 10.                                |
| c. 57 ...                           | War Risks Insurance Act 1939.                                    | S. 21 (2) rep. in pt. ...                                       | 30, s. 30, sch. 4<br>Pt. IV.                                     |
| c. 70 ...                           | Ships and Aircraft (Transfer Restriction) Act 1939.              | Restr. ...                                                      | 40, s. 3, sch. 2<br>para. 10.                                    |
|                                     |                                                                  |                                                                 | 54, s. 3, sch. 2<br>para. 10.                                    |
|                                     |                                                                  |                                                                 | 57, s. 3, sch. 3<br>para. 10.                                    |
| c. 96 ...                           | Education (Scotland) (War Service Super-<br>annuation) Act 1939. | Appl. ...                                                       | 47, s. 102, sch. 3<br>Pt. III para. 33                           |
| c. 109                              | Finance (No. 2) Act 1939                                         | Ss. 6 (1), 24 (2), sch. 5 rep.                                  | 44, s. 34 (7),<br>sch. 11 Pt. I.                                 |
| c. 117                              | National Loans Act 1939                                          | Appl. ...                                                       | 20, s. 1 (2).<br>46, ss. 20 (4),<br>36 (3).                      |
|                                     |                                                                  | Appl. (S.) ...                                                  | 5 (11 Eliz. 2),<br>s. 3 (4).                                     |
|                                     |                                                                  |                                                                 | 28, s. 11 (5).                                                   |

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| 2 & 3 Geo. 6:<br>c. 117— <i>cont.</i> | National Loans Act 1939<br>— <i>cont.</i>                    | Sch. 2 para. 5 rep. in pt.                                                                                        | 44, s. 34 (7),<br>sch. 11 Pt. VI.                                                                                       |
| c. 120 ...                            | Restriction of Advertisement (War Risks Insurance) Act 1939. | S. 4 (4) rep. ... ..                                                                                              | 30, s. 30, sch. 4<br>Pt. IV.                                                                                            |
| C.A.M. No. 2                          | Ecclesiastical Officers Remuneration Measure 1939.           | Rep. ... ..                                                                                                       | C.A.M. No. 1,<br>s. 8 (2), sch.<br>Pt. II.                                                                              |
| 3 & 4 Geo. 6:<br>c. 19 ... ..         | Societies (Miscellaneous Provisions) Act 1940.               | S. 5 rep. (exc. for Channel Islands and Isle of Man).                                                             | 37, ss. 131, 133<br>(5), sch. 10.                                                                                       |
| c. 25 ... ..                          | Post Office and Telegraph Act 1940.                          | Rep. ... ..                                                                                                       | 14, s. 2 (3), sch.                                                                                                      |
| c. 29 ... ..                          | Finance Act 1940 ...                                         | S. 56 (1) ext. ... ..<br>Sch. 7 para. 1 (7) excl. in pt.                                                          | 44, s. 28 (1).<br>44, s. 28 (4) (c).                                                                                    |
| c. 48 ... ..                          | Finance (No. 2) Act 1940                                     | S. 4 rep. ... ..<br><br>S. 23 expld. ... ..<br>S. 25 ext. ... ..<br>S. 41 expld. ... ..<br>S. 42 (2) rep. ... ..  | 44, s. 34 (7),<br>sch. 11 Pt. I.<br>44, s. 6 (3).<br>44, s. 6 (2).<br>44, s. 6 (3).<br>44, s. 34 (7),<br>sch. 11 Pt. I. |
| 5 & 6 Geo. 6:<br>c. 9 ... ..          | Restoration of Pre-War Trade Practices Act 1942              | S. 13 para. (f) rep. ...                                                                                          | 30, s. 30, sch. 4<br>Pt. IV.                                                                                            |
| c. 28 ... ..                          | War Damage (Amendment) Act 1942.                             | S. 3 (2) rep. in pt. (saving)                                                                                     | 30, s. 30, sch. 4<br>Pt. IV.                                                                                            |
| 6 & 7 Geo. 6:<br>c. 2 ... ..          | Supreme Court (Northern Ireland) Act 1942.                   | S. 2 rep. (saving) ...                                                                                            | 30, s. 30, sch. 4<br>Pt. IV.                                                                                            |
| c. 18 ... ..                          | Evidence and Powers of Attorney Act 1943.                    | S. 2 rep. ... ..                                                                                                  | 30, ss. 28, 30,<br>schs. 3, 4 Pt.<br>IV.                                                                                |
| c. 21 ... ..                          | War Damage Act 1943...                                       | S. 14 rep. (N.I.) ...<br><br>S. 25. Power to appl. (mod.) (E.).<br>S. 32 am. (N.I.) ...<br>S. 125 (4) rep. ... .. | 30, ss. 28, 30,<br>sch. 4 Pt. IV.<br>38, s. 116 (2).<br>30, s. 7, sch. 1.<br>30, s. 30, sch. 4<br>Pt. IV.               |
| c. 35 ... ..                          | Foreign Service Act 1943                                     | Pensions increase ...                                                                                             | 2 (11 Eliz. 2),<br>ss. 1, 2, 6 (1),<br>8 (1), schs. 1, 2,<br>30, s. 7, sch. 1.                                          |
| c. 39 ... ..                          | Pensions Appeal Tribunals Act 1943.                          | S. 6 (2) am. (N.I.) ...                                                                                           | 3 (11 Eliz. 2),<br>s. 1 (2).                                                                                            |
| c. 44 ... ..                          | Rent of Furnished Houses Control (Scotland) Act 1943.        | Cont. as amd. until 31.3.1964.                                                                                    | 3 (11 Eliz. 2),<br>s. 1 (2).                                                                                            |
| C.A.M. No. 1                          | New Parishes Measure 1943.                                   | Ss. 3 (3) (b), 10 (3) rep.                                                                                        | C.A.M. No. 1,<br>s. 8 (1), sch.<br>Pt. I.                                                                               |
| 7 & 8 Geo. 6:<br>c. 9 ... ..          | Supreme Court of Judicature (Amendment) Act 1944.            | S. 1 (2) am. ... ..                                                                                               | 15, s. 20 (1),<br>sch. 4 Pt. I.                                                                                         |

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| 7 & 8 Geo. 6—<br>c. 21 ... <i>cont.</i> ... | Pensions (Increase) Act 1944.                             | Expld. ...<br>S. 1 (3) (b) subst. ...<br>S. 4. Pensions increase                           | 2 (11 Eliz. 2), s. 6 (1).<br>2 (11 Eliz. 2), s. 5 (1).<br>2 (11 Eliz. 2), ss. 1, 2, 5 (2), 6 (1), 8 (1), schs. 1, 2.      |
| c. 31 ...                                   | Education Act 1944 ...                                    | S. 35 am. ...<br>S. 81 rep. in pt. and superseded.<br>S. 100 (1) (c) rep. in pt. (saving). | 12, s. 9 (5)–(7).<br>12, s. 4 (4) (5).                                                                                    |
| c. 32 ...                                   | Herring Industry Act 1944.                                | S. 4 (7) am. ...                                                                           | 12, s. 13 (1) (3) (5), sch. 2.                                                                                            |
| c. 47 ...                                   | Town and Country Planning Act 1944.                       | Rep. ...                                                                                   | 31, ss. 8, 37, sch. 2 para. 9.<br>38, s. 223, sch. 15.                                                                    |
| 8 & 9 Geo. 6:                               |                                                           |                                                                                            |                                                                                                                           |
| c. 41 ...                                   | Family Allowances Act 1945.                               | S. 8 para. (b) excl. ...                                                                   | S.I. No. 26 reg. 2 (2).                                                                                                   |
| c. 42 ...                                   | Water Act 1945 ...                                        | S. 59 (1) am. so far as defining “statutory water undertakers”.                            | 46, s. 61 (4).                                                                                                            |
| c. 43 ...                                   | Requisitioned Land and War Works Act 1945.                | S. 19 (2) am. (N.I.) ...                                                                   | 30, s. 7, sch. 1.                                                                                                         |
| 9 & 10 Geo. 6:                              |                                                           |                                                                                            |                                                                                                                           |
| c. 13 ...                                   | Finance (No. 2) Act 1945                                  | S. 54 saved ...<br>ext. ...<br>S. 54 (2) rep. (saving) ...<br>S. 60. Pensions increase     | 44, s. 29 (1).<br>44, s. 29 (2).<br>44, s. 34 (7), sch. 11 Pt. IV.<br>2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2. |
| c. 17 ...                                   | Police (Overseas Service) Act 1945.                       | Pensions increase ...                                                                      | 2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), sch. 1, 2.                                                                        |
| c. 18 ...                                   | Statutory Orders (Special Procedure) Act 1945.            | Appl. ...                                                                                  | 38, ss. 5 (4), 10 (5), 11 (3), 73, 159 (5), 165, 167, 168 (4), 183.                                                       |
|                                             |                                                           | Mod. (pipe-lines) ...<br>S. 10 appl. ...                                                   | 58, s. 55.<br>58, s. 11 (3), sch. 2 para. 4 (4).                                                                          |
| c. 34 ...                                   | Furnished Houses (Rent Control) Act 1946.                 | Cont. as amd. until 31.3.1964.                                                             | 3 (11 Eliz. 2), s. 1 (2).                                                                                                 |
| c. 35 ...                                   | Building Restrictions (War-Time Contraventions) Act 1946. | S. 7 (1) am. and rep. in pt., 7 (5) am.                                                    | 38, s. 222, sch. 12.                                                                                                      |
| c. 36 ...                                   | Statutory Instruments Act 1946.                           | Appl. ...                                                                                  | 31, s. (34) 3,<br>37, s. 126 (1).<br>C.A.M. No. 1, ss. 3 (2), 6 (4).                                                      |
| c. 46 ...                                   | Police Act 1946 ...                                       | Appl. (S.) ...<br>Sch. 2 para. 9 rep. ( <i>prosp.</i> )                                    | 47, s. 116 (4).<br>25, s. 2 (2), sch.                                                                                     |

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|------------------------------------------------|---------------------------------------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------------------------------------------|----------------------|------------------------|-----------------------|-----------------------------------|-------------------------------|
| 9 & 10 Geo. 6—<br><i>cont.</i><br>c. 49 ... .. | Acquisition of Land (Authorisation Procedure) Act 1946. | Appl. (mod.) ...         | 38, ss. 67 (3), 68 (3), 69 (3), 156 (2) sch. 9 para. 6.<br>46, s. 15 (1).<br>38, s. 205 (1).<br>38, s. 153 (5).<br>38, s. 86.<br>38, s. 86 (3).<br>38, s. 5 (4).<br>38, s. 163 (1).<br>38, s. 73 (2).<br>38, s. 86 (6).<br>38, s. 75, sch. 4 para. 4.<br>38, s. 75, sch. 4 para. 7. |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                                                          |                      |                        |                       |                                   |                               |
| c. 50 ... ..                                   |                                                         | Education Act 1946 ...   |                                                                                                                                                                                                                                                                                     | S. 8 (1) (2) rep. (saving) and superseded. | 12, ss. 9, 13 (1) (4), sch. 2.<br>22, s. 1 (1) (2).<br>22, s. 2.<br>6 (11 Eliz. 2), s. 1.<br>6 (11 Eliz. 2), s. 3 (2).<br>44, ss. 3 (3) (5), 34 (7), schs. 6, 11 Pt. II.<br>46, s. 41 (1).<br>44, s. 34 (7), sch. 11 Pt. V.<br>44, s. 30 (2)–(5).<br>44, s. 30 (5).<br>2 (11 Eliz. 2) ss. 1, 2, 6 (1) 8 (1), schs. 1, 2.<br>S.I. No. 173.<br>2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2.<br>47, s. 105 (8). |                       |                                                          |                      |                        |                       |                                   |                               |
|                                                |                                                         |                          |                                                                                                                                                                                                                                                                                     | S. 4 am. ... ..                            |                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                                                          |                      |                        |                       |                                   |                               |
|                                                |                                                         |                          |                                                                                                                                                                                                                                                                                     | S. 4 (6) ext. ... ..                       |                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                                                          |                      |                        |                       |                                   |                               |
|                                                |                                                         |                          |                                                                                                                                                                                                                                                                                     | S. 27 subst. ... ..                        |                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                                                          |                      |                        |                       |                                   |                               |
|                                                |                                                         |                          |                                                                                                                                                                                                                                                                                     | S. 28 (1) (b) am. ...                      |                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                                                          |                      |                        |                       |                                   |                               |
|                                                |                                                         |                          |                                                                                                                                                                                                                                                                                     | c. 64 ... ..                               |                                                                                                                                                                                                                                                                                                                                                                                                                     | Finance Act 1946 ...  | S. 2 (2) rep. ( <i>prosp.</i> ) and superseded.          |                      |                        |                       |                                   |                               |
|                                                |                                                         |                          |                                                                                                                                                                                                                                                                                     |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                     |                       | S. 52 excl. ... ..                                       |                      |                        |                       |                                   |                               |
|                                                |                                                         |                          |                                                                                                                                                                                                                                                                                     |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                     |                       | S. 53 (1) rep. ... ..                                    |                      |                        |                       |                                   |                               |
|                                                |                                                         |                          |                                                                                                                                                                                                                                                                                     |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                     |                       | S. 53 (2) am. ... ..                                     |                      |                        |                       |                                   |                               |
|                                                | S. 57 (1) appl. ... ..                                  |                          |                                                                                                                                                                                                                                                                                     |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                                                          |                      |                        |                       |                                   |                               |
| S. 62 (2). Pensions increase.                  |                                                         |                          |                                                                                                                                                                                                                                                                                     |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                                                          |                      |                        |                       |                                   |                               |
| c. 67 ... ..                                   | National Insurance Act 1946.                            | Appl. (mod.) ... ..      |                                                                                                                                                                                                                                                                                     |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                                                          |                      |                        |                       |                                   |                               |
|                                                |                                                         | S. 67. Pensions increase |                                                                                                                                                                                                                                                                                     |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                                                          |                      |                        |                       |                                   |                               |
|                                                |                                                         | S. 69 (4) ext. (S.). ... |                                                                                                                                                                                                                                                                                     |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                                                          |                      |                        |                       |                                   |                               |
|                                                |                                                         | c. 72 ... ..             | Education (Scotland) Act 1946.                                                                                                                                                                                                                                                      |                                            | Rep. (in pt. on 1.8.1963, i.e., ss. 32, 33, 143 (1) so far as defining "school age", 143 (2)).                                                                                                                                                                                                                                                                                                                      |                       |                                                          |                      |                        |                       |                                   |                               |
|                                                |                                                         |                          |                                                                                                                                                                                                                                                                                     | c. 73 ... ..                               | Hill Farming Act 1946 ...                                                                                                                                                                                                                                                                                                                                                                                           | S. 40 (7) rep. ... .. |                                                          |                      |                        |                       |                                   |                               |
|                                                |                                                         |                          |                                                                                                                                                                                                                                                                                     |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                     | c. 78 ... ..          | Supreme Court of Judicature (Circuit Officers) Act 1946. | S. 1 (1) am. ... ..  |                        |                       |                                   |                               |
|                                                |                                                         |                          |                                                                                                                                                                                                                                                                                     |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                                                          | S. 1 (2) ext. ... .. |                        |                       |                                   |                               |
|                                                |                                                         |                          |                                                                                                                                                                                                                                                                                     |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                                                          | c. 80 ... ..         | Atomic Energy Act 1946 | S. 20 (2) rep. ... .. |                                   |                               |
|                                                |                                                         |                          |                                                                                                                                                                                                                                                                                     |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                                                          |                      |                        | c. 81 ... ..          | National Health Service Act 1946. | S. 6. Pensions increase       |
|                                                |                                                         |                          |                                                                                                                                                                                                                                                                                     |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                                                          |                      |                        |                       |                                   | S. 11 (9). Pensions increase. |
| Ss. 67, 68. Pensions increase.                 |                                                         |                          |                                                                                                                                                                                                                                                                                     |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                                                          |                      |                        |                       |                                   |                               |

| Session and Chap. or No. of Measure | Short title or Subject                                             | How affected                                                                                                                                                                                                | Chapter of 1962 Act or number of Measure or Statutory Instrument                                                                                                                                |
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| 10 & 11 Geo. 6:<br>c. 7 ... ..      | Pensions (Increase) Act 1947.                                      | Expld. ... ..                                                                                                                                                                                               | 2 (11 Eliz. 2), s. 6 (1).                                                                                                                                                                       |
| c. 14 ... ..                        | Exchange Control Act 1947.                                         | Sch. 4 para. 8 (2) am. ...<br>Sch. 5 Pt. II para. 1 (5) rep.                                                                                                                                                | 30, s. 7, sch. 1.<br>30, s. 30, sch. 4 Pt. IV.                                                                                                                                                  |
| c. 24 ... ..                        | Naval Forces (Enforcement of Maintenance Liabilities) Act 1947.    | S. 1 (1) ext. (South Africa)                                                                                                                                                                                | 23, s. 2 (1), sch. 2 para. 3.                                                                                                                                                                   |
| c. 26 ... ..                        | Cotton (Centralised Buying) Act 1947.                              | S. 5 (8) ext. ... ..                                                                                                                                                                                        | 2 (11 Eliz. 2), s. 7.                                                                                                                                                                           |
| c. 27 ... ..                        | National Health Service (Scotland) Act 1947.                       | Ss. 6, 66, 67. Pensions increase.<br><br>Sch. 11 Pt. I rep. so far as amending the Education (Scotland) Act 1946 (c. 72).                                                                                   | 2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2, 47, s. 147, sch. 8.                                                                                                                         |
| c. 35 ... ..                        | Finance Act 1947 ...                                               | S. 3 (1) am. ... ..<br>S. 3 (3) (a) am. ... ..<br>S. 3 (4) rep. ... ..<br><br>Sch. 1 superseded ...                                                                                                         | 44, s. 1 (2), sch. 4.<br>44, s. 1 (2), sch. 4.<br>44, s. 34 (7), sch. 11 Pt. I.<br>44, ss. 1 (2), 2 (1) (a), sch. 4.                                                                            |
| c. 36 ... ..                        | Education (Exemptions) (Scotland) Act 1947.                        | Expired (31.12.1962).                                                                                                                                                                                       |                                                                                                                                                                                                 |
| c. 37 ... ..                        | Northern Ireland Act 1947.                                         | S. 2 rep. (saving), sch. 2 para. 7 rep. in pt.                                                                                                                                                              | 30, s. 30, sch. 4 Pt. IV.                                                                                                                                                                       |
| c. 40 ... ..                        | Industrial Organisation and Development Act 1947.                  | Ext. in pt. to N.I. ...                                                                                                                                                                                     | S.I. No. 2602.                                                                                                                                                                                  |
| c. 41 ... ..                        | Fire Services Act 1947...                                          | S. 26. Pensions increase                                                                                                                                                                                    | 2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2, 47, s. 22 (3).                                                                                                                              |
| c. 42 ... ..                        | Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947. | Appl. ... ..<br>Appl. (mod.) ... ..                                                                                                                                                                         | { 28, s. 20 (2).<br>47, s. 22 (3).<br>46, s. 15 (1) (4).                                                                                                                                        |
| c. 43 ... ..                        | Local Government (Scotland) Act 1947.                              | S. 237 (2) (b) subst. ...<br>S. 244 saved ... ..<br>S. 262 (2). Power to ext.<br>S. 342 appl. ... ..<br><br>S. 355 (2)-(9) appl. (mod.)<br>S. 356 am. ... ..<br>S. 372 ext. ... ..<br>S. 9 (2) saved ... .. | 9, s. 8.<br>9, s. 4 (5).<br>9, s. 6.<br>S.I. No. 2435 reg. 11.<br>58, s. 47 (2).<br>28, s. 29.<br>28, s. 29 (7).<br>27, s. 2 (2).                                                               |
| c. 44 ... ..                        | Crown Proceedings Act 1947.                                        |                                                                                                                                                                                                             |                                                                                                                                                                                                 |
| c. 49 ... ..                        | Transport Act 1947 ...                                             | Ss. 1 rep. (saving), 2-10, 15-19 rep., 25 rep. (saving), 33 rep.<br>Ss. 35, 36 rep. ... ..<br><br>S. 37 am. ... ..<br>Ss. 38, 70 rep. ... ..<br><br>S. 71-86 rep. ... ..<br><br>S. 88 rep. ... ..           | 46, s. 95 (2), sch. 12 Pt. II.<br>46, ss. 61 (2), 95 (1), sch. 12 Pt. I.<br>46, s. 61 (3).<br>46, s. 61 (2), sch. 12 Pt. II.<br>46, s. 95 (1), sch. 12 Pt. I.<br>46, s. 95 (2), sch. 12 Pt. II. |

| Session and Chap. or No. of Measure    | Short title or Subject                         | How affected                                                                                                                                                                                                                                                                                                                                 | Chapter of 1962 Act or number of Measure or Statutory Instrument                                                                                                                                                                                                                                                                          |
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| 10 & 11 Geo. 6:<br>c. 49— <i>cont.</i> | Transport Act 1947—<br><i>cont.</i>            | S. 89 rep. ... ..<br><br>Ss. 90–96 rep., 97–104 rep. (saving), 105–116 rep., 118 rep.<br>S. 119 rep. (saving) ... ..<br><br>Ss. 120–124 rep. ... ..<br><br>Ss. 125 (1) rep. exc. so far as defining “Minister”, 125 (3)–(6), 126 (1)–(4), (6)–(12), 127, 128 (2), schs. 1, 2, 4–9 rep.<br>Sch. 10, 11 rep. ... ..<br>Schs. 12–15 rep. ... .. | 46, ss. 36 (8), 95 (2), sch. 12 Pt. II.<br>46, s. 95 (2), sch. 12 Pt. II.<br>46, ss. 68 (2), 95 (2), sch. 12 Pt. II.<br>46, s. 95 (2), sch. 12 Pt. II.<br>46, s. 95 (2), sch. 12 Pt. II.<br>46, s. 95 (1), sch. 12 Pt. I.<br>46, s. 95 (2), sch. 12 Pt. II.                                                                               |
| c. 51 ... ..                           | Town and Country Planning Act 1947.            | Rep., exc. ss. 46, 49 (8), 113 (1), 119 (1) in pt., 120, sch. 8 in pt.                                                                                                                                                                                                                                                                       | 38, s. 223, sch. 15.                                                                                                                                                                                                                                                                                                                      |
| c. 53 ... ..                           | Town and Country Planning (Scotland) Act 1947. | Pt. II appl. (mod.) ... ..<br>S. 10 expld. ... ..<br>S. 13 appl. ... ..<br>S. 101 am. ... ..                                                                                                                                                                                                                                                 | 58, s. 5 (1)–(3).<br>58, s. 5 (2) (3).<br>58, s. 5 (1) (3).<br>27, s. 1, sch.                                                                                                                                                                                                                                                             |
| c. 54 ... ..                           | Electricity Act 1947 ...                       | S. 47 (7) proviso am. ...                                                                                                                                                                                                                                                                                                                    | 7 (11 Eliz. 2), s. 1.                                                                                                                                                                                                                                                                                                                     |
| 11 & 12 Geo. 6:<br>c. 17 ... ..        | Requisitioned Land and War Works Act, 1948.    | Saved ... ..                                                                                                                                                                                                                                                                                                                                 | 58, s. 62.                                                                                                                                                                                                                                                                                                                                |
| c. 24 ... ..                           | Police Pensions Act 1948                       | Pensions increase ... ..<br><br>S. 4 mod. ... ..<br><br>ext. (E.) ... ..<br>ext. (S.) ... ..<br>Ss. 5, 7 ext. (E.)... ..<br>ext. (S.)... ..                                                                                                                                                                                                  | 2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2.<br>S.I. No. 2755, reg. 1.<br>S.I. No. 2755.<br>S.I. No. 2808.<br>S.I. No. 2786.<br>S.I. No. 2808.                                                                                                                                                                                     |
| c. 26 ... ..                           | Local Government Act 1948.                     | Pt. V ext. ... ..<br>S. 42 (1) mod. ... ..<br>S. 85 (1) rep. in pt. ... ..<br><br>S. 86 am. ... ..<br>S. 93 rep. ... ..<br><br>S. 93 (3) (a)–(c) subst. ... ..<br>S. 93 (4) am. ... ..<br>S. 94 (1) rep. ... ..<br><br>S. 94 (2) (3) appl. ... ..<br>S. 94 (4) appl. ... ..<br>rep. in pt. ... ..<br><br>S. 94 (4) (b) rep. in pt. ...       | 46, s. 66 (8).<br>58, s. 41 (3).<br>46, s. 95 (2), sch. 12 Pt. II.<br>46, s. 66.<br>46, ss. 66 (11), 95 (2), sch. 12 Pt. II.<br>9, ss. 2 (1), 12 (1), sch. 2.<br>9, ss. 2 (1), 12 (1), sch. 2.<br>46, ss. 66 (11), 92 (2), sch. 12 Pt. II.<br>46, s. 66 (4).<br>46, s. 66 (4).<br>46, s. 95 (2), sch. 12 Pt. II.<br>9, s. 12 (2), sch. 3. |



| Session and Chap. or No. of Measure | Short title or Subject                              | How affected                                                                                                                                                                                                                                                                                                         | Chapter of 1962 Act or number of Measure or Statutory Instrument                                                                                                                                                                                                                                      |
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| 11 & 12 Geo. 6: c. 26— <i>cont.</i> | Local Government Act 1948— <i>cont.</i>             | S. 95 rep. ... ..<br>S. 96 subst. ... ..<br>S. 97 (2) am. ... ..<br>S. 99 (1) am. ... ..<br>S. 99 (1) (a) rep. ... ..<br>S. 99 (1) (b) rep. in pt. ... ..<br>Ss. 100 (1) (3), 102 (1) am. ... ..<br>S. 109 (1) (a) am. ... ..<br>S. 109 (1) (c) am. ... ..<br>S. 124 (1) (a) am. ... ..<br>S. 140. Pensions increase | 46, ss. 66 (11), 95 (2), sch. 12 Pt. II.<br>9, ss. 2 (2), 12 (1), sch. 2.<br>46, s. 66 (9).<br>9, s. 12 (1), sch. 2.<br>9, s. 12, schs. 2, 3.<br>9, s. 12, schs. 2, 3.<br>46, s. 66 (8).<br>46, s. 66 (6).<br>46, s. 66 (8).<br>46, s. 66 (8).<br>2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2. |
| c. 29 ... ..                        | National Assistance Act 1948.                       | S. 31 subst. ... ..                                                                                                                                                                                                                                                                                                  | 24, s. 1 (1).                                                                                                                                                                                                                                                                                         |
| c. 32 ... ..                        | River Boards Act 1948...                            | S. 33 (1) am. ... ..                                                                                                                                                                                                                                                                                                 | 24, s. 1 (2).                                                                                                                                                                                                                                                                                         |
| c. 33 .. ...                        | Superannuation (Miscellaneous Provisions) Act 1948. | Ss. 16 (1), (4)–(8), 17 ext.                                                                                                                                                                                                                                                                                         | 31, s. 14 (1) (b).                                                                                                                                                                                                                                                                                    |
|                                     |                                                     | S. 3. Pensions increase                                                                                                                                                                                                                                                                                              | 2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2.                                                                                                                                                                                                                                                   |
| c. 37 ... ..                        | Radioactive Substances Act 1948.                    | S. 11 appl. (mod.) (South Africa).                                                                                                                                                                                                                                                                                   | 23, s. 2 (2), sch. 3 para. 10.                                                                                                                                                                                                                                                                        |
| c. 38 ... ..                        | Companies Act 1948 ...                              | S. 14 (2) (d) rep. ...                                                                                                                                                                                                                                                                                               | 30, s. 30, sch. 4 Pt. IV.                                                                                                                                                                                                                                                                             |
|                                     |                                                     | Ss. 119–121, 123 ext. (South Africa).                                                                                                                                                                                                                                                                                | 23, s. 2 (1), sch. 2 para. 4.                                                                                                                                                                                                                                                                         |
|                                     |                                                     | Ss. 119–121 ext. (Malaya)                                                                                                                                                                                                                                                                                            | S.I. No. 166.                                                                                                                                                                                                                                                                                         |
|                                     |                                                     | S. 161 (1) (b) appl. ...                                                                                                                                                                                                                                                                                             | 37, s. 86 (2).                                                                                                                                                                                                                                                                                        |
|                                     |                                                     | S. 256 ext. ... ..                                                                                                                                                                                                                                                                                                   | 37, s. 103 (3) (5).                                                                                                                                                                                                                                                                                   |
|                                     |                                                     | S. 398 (a) rep. in pt. ...                                                                                                                                                                                                                                                                                           | 46, s. 95 (1), sch. 12 Pt. I.                                                                                                                                                                                                                                                                         |
|                                     |                                                     | excl. ... ..                                                                                                                                                                                                                                                                                                         | 46, s. 83 (6).                                                                                                                                                                                                                                                                                        |
|                                     |                                                     | S. 399 (7) rep. ... ..                                                                                                                                                                                                                                                                                               | 46, s. 95 (1), sch. 12 Pt. I.                                                                                                                                                                                                                                                                         |
|                                     |                                                     | S. 448 ext. ... ..                                                                                                                                                                                                                                                                                                   | 37, s. 92 (4).                                                                                                                                                                                                                                                                                        |
| c. 39 ... ..                        | Industrial and Friendly Societies Act 1948.         | S. 6 (3) rep. ... ..                                                                                                                                                                                                                                                                                                 | 44, s. 34 (7), sch. 11 Pt. VI.                                                                                                                                                                                                                                                                        |
|                                     |                                                     | S. 6 (2) proviso am. ...                                                                                                                                                                                                                                                                                             | 40, s. 3, sch. 2 para. 8.                                                                                                                                                                                                                                                                             |
| c. 44 ... ..                        | Merchant Shipping Act 1948.                         |                                                                                                                                                                                                                                                                                                                      | 54, s. 3, sch. 2 para. 8.                                                                                                                                                                                                                                                                             |
|                                     |                                                     |                                                                                                                                                                                                                                                                                                                      | 57, s. 3, sch. 3 para. 8.                                                                                                                                                                                                                                                                             |
| c. 49 . . . . .                     | Finance Act 1948 ...                                | Ss. 3, 14 (1) (3) rep., 14 (4) rep. in pt.                                                                                                                                                                                                                                                                           | 44, s. 34 (7), sch. 11 Pt. I.                                                                                                                                                                                                                                                                         |
|                                     |                                                     | S. 77 rep. (saving) ...                                                                                                                                                                                                                                                                                              | 44, ss. 29 (2), 34 (7), sch. 11 Pt. IV.                                                                                                                                                                                                                                                               |
|                                     |                                                     | S. 82 (2) (a), sch. 3 rep....                                                                                                                                                                                                                                                                                        | 44, s. 34 (7), sch. 11 Pt. I.                                                                                                                                                                                                                                                                         |
|                                     |                                                     |                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                       |
| c. 51 . . . . .                     | White Fish and Herring Industries Act 1948.         | S. 2 am. ... ..                                                                                                                                                                                                                                                                                                      | 31, s. 11.                                                                                                                                                                                                                                                                                            |
|                                     |                                                     | S. 2 (1) mod. ... ..                                                                                                                                                                                                                                                                                                 | 31, s. 14.                                                                                                                                                                                                                                                                                            |
|                                     |                                                     | am. ... ..                                                                                                                                                                                                                                                                                                           | 31, s. 34 (3).                                                                                                                                                                                                                                                                                        |
|                                     |                                                     | S. 2 (2) am. ... ..                                                                                                                                                                                                                                                                                                  | 31, ss. 11 (4), 37, sch. 2 para. 10 (1).                                                                                                                                                                                                                                                              |

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|-------------------------------------|----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11 & 12 Geo. 6: c. 51— <i>cont.</i> | White Fish and Herring Industries Act 1948— <i>cont.</i> | S. 2 (3) am. (saving) ...<br>S. 2 (5) am. ...<br>S. 2 (6) restr. ...<br>S. 2 (9) rep. ...<br>S. 5 (1) am. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 31, ss. 11 (7), 13, 37, sch. 2 para. 10 (2).<br>31, ss. 11 (8), 37, sch. 2 para. 10 (3).<br>31, s. 11 (1).<br>30, s. 30, sch. 4 Pt. IV.<br>31, ss. 4, 37, schs. 2 para. 11, 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| c. 56 ...                           | British Nationality Act 1948.                            | Ext. ...<br>Pt. III appl. ...<br>S. 1 (3) rep. in pt. ...<br>am. ...<br>S. 6 (1) rep. in pt. ext. ( <i>temp.</i> ) (South Africa).<br>S. 6 (2) ext. (South Africa) excl. ...<br>S. 8 (2) ext. (South Africa)<br>S. 10 am. ...<br>S. 12 (6) ext. (Bechuanaland and Swaziland).<br>S. 12 (7) ext. (South Africa).<br>S. 26 ext. (South Africa)<br>S. 32 (1) appl. in pt. ( <i>prosp.</i> ).<br>S. 32 (5) appl. ...<br>Sch. 2 para. 3 rep. in pt.<br>S. 18 (5) am. ...<br>S. 20 (4) excl. ( <i>prosp.</i> ) ...<br>S. 20 (4) rep. in pt. ...<br>S. 20 (5) ( <i>a</i> ) ( <i>d</i> ) rep. in pt., 20 (6) rep.<br>S. 29 (2) excl. ( <i>prosp.</i> ) ...<br>S. 29 (2) (3) rep. in pt., 29 (4) rep., 29 (5) rep. in pt.<br>S. 34 rep. ...<br>S. 41 (3) am. ...<br>S. 71 (2) am. ...<br>S. 92 (1) am. ... | 31, s. 37, sch. 4.<br>23, s. 1 (2), sch. 1 para. 7.<br>40, s. 2 (10).<br>54, s. 2 (10).<br>57, s. 2 (10).<br>23, ss. 1 (1), 2 (3), sch. 5.<br>40, s. 2 (1).<br>54, s. 2 (1).<br>57, s. 2 (1).<br>21, s. 20 (2).<br>23, s. 1 (2), sch. 1 paras. 1-3.<br>23, s. 1 (2).<br>40, s. 2 (6).<br>54, s. 2 (6).<br>57, s. 2 (6).<br>23, s. 1 (2), sch. 1 para. 6.<br>21, s. 12 (2).<br>23, s. 1 (2), sch. 1 para. 4.<br>23, s. 1 (2), sch. 1 para. 6.<br>23, s. 1 (2), sch. 1 para. 6.<br>8, s. 9 (2).<br>21, s. 21 (2).<br>21, s. 20 (2).<br>12, s. 9 (5)-(7).<br>15, s. 15 (1).<br>15, s. 20 (2), sch. 5 Pt. II.<br>15, s. 20 (2), sch. 5 Pt. II.<br>15, s. 15 (1).<br>15, s. 20 (2), sch. 5 Pt. II.<br>15, s. 15 (1).<br>46, s. 32, sch. 2.<br>12, s. 9 (5)-(7).<br>27, s. 1, sch. |
| c. 58 ...                           | Criminal Justice Act 1948                                | S. 20 (5) ( <i>a</i> ) ( <i>d</i> ) rep. in pt., 20 (6) rep.<br>S. 29 (2) excl. ( <i>prosp.</i> ) ...<br>S. 29 (2) (3) rep. in pt., 29 (4) rep., 29 (5) rep. in pt.<br>S. 34 rep. ...<br>S. 41 (3) am. ...<br>S. 71 (2) am. ...<br>S. 92 (1) am. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 8, s. 9 (2).<br>21, s. 21 (2).<br>21, s. 20 (2).<br>12, s. 9 (5)-(7).<br>15, s. 15 (1).<br>15, s. 20 (2), sch. 5 Pt. II.<br>15, s. 20 (2), sch. 5 Pt. II.<br>15, s. 15 (1).<br>15, s. 20 (2), sch. 5 Pt. II.<br>15, s. 15 (1).<br>46, s. 32, sch. 2.<br>12, s. 9 (5)-(7).<br>27, s. 1, sch.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| c. 63 ...                           | Agricultural Holdings Act 1948.                          | Pt. II ext. ...<br>S. 48 (1) expld. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 10, s. 5 (1).<br>44, s. 22 (4).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| c. 64 ...                           | National Service Act 1948                                | Pt. II ext. ...<br>S. 48 (1) expld. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 10, s. 5 (1).<br>44, s. 22 (4).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| c. 67 ...                           | Gas Act 1948 ...                                         | Pt. II ext. ...<br>S. 48 (1) expld. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 10, s. 5 (1).<br>44, s. 22 (4).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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| 12, 13 & 14<br>Geo. 6:              |                                                  |                                                                                                                                      |                                                                  |
| c. 4 ...                            | Judges Pensions (India and Burma) Act 1948.      | Pensions increase ...                                                                                                                | 2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2.              |
| c. 19 ...                           | Education (Scotland) Act 1949.                   | Rep. (in pt. on 1.8.1963, i.e., ss. 3, 5 and sch. Pt. I so far as they relate to s. 32 of the Education (Scotland) Act 1946) (c.72). | 47, ss. 147, 148, schs. 8, 9.                                    |
| c. 25 ...                           | Tenancy of Shops (Scotland) Act 1949.            | Cont. until 31.12.1963 ...                                                                                                           | 3 (11 Eliz. 2), s. 1 (1).                                        |
| c. 31 ...                           | Water (Scotland) Act 1949.                       | S. 5 expld. ...                                                                                                                      | 9, s. 3 para. (d).                                               |
| c. 32 ...                           | Special Roads Act 1949                           | S. 17 (4) rep. ...                                                                                                                   | 9, s. 12 (2), sch. 3.                                            |
| c. 37 ...                           | Agriculture (Miscellaneous Provisions) Act 1949. | S. 9 (2) (4) rep. (E.) ...                                                                                                           | 38, s. 223, sch. 15.                                             |
| c. 43 ...                           | Merchant Shipping (Safety Convention) Act 1949.  | S. 16 (2) rep. ...                                                                                                                   | 30, s. 30, sch. 4 Pt. IV.                                        |
| c. 44 ...                           | Superannuation Act 1949                          | S. 33 (4) rep. (N.I.) ...                                                                                                            | 30, ss. 25 (1), 30, sch. 4 Pt. IV.                               |
| c. 47 ...                           | Finance Act 1949 ...                             | Pensions increase ...                                                                                                                | 2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2.              |
|                                     |                                                  | S. 1 rep. ( <i>prosp.</i> ) ...                                                                                                      | 44, s. 34 (7), sch. 11 Pt. II.                                   |
|                                     |                                                  | Ss. 6, 12 rep. ...                                                                                                                   | 44, s. 34 (7), sch. 11 Pt. I.                                    |
|                                     |                                                  | S. 28 (2) am. ...                                                                                                                    | 44, s. 28 (1).                                                   |
|                                     |                                                  | S. 28 (2) (c) rep. ( <i>saving</i> )                                                                                                 | 44, ss. 28 (1), 34 (7), sch. 11 Pt. IV.                          |
|                                     |                                                  | S. 38 (1) am. ...                                                                                                                    | 44, s. 27 (2).                                                   |
|                                     |                                                  | Sch. 4 rep. ...                                                                                                                      | 44, s. 34 (7), sch. 11 Pt. I.                                    |
|                                     |                                                  | Sch. 7 am. ...                                                                                                                       | 44, s. 27 (1).                                                   |
| c. 50 ..                            | Colonial Loans Act 1949                          | S. 1 (1) proviso am. ...                                                                                                             | 41, s. 1 (1).                                                    |
|                                     |                                                  | S. 1 (7) expld. ...                                                                                                                  | 41, s. 1 (3).                                                    |
| c. 51 ...                           | Legal Aid and Advice Act 1949.                   | S. 1 (6) saved ...                                                                                                                   | S.I. No. 148, reg. 5 (7).                                        |
|                                     |                                                  | S. 2 (2) (d) expld. ...                                                                                                              | S.I. No. 148, reg. 13 (6).                                       |
|                                     |                                                  | S. 2 (2) (e) expld. ...                                                                                                              | S.I. No. 148, regs. 4 (6) (7), 13 (6), 14.                       |
|                                     |                                                  | S. 3 expld. ...                                                                                                                      | S.I. No. 148, regs. 17, 23.                                      |
|                                     |                                                  | S. 3 (4) ext. ...                                                                                                                    | S.I. No. 148, reg. 13 (4).                                       |
|                                     |                                                  | S. 5 (3) saved ...                                                                                                                   | S.I. No. 148, reg. 5 (7).                                        |
|                                     |                                                  | S. 6 (7) excl. ...                                                                                                                   | S.I. No. 148, reg. 6 (11).                                       |
| c. 54 ...                           | Wireless Telegraphy Act 1949.                    | S. 14 (8) rep. ...                                                                                                                   | 30, s. 30, sch. 4 Pt. IV.                                        |
|                                     |                                                  | S. 17 (1) restr. ...                                                                                                                 | 30, s. 25 (2), sch. 2.                                           |

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| 12, 13 & 14<br>Geo. 6— <i>cont.</i><br>c. 67 .. .. | Civil Aviation Act 1949                         | Am. ( <i>prosp.</i> ) ... ..<br>S. 24 ext. ( <i>prosp.</i> ) ... ..<br>S. 26 ext. ( <i>prosp.</i> ) ... ..<br>S. 30 (1) (2) am. ... ..<br>Pt. VI (ss. 57-61) ext. ( <i>prosp.</i> ) ... ..<br>S. 58 saved ( <i>prosp.</i> ) ... ..<br>S. 65 (1) (c) rep. ... .. | 8, s. 3 (4).<br>8, s. 3 (3) (4).<br>8, s. 3 (3).<br>38, s. 222, sch. 12.<br>8, s. 7 (1).<br>8, s. 7 (2).<br>30, s. 30, sch. 4 Pt. IV.                           |
| c. 68 ... ..                                       | Representation of the People Act 1949.          | Sch. 4 paras. 4, 8 am. ... ..<br>Ss. 43 (3) (5), 44 (3) (6) am. (N.I.) ... ..<br>Ss. 107-136 restr. ... ..<br>S. 126 (4) rep. ( <i>prosp.</i> ) ... ..<br><br>Ss. 160 (4) subst., 163 am. (N.I.) ... ..<br>S. 162 am. ... ..<br>S. 174 (1) (a) rep. ... ..      | 38, s. 222, sch. 12.<br>S.I. No. 169 art. 2.<br>30, s. 2 (1) (i).<br>30, s. 30, sch. 4 Pt. II.<br>30, s. 7, sch. 1.<br>27, s. 1, sch. 30, s. 30, sch. 4 Pt. IV. |
| c. 74 ... ..                                       | Coast Protection Act 1949.                      | Ss. 2 (2) (d), (8), 3 (6) (c), 5 (4), 8 (4), sch. 1 paras. 1, 8 am. ... ..                                                                                                                                                                                      | 46, s. 32, sch. 2.                                                                                                                                              |
| c. 75 ... ..                                       | Agricultural Holdings (Scotland) Act 1949.      | Excl. ... ..                                                                                                                                                                                                                                                    | 28, s. 26 (4).                                                                                                                                                  |
| c. 76 ... ..                                       | Marriage Act 1949 ...                           | S. 72 (4) am. (Wales and Mon.) ... ..<br>S. 78 (1) expld. in pt. (defin. of "parish") ... ..<br>Sch. 6 rep. in pt. ... ..<br>S. 10 rep. ... ..                                                                                                                  | 32, s. 1 (2).<br>32, s. 2.<br>32, s. 1 (1).<br>30, s. 30, sch. 4 Pt. IV.                                                                                        |
| c. 85 ... ..                                       | Distribution of German Enemy Property Act 1949. | Ss. 23, 24, 48, 61, 84 am. (N.I.) ... ..<br>S. 88 excl. ( <i>temp.</i> ) ... ..<br>S. 104 para. (6) rep. ... ..                                                                                                                                                 | 30, s. 7, sch. 1.<br>23, s. 1 (3).<br>30, s. 30, sch. 4 Pt. IV.                                                                                                 |
| c. 87 ... ..                                       | Patents Act 1949 ...                            | S. 27 am. (N.I.) ... ..<br>S. 46 (5) rep. ... ..                                                                                                                                                                                                                | 30, s. 7, sch. 1.<br>30, s. 30, sch. 4 Pt. IV.                                                                                                                  |
| c. 88 ... ..                                       | Registered Designs Act 1949.                    | Sch. 1 para. 3 am. (N.I.) ... ..<br>Rep. ... ..                                                                                                                                                                                                                 | 30, s. 7, sch. 1.<br>13, s. 25 (2), sch. 8.                                                                                                                     |
| c. 89 ... ..                                       | Vehicles (Excise) Act 1949                      | S. 15 (5) subst. ... ..<br>S. 17 am. ... ..<br>S. 8 subst. ... ..                                                                                                                                                                                               | 30, s. 7, sch. 1.<br>27, s. 1, sch. 5 (11 Eliz. 2), s. 1.                                                                                                       |
| c. 90 ... ..                                       | Election Commissioners Act 1949.                | S. 9 (1) am. ... ..<br>S. 12 subst. ... ..<br>S. 39 para. (c) rep. ... ..                                                                                                                                                                                       | 5 (11 Eliz. 2), s. 6 (3).<br>5 (11 Eliz. 2), s. 2.<br>30, s. 30, sch. 4 Pt. IV.                                                                                 |
| c. 91 ... ..                                       | Air Corporations Act 1949.                      | S. 26 am. ... ..<br>Sch. 12 rep. so far as relating to the Education (Scotland) Act 1946 (c. 72).                                                                                                                                                               | 21, s. 8 (2).<br>47, s. 147, sch. 8.                                                                                                                            |
| c. 94 ... ..                                       | Criminal Justice (Scotland) Act 1949.           |                                                                                                                                                                                                                                                                 |                                                                                                                                                                 |

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| 12, 13 & 14<br>Geo. 6— <i>cont.</i><br>c. 97 ... .. | National Parks and Access to the Countryside Act 1949.            | S. 8 saved ... ..                        | 38, s. 2 (6).                                                    |
| c. 101 ... ..                                       |                                                                   | S. 8 (3) saved ... ..                    | 38, s. 3 (5).                                                    |
|                                                     | Justices of the Peace Act 1949.                                   | S. 20 am. ... ..                         | 15, s. 11 (2).                                                   |
|                                                     |                                                                   | S. 27 expld. ... ..                      | 13, s. 21 (1).                                                   |
|                                                     |                                                                   | S. 33. Pensions increase                 | 2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2.              |
|                                                     |                                                                   | S. 39 (3) (a) rep. ... ..                | 15, s. 20 (2), sch. 5 Pts. I, II.                                |
| 14 Geo. 6:<br>c. 9 ... ..                           | Merchant Shipping Act 1950.                                       | S. 5 rep. ... ..                         | 30, s. 30, sch. 4 Pt. IV.                                        |
| c. 12 ... ..                                        | Foreign Compensation Act 1950.                                    | Ext. ... ..                              | 4 (11 Eliz. 2), s. 1 (1).                                        |
|                                                     |                                                                   | S. 7 (1) ext. ... ..                     | 4 (11 Eliz. 2), s. 3 (2).                                        |
|                                                     |                                                                   | S. 7 (2) appl. ... ..                    | 4 (11 Eliz. 2), s. 3 (3).                                        |
|                                                     |                                                                   | S. 8 (2) excl. ... ..                    | 4. (11 Eliz. 2), s. 1 (2).                                       |
| c. 14 ... ..                                        | International Organisations (Immunities and Privileges) Act 1950. | Sch. paras. 3-5 ext. ( <i>prosp.</i> ).  | 8, s. 2 (2).                                                     |
| c. 15 ... ..                                        | Finance Act 1950 ... ..                                           | S. 1 (1) rep. ... ..                     | 44, s. 34 (7), sch. 11 Pt. I.                                    |
| c. 25 ... ..                                        | Matrimonial Causes Act 1950.                                      | S. 13, sch. 3 rep. ... ..                | 13, s. 25 (2), sch. 8.                                           |
|                                                     |                                                                   | S. 18 (1) am. ... ..                     | 21, s. 20 (1).                                                   |
| c. 27 ... ..                                        | Arbitration Act 1950 ... ..                                       | Excl. ... ..                             | 46, s. 81 (7).                                                   |
|                                                     |                                                                   | S. 21 excl. ... ..                       | 37, s. 98 (2).                                                   |
|                                                     |                                                                   | S. 42 (4) subst. ... ..                  | 30, s. 7, sch. 1.                                                |
| c. 28 ... ..                                        | Shops Act 1950 ... ..                                             | Pt. I excl. (airports)                   | 35, s. 1 (1) (2).                                                |
| c. 32 ... ..                                        | Army Reserve Act 1950                                             | S. 5 expld. ... ..                       | 10, s. 4 (5).                                                    |
|                                                     |                                                                   | Ss. 5, 6 saved ... ..                    | 10, s. 2 (1).                                                    |
|                                                     |                                                                   | S. 6 (3) rep. ... ..                     | 10, s. 3 (6).                                                    |
|                                                     |                                                                   | Sch. 2 rep. in pt. ... ..                | 23, s. 2 (3), sch. 5.                                            |
| c. 33 ... ..                                        | Air Force Reserve Act 1950.                                       | Sch. 2 rep. in pt. ... ..                | 23, s. 2 (3), sch. 5.                                            |
| c. 34 ... ..                                        | Housing (Scotland) Act 1950.                                      | Ext. (mod.) ... ..                       | 28, s. 36 (3).                                                   |
|                                                     |                                                                   | S. 6 rep. in pt. ... ..                  | 28, s. 35, schs. 4 para. 9, 5.                                   |
|                                                     |                                                                   | S. 9 subst. ... ..                       | 28, s. 21.                                                       |
|                                                     |                                                                   | S. 10 rep. in pt. ... ..                 | 28, s. 35, schs. 4 para. 10, 5.                                  |
|                                                     |                                                                   | am. ... ..                               | 28, s. 35, sch. 4 para. 10.                                      |
|                                                     |                                                                   | S. 11 saved ... ..                       | 28, s. 24 (2).                                                   |
|                                                     |                                                                   | S. 12 (1) am. ... ..                     | 28, s. 35, sch. 4 para. 11.                                      |
|                                                     |                                                                   | S. 13 subst. ... ..                      | 28, s. 35, sch. 4 para. 12.                                      |
|                                                     |                                                                   | S. 14 am. ... ..                         | 28, ss. 22 (1), 35, sch. 4 para. 13.                             |
|                                                     |                                                                   | ext. ... ..                              | 28, s. 23.                                                       |
|                                                     |                                                                   | S. 15 am. ... ..                         | 28, s. 35, sch. 4 para. 14.                                      |
|                                                     |                                                                   | S. 16 (1) (2) am. ... ..                 | 28, s. 35, sch. 4 para. 15.                                      |
|                                                     |                                                                   | S. 16 (1) proviso para. (ii) rep. ... .. | 28, s. 35, schs. 4 para. 15, 5.                                  |

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| 14 Geo. 6— <i>cont.</i>             |                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| c. 34— <i>cont.</i>                 | Housing (Scotland) Act 1950— <i>cont.</i> | <p>S. 18 am. ... ..</p> <p>S. 20 appl. am. ... ..</p> <p>S. 21 appl. ... ..</p> <p>S. 21 (2) (a) am. ... ..</p> <p>S. 21 (4) (5) am. ... ..</p> <p>S. 23 saved ... ..</p> <p>S. 24 am. ... ..</p> <p>S. 25 (1) (i) rep. in pt. ... ..</p> <p>S. 26 (4) (5) rep. ... ..</p> <p>S. 30 appl. ... ..</p> <p>S. 40 (1) rep. in pt. ... ..</p> <p>S. 62 am. ... ..</p> <p>S. 62 proviso am. ... ..</p> <p>S. 73 (3) (b) am. ... ..</p> <p>S. 73 (4) (5) excl. ... ..</p> <p>S. 82 (2) am. ... ..</p> <p>rep. in pt. ... ..</p> <p>Ss. 84, 86 restr. ... ..</p> <p>S. 87 restr. ... ..</p> <p>S. 87 (4) am. ... ..</p> <p>S. 87 (5) am. ... ..</p> <p>S. 88 restr. ... ..</p> <p>S. 89 ext. ... ..</p> <p>S. 89 (7) am. and expld. ... ..</p> <p>S. 90 ext. ... ..</p> <p>S. 101 (3) (a) am. ... ..</p> <p>S. 101 (4) ext. ... ..</p> <p>S. 107 (2) ext. ... ..</p> <p>S. 113 am. ... ..</p> <p>S. 114 (1) (b) am. ... ..</p> <p>excl. ... ..</p> <p>S. 114 (1) (c) (ii) expld. ... ..</p> <p>S. 118 mod. ... ..</p> <p>S. 121 (3) am. ... ..</p> <p>S. 127 am. ... ..</p> <p>Ss. 128 (2) appl. and am., 129 appl. ... ..</p> <p>S. 130 appl. ... ..</p> <p>S. 131 (1) am. ... ..</p> <p>S. 138 (1) am. ... ..</p> | <p>28, s. 35, sch. 4 para. 16.</p> <p>28, s. 23.</p> <p>28, s. 35, sch. 4 para. 17.</p> <p>28, s. 23.</p> <p>28, s. 35, sch. 4 para. 27.</p> <p>28, s. 35, sch. 4 para. 27.</p> <p>28, s. 24 (2).</p> <p>28, s. 35, sch. 4 para. 18.</p> <p>28, s. 35, schs. 4 para. 28, 5.</p> <p>28, s. 35, schs. 4 para. 19, 5.</p> <p>28, s. 22 (5).</p> <p>28, s. 35, schs. 4 para. 29, 5.</p> <p>28, s. 30.</p> <p>28, s. 35, sch. 4 para. 30.</p> <p>28, s. 35, sch. 4 para. 1.</p> <p>28, s. 29 (5).</p> <p>28, s. 31.</p> <p>28, ss. 31, 35, sch. 5.</p> <p>28, s. 1 (3).</p> <p>28, s. 1 (3).</p> <p>28, s. 35, sch. 4 para. 2.</p> <p>28, s. 35, sch. 4 para. 3.</p> <p>28, s. 1 (3).</p> <p>28, s. 12 (1)–(3).</p> <p>28, s. 12 (4).</p> <p>28, s. 13.</p> <p>28, s. 32.</p> <p>28, s. 32 (2).</p> <p>28, s. 14 (3).</p> <p>28, s. 15.</p> <p>28, s. 15 (2).</p> <p>28, s. 15 (3).</p> <p>28, s. 15 (4) (5).</p> <p>28, s. 16.</p> <p>28, s. 35, sch. 4 para. 31.</p> <p>28, s. 14 (5).</p> <p>28, s. 35, sch. 4 para. 4.</p> <p>28, s. 35, sch. 4 para. 5.</p> <p>28, s. 35, sch. 4 para. 20.</p> <p>28, s. 35, sch. 4 para. 32.</p> |

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| 14 Geo. 6— <i>cont.</i><br>c. 34— <i>cont.</i> | Housing (Scotland) Act 1950— <i>cont.</i>               | S. 138 (4) am. ... ..<br>S. 139 subst. ... ..<br>S. 157 ext. ... ..<br>S. 184 (1) rep. in pt. ... ..<br>am. ... ..<br>S. 184 (2) rep. and super-<br>seded.<br>Sch. 1 para. 6 proviso<br>para. (c) rep.<br>Sch. 3 para. 8 rep. ... ..<br>Sch. 6 Pt. I para. 15 added<br>Sch. 6 Pt. II para. 15<br>added.<br>Sch. 8 para. 12 rep. in pt.<br>Sch. 10 para. 7 added ... .. | 28, s. 35, sch. 4<br>para. 33.<br>28, s. 35, sch. 4<br>para. 34.<br>58, s. 30 (1) (2).<br>28, s. 35, schs. 4<br>para. 35, 5.<br>28, s. 35, sch. 4<br>para. 6.<br>28, ss. 24, 35,<br>sch. 5.<br>28, s. 35, schs. 4<br>para. 21, 5.<br>28, s. 35, schs. 4<br>para. 21, 5.<br>28, s. 35, sch. 4<br>para. 6.<br>28, s. 35, sch. 4<br>para. 4.<br>28, s. 35, schs. 4<br>para. 36, 5.<br>28, s. 35, sch. 4<br>para. 5. |
| c. 36 ... ..                                   | Diseases of Animals Act 1950.                           | S. 22 am. ... ..                                                                                                                                                                                                                                                                                                                                                       | 46, s. 32, sch. 2.                                                                                                                                                                                                                                                                                                                                                                                               |
| c. 37 ... ..                                   | Maintenance Orders Act 1950.                            | S. 28 (1) rep. so far as<br>defining "court of<br>summary jurisdiction".                                                                                                                                                                                                                                                                                               | 30, s. 30, sch. 4<br>Pt. IV.                                                                                                                                                                                                                                                                                                                                                                                     |
| c. 39 ... ..                                   | Public Utilities Street<br>Works Act 1950.              | S. 4 mod. ... ..<br>S. 4 (4) proviso (i) excl.<br>S. 5 mod. ... ..<br>S. 22 excl. ... ..<br>Sch. 5 rep so far as<br>relating to the Town<br>and Country Planning<br>Act 1947 (c. 51).                                                                                                                                                                                  | 58, s. 16 (2).<br>58, s. 16 (1).<br>58, s. 16 (1).<br>58, s. 17 (2).<br>38, s. 223, sch. 15.                                                                                                                                                                                                                                                                                                                     |
| 14 & 15 Geo. 6:<br>c. 10 ... ..                | Reinstatement in Civil<br>Employment Act 1950.          | Appl. ... ..                                                                                                                                                                                                                                                                                                                                                           | 10, s. 5 (2).                                                                                                                                                                                                                                                                                                                                                                                                    |
| c. 11 ... ..                                   | Administration of Justice<br>(Pensions) Act 1950.       | Ext. (E.) ... ..<br>Pt. I. Pensions increase<br><br>S. 21 (1) rep. ... ..<br>S. 21 (4) am. ... ..<br>S. 22. Pensions increase<br><br>Sch. 3 para. 4 am. ... ..                                                                                                                                                                                                         | 15, s. 2 (4).<br>2 (11 Eliz. 2),<br>ss. 1, 2, 6 (1),<br>8 (1), schs. 1, 2.<br>46, s. 95 (1),<br>sch. 12 Pt. I.<br>46, s. 57, sch. 10<br>para. 8.<br>2 (11 Eliz. 2),<br>s. 1 (2), sch. 1<br>Pt. I.<br>46, s. 57, sch. 10<br>para. 8.                                                                                                                                                                              |
| c. 19 ... ..                                   | Town and Country Plan-<br>ning (Amendment) Act<br>1951. | Rep. (E.) ... ..                                                                                                                                                                                                                                                                                                                                                       | 38, s. 223, sch.<br>15.                                                                                                                                                                                                                                                                                                                                                                                          |

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| 14 & 15 Geo. 6—<br><i>cont.</i>     |                                                                   |                                                               |                                                                  |
| c. 23 ... ..                        | Reserve and Auxiliary Forces (Training) Act 1951.                 | S. 2 (4) am. ... ..                                           | 27, s. 1, sch.                                                   |
| c. 26 ... ..                        | Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951. | Ss. 10 (1) (d) appl., 10 (3) (6) am., 11, 12, 20 appl. ... .. | 31, s. 14 (2).                                                   |
| c. 30 ... ..                        | Sea Fish Industry Act 1951.                                       | S. 1 (2) am. ... ..                                           | 31, ss. 29 (1), 37, sch. 2 para. 12.                             |
|                                     |                                                                   | S. 4 (1) am. ... ..                                           | 31, ss. 30, 37, schs. 2, para. 13, 3.                            |
|                                     |                                                                   | S. 4 (2) (3) am. ... ..                                       | 31, s. 37, sch. 3.                                               |
|                                     |                                                                   | S. 5 (1) am. ... ..                                           | 31, s. 37, sch. 3.                                               |
|                                     |                                                                   | rep. in pt. ... ..                                            | 31, s. 37, schs. 3, 4.                                           |
|                                     |                                                                   | Ss. 5 (2) (8), 7 (3) am. ...                                  | 31, s. 37, sch. 3.                                               |
|                                     |                                                                   | S. 8 (1) am. ... ..                                           | 31, s. 37, sch. 3.                                               |
|                                     |                                                                   | rep. in pt. ... ..                                            | 31, s. 37, schs. 3, 4.                                           |
|                                     |                                                                   | S. 8 (2), (6)—(8), (10) am.                                   | 31, s. 37, sch. 3.                                               |
|                                     |                                                                   | Ss. 11 (2), 12 (1), 14 (2) am.                                | 31, s. 37, sch. 3.                                               |
|                                     |                                                                   | S. 15 (2) am. ... ..                                          | 31, ss. 6 (1), 37, sch. 2 para. 14.                              |
|                                     |                                                                   | S. 17 (1) am. ... ..                                          | 31, ss. 7, 37, sch. 2 para. 15.                                  |
|                                     |                                                                   | rep. in pt. ... ..                                            | 31, s. 37, schs. 2, para. 15, 4.                                 |
|                                     |                                                                   | S. 17 (1A) added ... ..                                       | 31, s. 37, sch. 2 para. 15.                                      |
|                                     |                                                                   | S. 17 (2) rep. in pt. ... ..                                  | 31, ss. 5 (3), 7 (3), 37, schs. 2 para. 15, 4.                   |
|                                     |                                                                   | am. ... ..                                                    | 31, ss. 5 (1) (2), 37, sch. 2 para. 15.                          |
|                                     |                                                                   | S. 18 (3) (b) rep. in pt. ...                                 | 31, s. 37, schs. 3, 4.                                           |
|                                     |                                                                   | am. ... ..                                                    | 31, s. 37, sch. 3.                                               |
|                                     |                                                                   | S. 19 rep. in pt. ... ..                                      | 31, s. 37, schs. 3, 4.                                           |
|                                     |                                                                   | am. ... ..                                                    | 31, s. 37, sch. 3.                                               |
|                                     |                                                                   | S. 20 ext. ... ..                                             | 31, s. 35 (1).                                                   |
|                                     |                                                                   | S. 21 (8) ext. ... ..                                         | 31, s. 33 (4).                                                   |
|                                     |                                                                   | S. 25 am. ... ..                                              | 31, s. 18 (1).                                                   |
| c. 41 ... ..                        | Coal Industry Act 1951                                            | S. 1 (4) rep. ... ..                                          | 6 (11 Eliz. 2), ss. 2, 3 (3).                                    |
| c. 43 ... ..                        | Finance Act 1951 ...                                              | S. 4 mod. ... ..                                              | 44, s. 2 (1) (b).                                                |
| c. 46 ... ..                        | Courts-Martial (Appeals) Act 1951.                                | S. 34 (1). Pensions increase.                                 | 2 (11 Eliz. 2), ss. 1, 2, 6 (1), 8 (1), schs. 1, 2.              |
| c. 48 ... ..                        | Dangerous Drugs Act 1951.                                         | Pt. III ext. ... ..                                           | S.I. No. 2349.                                                   |
|                                     |                                                                   | S. 11 (1) excl. (nicocodine)                                  | S.I. No. 2351.                                                   |
|                                     |                                                                   | S. 24 (1) rep. ... ..                                         | 30, s. 30, sch. 4. Pt. IV.                                       |
| c. 53 ... ..                        | Midwives Act 1951 ...                                             | Sch. 1 para. 3 am. ...                                        | S.I. No. 2696.                                                   |
| c. 60 ... ..                        | Mineral Workings Act 1951.                                        | Ss. 14 (1) rep., 31 (2) (3) rep. (E.), 43 (3) rep. in pt.     | 38, s. 223, sch. 15.                                             |





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| 15 & 16 Geo. 6 & 1 Eliz. 2— <i>cont.</i><br>c. 18 ... .. | Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952. | S. 1 (6) rep. in pt. ...<br>am. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 23, s. 2 (3), sch. 5.<br>40, s. 3, sch. 2 para. 2.<br>54, s. 3, sch. 2 para. 2.<br>57, s. 3, sch. 3 para. 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| c. 33 ... ..                                             | Finance Act 1952 ...                                                             | Ss. 1, 6 rep. ... ..<br>S. 7 rep. ... ..<br>S. 15 am. ... ..<br>Sch. 2 rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 44, s. 34 (7), sch. 11 Pt. I.<br>13, s. 25 (2), sch. 8.<br>44, s. 8 (1).<br>44, s. 34 (7), sch. 11 Pt. I.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| c. 39 ... ..                                             | Motor Vehicles (International Circulation) Act 1952.                             | S. 3 (1) rep.,<br>3 (3) rep. in pt.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 13, s. 25 (2), sch. 8.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| c. 44 ... ..                                             | Customs and Excise Act 1952.                                                     | Appl. (mod.) ... ..<br>S. 10 ext. (E.) (S.)<br>S. 88 (4) rep. in pt. ( <i>prosp.</i> )<br><br>S. 112 (1) am. ... ..<br>S. 112 (1) proviso rep. ... ..<br><br>S. 153 (3) rep. ... ..<br>S. 153 (4) rep. ... ..<br>S. 173 (2) (d) (e) rep. ... ..<br><br>S. 177 (1) rep. in pt. ... ..<br>S. 195 (1) am. ... ..<br>S. 200 (2)–(5) subst. ... ..<br>S. 201 rep. ... ..<br><br>S. 202 (1) am. ... ..<br>S. 202 (1) (a), (3) rep. in pt.<br>S. 203 (2) (3) am. ... ..<br>Ss. 210–213 rep. ... ..<br><br>S. 214 rep. ( <i>prosp.</i> ) ... ..<br>Ss. 215–217 rep. ... ..<br>S. 218 rep. ( <i>prosp.</i> ) ... ..<br>S. 218 (1) (e) (f) rep. ... ..<br>Ss. 229–231 rep. ( <i>prosp.</i> ) | S.I. No. 2279.<br>58, s. 56 (2).<br>44, s. 34 (7), sch. 11 Pt. II.<br>44, ss. 1, 2, sch. 1.<br>44, s. 34 (7), sch. 11 Pt. I.<br>51, ss. 21 (1), 26 (2), sch. 3.<br>51, s. 26 (2), sch. 3.<br>44, ss. 1 (2), 34 (7), schs. 4, 11 Pt. I.<br>44, s. 34 (7), sch. 11 Pt. I.<br>44, s. 4 (1).<br>44, s. 4 (2) (b).<br>44, ss. 4 (2) (a), 34 (7), sch. 11 Pt. I.<br>44, s. 4 (2).<br>44, s. 34 (7), sch. 11 Pt. I.<br>44, s. 4 (3).<br>44, s. 34 (7), sch. 11 Pt. I.<br>44, s. 34 (7), sch. 11 Pt. II.<br>44, s. 34 (7), sch. 11 Pt. I.<br>44, s. 34 (7), sch. 11 Pt. II.<br>44, s. 34 (7), sch. 11 Pt. I.<br>44, s. 34 (7), sch. 11 Pt. II. |

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| 15 & 16 Geo. 6 & 1 Eliz. 2— <i>cont.</i><br>c. 44— <i>cont.</i> | Customs and Excise Act 1952— <i>cont.</i> | Ss. 231 (1) (b), (3) (4) rep.,<br>253 (3) rep. in pt.<br>S. 259 (2) rep. ( <i>prosp.</i> ) ...<br><br>S. 263 (3) rep. in pt. ...<br><br>S. 271 (3) proviso (ii) rep. ( <i>prosp.</i> ).<br>Ss. 281, 283 (1) excl. (E.)<br>S. 295 (2) rep. in pt. ...<br><br>S. 307 (1) rep. ( <i>prosp.</i> ) so far as defining "molasses" and "saccharin".<br>S. 307 (1) am. so far as defining "sweets".<br>S. 314 (2) rep. ... ..<br><br>Sch. 10 Pt. II para. 32 rep.                                                   | 44, s. 34 (7), sch. 11 Pt. I.<br>44, s. 34 (7), sch. 11 Pt. II.<br>44, s. 34 (7), sch. 11 Pt. I.<br>44, s. 34 (7), sch. 11 Pt. II.<br>13, s. 19 (2).<br>44, s. 34 (7), sch. 11 Pt. I.<br>44, s. 34 (7), sch. 11 Pt. II.<br>44, s. 1 (4).<br>30, s. 30, sch. 4 Pt. IV.<br>13, s. 25 (2), sch. 8.                                                                                |
| c. 45 ... ..                                                    | Pensions (Increase) Act 1952.             | Expld. ... ..<br><br>Power to appl. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 2 (11 Eliz. 2), s. 6 (1).<br>2 (11 Eliz. 2), s. 7 (2).                                                                                                                                                                                                                                                                                                                         |
| c. 48 ... ..                                                    | Costs in Criminal Cases Act 1952.         | Ext. ( <i>prosp.</i> ) ... ..<br>Ss. 1, 7, 8 am. ( <i>prosp.</i> )...<br>S. 14 (1) rep. in pt. ...                                                                                                                                                                                                                                                                                                                                                                                                          | 15, s. 16 (5).<br>15, s. 18 (2).<br>15, s. 20 (2), sch. 5 Pt. II.                                                                                                                                                                                                                                                                                                              |
| c. 54 ... ..                                                    | Town Development Act 1952.                | S. 6 (1) (5) (6) am. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 38, s. 222, sch. 12.                                                                                                                                                                                                                                                                                                                                                           |
| c. 55 ... ..                                                    | Magistrates' Courts Act 1952.             | S. 10 appl. ... ..<br>am. ( <i>prosp.</i> ) ... ..<br>expld. ( <i>prosp.</i> ) ... ..<br>S. 11 am. ... ..<br>S. 14 (3) am. ... ..<br>Ss. 19 (5), 20 (4) am. ...<br>S. 24 am. ... ..<br><br>Ss. 28, 29 am. ( <i>prosp.</i> ) ...<br>S. 84 (5) (a) rep. in pt. ...<br><br>S. 126 (7) am. ... ..<br><br>Sch. 1 am. ... ..<br><br>Sch. 1 paras. 10, 11 am.<br>Sch. 1 para. 17 rep. in pt.<br><br>Sch. 5 rep. ( <i>prosp.</i> ) so far as amdg. s. 14 of the Criminal Justice Act, 1925 (15 & 16 Geo. 5, c. 86). | S.I. No. 640.<br>15, s. 15 (2).<br>15, s. 18.<br>15, s. 14 (2).<br>21, s. 8 (2).<br>15, s. 13.<br>15, s. 20 (1), sch. 4 Pt. II.<br>15, s. 15 (1) (3).<br>15, s. 20 (2), sch. 5 Pt. II.<br>15, s. 20 (1), sch. 4 Pt. II.<br>15, s. 12 (3), sch. 3 Pt. I.<br>15, s. 12 (3), sch. 3 Pt. II.<br>15, ss. 12 (3), 20 (2), schs. 3 Pt. II, 5 Pt. II.<br>15, s. 20 (2), sch. 5 Pt. II. |
| c. 62 ... ..                                                    | Agriculture (Calf Subsidies) Act 1952.    | S. 3 (3) rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 30, s. 30, sch. 4 Pt. IV.                                                                                                                                                                                                                                                                                                                                                      |
| c. 63 ... ..                                                    | Housing (Scotland) Act 1952.              | S. 3 (8) am. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 28, s. 32.                                                                                                                                                                                                                                                                                                                                                                     |

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| 15 & 16 Geo. 6 & 1 Eliz. 2— <i>cont.</i><br>c. 67 ... .. | Visiting Forces Act 1952                    | Appl. (mod.) (exc. s. 15) (Isle of Man).<br>S. 1 (1) rep. in pt. ...<br><br>S. 1 (1) (a) am. ...<br><br>S. 10 (1) (a) restr.                                                                                                                                                                                                                                                                                                                                                                                                                       | S.I. No. 170.<br><br>23, s. 2 (3), sch. 5.<br>40, s. 3, sch. 2 para. 6 (a).<br>54, s. 3, sch. 2 para. 6 (a).<br>57, s. 3, sch. 3 para. 6 (a).<br>40, s. 3, sch. 2 para. 6 (b).<br>54, s. 3, sch. 2 para. 6 (b).<br>57, s. 3, sch. 3 para. 6 (b).                                                                                                                                                                                                                                                                                                                            |
| 1 & 2 Eliz. 2:<br>c. 1 ... ..                            | Colonial Loans Act 1952                     | S. 1 (1) am. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 41, s. 1 (2).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| c. 13 ... ..                                             | Transport Act 1953 ...                      | S. 1 (4) expld. ... ..<br>Rep. (saving) exc. s. 24...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 41, s. 1 (3).<br>46, s. 95 (2), sch. 12 Pt. II.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| c. 15 ... ..                                             | Iron and Steel Act 1953                     | S. 35 (3) rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 30, s. 30, sch. 4 Pt. IV.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| c. 16 ... ..                                             | Town and Country Planning Act 1953.         | Rep. (E.)... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 38, s. 223, sch. 15.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| c. 17 ... ..                                             | White Fish and Herring Industries Act 1953. | S. 1 restr. ... ..<br>am. ... ..<br><br>S. 1 (1) (a) (b) subst., 1 (1) proviso added, 1 (3) am., 1 (3A) added.<br>S. 3 rep. ... ..<br>S. 4 (2) (6) am. ... ..<br><br>S. 5 ext. ... ..<br>S. 5 (1) am. ... ..<br><br>S. 5 (2) am. ... ..<br><br>S. 5 (3) am. ... ..<br><br>S. 5 (5) rep. in pt. ... ..<br>S. 6 restr. ... ..<br>S. 6 (1) am. ... ..<br>S. 6 (1) (a) (b) subst., 6 (1) proviso added.<br><br>S. 6 (2) rep. and superseded.<br>S. 6 (4) am. ... ..<br><br>S. 6 (4A) added ... ..<br><br>S. 7 (2) rep. in pt. ... ..<br><br>am. ... .. | 31, s. 3 (6).<br>31, ss. 3 (7), 31.<br>31, ss. 3 (1)–(3), 37, sch. 2 para. 16.<br>31, s. 37, sch. 4.<br>31, ss. 8, 37, sch. 2 para. 17.<br>31, s. 2.<br>31, ss. 1 (1), 37, sch. 2 para. 18 (1).<br>31, ss. 1 (3) (7), 37, sch. 2, para. 18 (2).<br>31, ss. 1 (5), 37, sch. 2 para. 18 (3).<br>31, s. 37, sch. 4.<br>31, s. 3 (6).<br>31, s. 3 (7).<br>31, ss. 3 (1) (2), 37, sch. 2 para. 19.<br>31, ss. 3 (7), 37, sch. 4.<br>31, s. 37, sch. 2 para. 19.<br>31, ss. 3 (4), 37, sch. 2 para. 19.<br>31, s. 37, schs. 2 para. 20, 4.<br>31, ss. 7 (2), 37, sch. 2 para. 20. |

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| 1 & 2 Eliz. 2—<br><i>cont.</i><br>c. 17— <i>cont.</i> | White Fish and Herring Industries Act 1953—<br><i>cont.</i>  | S. 7 (5) am. ...<br>S. 8 rep. ...<br>S. 13 (1) rep. in pt. ...<br>S. 13 (2) (3) appl. ...<br>S. 13 (3) rep. in pt. ...                                                      | 31, ss. 8, 37, sch. 2 para. 20.<br>31, s. 37, sch. 4.<br>31, s. 37, sch. 4.<br>31, s. 33 (3).<br>31, s. 37, sch. 4.                                 |
| c. 23 ...                                             | Accommodation Agencies Act 1953.                             | Cont. until 31.12.1963 ...                                                                                                                                                  | 3 (11 Eliz. 2), s. 1 (1).                                                                                                                           |
| c. 33 ...                                             | Education (Miscellaneous Provisions) Act 1953.               | S. 7 (4) (5) appl. ...                                                                                                                                                      | 12, s. 1 (7), sch. 1 para. 2.                                                                                                                       |
| c. 34 ...                                             | Finance Act 1953 ...                                         | S. 12 (1) am. ...<br>Ss. 5, 6 rep. ...                                                                                                                                      | 46, s. 32, sch. 2.<br>13, s. 25 (2), sch. 8.                                                                                                        |
| c. 36 ...                                             | Post Office Act 1953 ...                                     | S. 21 appl. (mod.) ...<br>S. 24 appl. ...<br>Expld. ...<br>S. 8 expld. ...                                                                                                  | 44, s. 16 (8), sch. 10.<br>44, s. 16 (2).<br>46, s. 57 (3).<br>27, s. 1 (2), sch. para. 1.                                                          |
| c. 46 ...                                             | Licensing Act 1953 ...                                       | S. 40 rep. in pt. ...<br>S. 44 (1) (b) am. ...<br>S. 88 (2) rep. so far as defining "summary conviction".                                                                   | 46, s. 95 (1), sch. 12 Pt. I.<br>46, s. 32, sch. 2.<br>30, s. 30, sch. 4 Pt. IV.                                                                    |
| c. 48 ...                                             | Merchandise Marks Act 1953.                                  | Appl. in pt. (Isles of Scilly).<br>Ss. 11-15 appl. (mod.) ...<br>S. 11 (3) ext. ...<br>Pt. II (ss. 53-67) cont. until 31.3.1964.<br>Ss. 113-118 appl. (mod.).<br>Expld. ... | S.I. No. 621, arts. 4, 6, 8 (2), 11 (2), 12 (2), sch. S.I. No. 366.<br>S.I. No. 75.<br>3 (11 Eliz. 2), s. 1 (2).<br>S.I. No. 366.<br>59, s. 47 (1). |
| c. 50 ...                                             | Auxiliary Forces Act 1953                                    | S. 17 (1) expld. ...<br>Ss. 23, 25 saved ...<br>S. 48 (1) rep. in pt. ...                                                                                                   | 10, s. 3 (4).<br>10, s. 2 (1).<br>30, s. 30, sch. 4 Pt. IV.                                                                                         |
| 2 & 3 Eliz. 2:                                        | Air Corporations Act 1953.                                   | S. 2 (1) ext. ( <i>retrosp.</i> ) ...                                                                                                                                       | 5 (11 Eliz. 2), s. 4.                                                                                                                               |
| c. 10 ...                                             | Navy, Army and Air Force Reserves Act 1954.                  | S. 4 (4) rep. ...                                                                                                                                                           | 30, s. 30, sch. 4 Pt. IV.                                                                                                                           |
| c. 12 ...                                             | Currency and Bank Notes Act 1954.                            | S. 2 (7). Period ext. 2 years from 14.3.1962.                                                                                                                               | S.I. No. 395.                                                                                                                                       |
| c. 13 ...                                             | Local Government (Financial Provisions) (Scotland) Act 1954. | S. 10 (2) rep. in pt. ...                                                                                                                                                   | 46, s. 95 (2), sch. 12 Pt. II.                                                                                                                      |
| c. 24 ...                                             | Cotton Act 1954 ...                                          | S. 4 (2) ext. ...                                                                                                                                                           | 2 (11 Eliz. 2), s. 7.                                                                                                                               |
| c. 25 ...                                             | Pensions (Increase) Act 1954.                                | Expld. ...                                                                                                                                                                  | 2 (11 Eliz. 2), s. 6 (1).                                                                                                                           |
| c. 27 ...                                             | Judges' Remuneration Act 1954.                               | S. 1 (1) (d) rep. in pt. ...                                                                                                                                                | 30, s. 30, sch. 4 Pt. IV.                                                                                                                           |
| c. 28 ...                                             | Telegraph Act 1954 ...                                       | Rep. ...                                                                                                                                                                    | 14, s. 2 (3), sch.                                                                                                                                  |
| c. 30 ...                                             | Protection of Birds Act 1954.                                | Sch. 2 rep. in pt. (sparrow-hawks) (E. and W.).<br>(S.) ...                                                                                                                 | S.I. No. 2592.<br>S.I. No. 2591.<br>2 Y *                                                                                                           |

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| 2 & 3 Eliz. 2—<br><i>cont.</i>      |                                                            |                                                                                                                                                        |                                                                  |
| c. 32 ... ..                        | Atomic Energy Authority Act 1954.                          | S. 5 (4). Period extd. until 30.11.1963.                                                                                                               | S.I. No. 26 03.                                                  |
| c. 33 ... ..                        | Pool Betting Act 1954 ...                                  | S. 1 (5) rep. in pt. ...                                                                                                                               | 15, s. 20 (2), sch. 5 Pt. II.                                    |
| c. 44 ... ..                        | Finance Act 1954 ...                                       | S. 3 rep. ( <i>prosp.</i> ) ...                                                                                                                        | 44, s. 34 (7), sch. 11 Pt. II.                                   |
|                                     |                                                            | S. 3 (5) (b) rep. ...                                                                                                                                  | 44, s. 34 (7), sch. 11 Pt. I.                                    |
|                                     |                                                            | S. 20 am. ...                                                                                                                                          | 44, s. 18 (1).                                                   |
|                                     |                                                            | expld. ...                                                                                                                                             | 44, s. 18 (2).                                                   |
|                                     |                                                            | S. 20 (1) am. ...                                                                                                                                      | 44, s. 18 (4).                                                   |
|                                     |                                                            | ext. ...                                                                                                                                               | 44, s. 18 (5) (8).                                               |
|                                     |                                                            | rep. in pt. ...                                                                                                                                        | 44, ss. 18 (4), 34 (7), sch. 11 Pt. III.                         |
|                                     |                                                            | S. 20 (2) ext. ...                                                                                                                                     | 44, s. 18 (8).                                                   |
|                                     |                                                            | S. 20 (3) ext. ...                                                                                                                                     | 44, s. 18 (8).                                                   |
|                                     |                                                            | rep. in pt. ...                                                                                                                                        | 44, ss. 18 (4), 34 (7), sch. 11 Pt. III.                         |
|                                     |                                                            | S. 20 (4) am. ...                                                                                                                                      | 44, s. 18 (4).                                                   |
|                                     |                                                            | ext. ...                                                                                                                                               | 44, s. 18 (8).                                                   |
|                                     |                                                            | S. 20 (5) (6) ext. ...                                                                                                                                 | 44, s. 18 (8).                                                   |
|                                     |                                                            | S. 24 appl. (mod.)                                                                                                                                     | 44, s. 16 (8), sch. 10.                                          |
|                                     |                                                            | S. 32 (1) rep. ...                                                                                                                                     | S.I. No. 638.                                                    |
|                                     |                                                            | Sch. 5 para. 2 rep. ...                                                                                                                                | 44, s. 34 (7), sch. 11 Pt. IV.                                   |
| c. 50 ... ..                        | Housing (Repairs and Rents) (Scotland) Act 1954.           | S. 3 am. ...                                                                                                                                           | 44, s. 34 (7), sch. 11 Pt. VI.                                   |
|                                     |                                                            | S. 3 (1) (a) (b) am. ...                                                                                                                               | 28, s. 35, sch. 4 para. 22.                                      |
|                                     |                                                            | S. 11 (3) am. ...                                                                                                                                      | 28, s. 35, sch. 4 para. 22.                                      |
|                                     |                                                            | S. 15 (2) am. ...                                                                                                                                      | 28, s. 35, sch. 4 para. 24.                                      |
| c. 64 ... ..                        | Transport Charges &c. (Miscellaneous Provisions) Act 1954. | Ss. 2 (6), 3—5 rep., 6 (1) (b) rep. in pt.                                                                                                             | 46, s. 95 (1), sch. 12 Pt. I.                                    |
|                                     |                                                            | S. 13 (1) am. ...                                                                                                                                      | 46, s. 32, sch. 2.                                               |
|                                     |                                                            | rep. in pt. ...                                                                                                                                        | 46, s. 95 (1) (2), sch. 12 Pts. I, II.                           |
|                                     |                                                            | S. 13 (2) rep. in pt. ...                                                                                                                              | 46, s. 95 (2), sch. 12 Pt. II.                                   |
|                                     |                                                            | S. 14 (4) rep. in pt. ...                                                                                                                              | 46, s. 95 (1), sch. 12 Pt. I.                                    |
| c. 65 ... ..                        | National Gallery and Tate Gallery Act 1954.                | Sch. 1 am. ...                                                                                                                                         | S.I. No. 1382.                                                   |
| c. 70 ... ..                        | Mines and Quarries Act 1954.                               | Am. (S.) ...                                                                                                                                           | 47, ss. 136, 139.                                                |
|                                     |                                                            | S. 182 (1) rep. in pt. (in pt. the definition of "railway company").                                                                                   | 46, s. 95 (2), sch. 12 Pt. II.                                   |
| c. 72 ... ..                        | Town and Country Planning Act 1954.                        | Ss. 1—29, 38—52, 54, 57—60, 61 (2)—(5), 62 rep., 63 rep. (E.), 64—68, 69 (3)—(5), (7) (8), 71 (2), (4)—(6) rep., schs. 1—4 rep., 7 rep. in pt., 8 rep. | 38, s. 223, sch. 15.                                             |

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| 3 & 4 Eliz. 2:<br>c. 7 ... ..       | Fisheries Act 1955 ...                                    | S. 1 rep. ... ..                                                                                                                                                          | 31, s. 37, sch. 4.                                                                                                                                                                                                                                                           |
| c. 10 ... ..                        | Transport (Borrowing Powers) Act 1955.                    | Rep. ... ..                                                                                                                                                               | 46, s. 95 (2), sch. 12 Pt. II.                                                                                                                                                                                                                                               |
| c. 15 ... ..                        | Finance Act 1955 ...                                      | S. 2 (2) rep. ... ..                                                                                                                                                      | 44, s. 34 (7), sch. 11 Pt. III.                                                                                                                                                                                                                                              |
| c. 18 ... ..                        | Army Act 1955 ...                                         | Cont. until 31.12.1963 ...<br>Appl. ... ..<br>Restr. (Meaning of "colony") {<br>S. 9 saved ... ..<br>S. 70 ext. ( <i>prosp.</i> ) ... ..<br>S. 215 (2) rep. in pt. ... .. | S.I. No. 2612.<br>10, s. 4 (2).<br>40, s. 3 (2) (a).<br>54, s. 3 (2) (a).<br>57, s. 3 (2).<br>10, s. 1 (1).<br>59, s. 3.<br>30, s. 30, sch. 4 Pt. IV.                                                                                                                        |
| c. 19 ... ..                        | Air Force Act 1955 ...                                    | Cont. until 31.12.1963 ...<br>Restr. (meaning of "colony") {<br>S. 70 ext. ( <i>prosp.</i> ) ... ..<br>S. 213 (2) rep. in pt. ... ..                                      | S. 225 (1) am. (definition of "Commonwealth force") {<br>54, s. 3 (2) (b).<br>57, s. 3 (2).<br>S. 225 (1) rep. in pt. ... ..<br>23, s. 2 (3), sch. 5.<br>S.I. No. 2596.<br>40, s. 3 (2) (a).<br>54, s. 3 (2) (a).<br>57, s. 3 (2).<br>59, s. 3.<br>30, s. 30, sch. 4 Pt. IV. |
| c. 22 ... ..                        | Pensions (India, Pakistan and Burma) Act 1955.            | S. 223 (1) am. (definition of "Commonwealth force") {<br>rep. in pt. ... ..<br>Sch. 2 Pt. I para. 1 am. ... ..                                                            | 40, s. 3 (2) (b).<br>54, s. 3 (2) (b).<br>57, s. 3 (2).<br>23, s. 2 (3), sch. 5.<br>2 (11 Eliz. 2), s. 4 (1) (2).                                                                                                                                                            |
| c. 25 ... ..                        | Oil in Navigable Waters Act 1955.                         | S. 23 (5) rep. in pt. ... ..                                                                                                                                              | 30, s. 30, sch. 4 Pt. IV.                                                                                                                                                                                                                                                    |
| 4 & 5 Eliz. 2:<br>c. 6 ... ..       | Miscellaneous Financial Provisions Act 1955.              | S. 5 appl. ... ..<br>S. 5 (13) rep. ... ..                                                                                                                                | 46, s. 36 (5).<br>44, s. 34 (7), sch. 11 Pt. VI.                                                                                                                                                                                                                             |
| c. 9 ... ..                         | Rating and Valuation (Miscellaneous Provisions) Act 1955. | S. 9 (6) am. ... ..                                                                                                                                                       | 46, s. 66 (1) (7).                                                                                                                                                                                                                                                           |
| c. 16 ... ..                        | Food and Drugs Act 1955                                   | S. 9 expld. ... ..<br>S. 11 (2) am. ... ..<br>Ss. 108, 110 (1)-(3), 112 appl. (mod.).<br>Ss. 113, 115 (2), 116 appl. (mod.).<br>Sch. 10 para. 2 rep. in pt.               | S.I. No. 720.<br>46, s. 32, sch. 2.<br>S.I. Nos. 720, 721.<br>S.I. Nos. 720, 721, 977.<br>30, s. 30, sch. 4 Pt. IV.                                                                                                                                                          |
| c. 23 ... ..                        | Leeward Islands Act 1956                                  | Ss. 1, 3-5, sch. rep. ... ..                                                                                                                                              | 19, s. 10 (3), sch. .                                                                                                                                                                                                                                                        |
| c. 25 ... ..                        | Therapeutic Substances Act 1956.                          | S. 17 (1) rep. ... ..<br>S. 17 (2) rep. ... ..                                                                                                                            | 30, s. 30, sch. 4 Pt. IV.<br>30, s. 7, sch. 1.                                                                                                                                                                                                                               |

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| 4 & 5 Eliz. 2—<br><i>cont.</i>      |                                           |                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                      |
| c. 26 ...                           | Police (Scotland) Act 1956.               | Pensions increase ...                                                                                                                                                                                       | 2 (11 Eliz. 2), s. 1 (2), sch. 1 Pt. I.                                                                                                                                                                                                                              |
| c. 30 ...                           | Food and Drugs (Scotland) Act 1956.       | S. 11 (2) am. ....<br>Ss. 41 (2) (4) (5), 42 (1)–(3), 44 appl. (mod.).<br>Ss. 46 (2), 47 appl. (mod.)                                                                                                       | 46, s. 32, sch. 2.<br>S.I. No. 779.<br>S.I. Nos. 779, 997.                                                                                                                                                                                                           |
| c. 34 ...                           | Criminal Justice Administration Act 1956. | S. 2 saved ...<br>S. 5 (3) rep. (saving) ...<br>S. 5 (4) (5) rep. ...<br>S. 13 (2) am. ...<br>S. 15 (1) rep. in pt. ...<br>S. 15 (3) am. ...<br>rep. in pt. ...<br>S. 15 (5) rep. ...<br>S. 15 (6) rep. ... | S.I. No. 640, art 5.<br>15, ss. 2 (6), 20 (2), sch. 5 Pt. I.<br>15, s. 20 (2), sch. 5 Pt. I.<br>15, s. 9.<br>15, s. 20 (2), sch. 5 Pt. I.<br>15, s. 20 (1), sch. 4.<br>15, s. 20 (2), sch. 5 Pt. I.<br>15, s. 20 (2), sch. 5 Pt. II.<br>15, s. 20 (2), sch. 5 Pt. I. |
| c. 39 ...                           | Pensions (Increase) Act 1956.             | Expld. ...<br>Power to appl. ...<br>S. 1 (1) mod. ...                                                                                                                                                       | 2 (11 Eliz. 2), s. 6 (1).<br>2 (11 Eliz. 2), s. 7 (2).<br>30, s. 26 (2).                                                                                                                                                                                             |
| c. 45 ...                           | Small Lotteries and Gaming Act 1956.      | S. 1 (1) (c) expld.<br>S. 4 expld. ...                                                                                                                                                                      | 55, s. 1 (2).<br>55, s. 1 (1) (3) (4).                                                                                                                                                                                                                               |
| c. 46 ...                           | Administration of Justice Act 1956.       | Ss. 3, 4, 6–8 appl. (mod.)<br>(Mauritius) ...<br>(Fiji) ...<br>(N. Borneo) ...<br>(British Guiana) ...<br>(Jamaica) ...<br>(Hong Kong) ...<br>(Zanzibar) ...<br>(Bahama Islands) ...                        | S.I. No. 167<br>S.I. No. 398<br>S.I. No. 399.<br>S.I. No. 630.<br>S.I. No. 631.<br>S.I. No. 1547.<br>S.I. No. 2180.<br>S.I. No. 2348.                                                                                                                                |
| c. 48 ...                           | Sugar Act 1956                            | Mod. ...<br>S. 1 (2) (b) ext. (South Africa).<br>Ss. 7 (2), 10 (2), 15 (2) (c) rep.<br>S. 35 (2) rep. so far as defining "molasses" and "sugar duty".                                                       | 44, s. 4 (6).<br>22, s. 2 (1), sch. 2, para. 5.<br>44, s. 34 (7), sch. 11 Pt. I.<br>44, s. 34 (7), sch. 11 Pt. I.                                                                                                                                                    |
| c. 53 ...                           | Teachers (Superannuation) Act 1956.       | Pensions increase ...<br>Ss. 27–36 rep., 40 rep. in pt. (S.).                                                                                                                                               | 2 (11 Eliz. 2), ss. 1, 2, 8 (1), schs. 1, 2.<br>47, s. 147, sch. 8.                                                                                                                                                                                                  |



| Session and Chap. or No. of Measure | Short title or Subject                                  | How affected                                                                                                                                                                                                            | Chapter of 1962 Act or number of Measure or Statutory Instrument                                                                                                                                             |
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| 4 & 5 Eliz. 2—<br><i>cont.</i>      |                                                         |                                                                                                                                                                                                                         |                                                                                                                                                                                                              |
| c. 54 ... ..                        | Finance Act 1956 ...                                    | S. 1 rep. ... ..<br>S. 2 am. ... ..<br>S. 5 rep. ... ..<br><br>S. 10 (3) appl. (mod.) ...<br><br>S. 17 expld. ... ..<br>S. 38 (2) appl. ... ..<br>S. 42 (2) (b) rep. (saving) and superseded. ...<br>Sch. 1 rep. ... .. | 44, s. 34 (7), sch. 11 Pt. I.<br>44, s. 1 (4)<br>13, s. 25 (2), sch. 8.<br>44, s. 16 (8), sch. 10.<br>46, s. 42 (3).<br>44, s. 31 (1).<br>5 (11 Eliz. 2), ss. 3 (8), 6 (4).<br>44, s. 34 (7), sch. 11 Pt. I. |
| c. 56 ... ..                        | Transport (Disposal of Road Haulage Property) Act 1956. | Rep. ... ..                                                                                                                                                                                                             | 46, s. 95 (2) sch. 12 Pt. II.                                                                                                                                                                                |
| c. 60 ... ..                        | Valuation and Rating (Scotland) Act 1956.               | S. 5 ext. ... ..<br>S. 9 (1) proviso (c) added.<br>S. 15 am. ... ..<br>S. 15 (8) am. ... ..<br>S. 23 rep. (saving) ...<br><br>S. 24 (1) expld. ... ..<br>Sch. 2 am. ... ..<br><br>Sch. 4 paras. 3, 4 (2), 5 (1), 8 am.  | 9, s. 7.<br>9, s. 12 (1), sch. 2.<br>9, s. 9.<br>9, s. 1 (2).<br>9, ss. 5 (1) (2), 12 (2), sch. 3.<br>9, s. 3.<br>S.I. Nos. 862, 942.<br>9, s. 3.                                                            |
| c. 61 ... ..                        | Coal Industry Act 1956...                               | S. 2 rep. ... ..                                                                                                                                                                                                        | 6 (11 Eliz. 2), ss. 2, 3 (3).                                                                                                                                                                                |
| c. 63 ... ..                        | British Caribbean Federation Act 1956.                  | S. 1, sch. Power to am.                                                                                                                                                                                                 | 19, s. 1.                                                                                                                                                                                                    |
| c. 67 ... ..                        | Road Traffic Act 1956 ...                               | Appointed day for commencement of s. 18 (1) (1.4.1962).                                                                                                                                                                 | S.I. No. 200.                                                                                                                                                                                                |
| c. 68 ... ..                        | Restrictive Trade Practices Act 1956.                   | Pt. I (ss. 1-23) excl. ...<br>S. 13 am. (N.I.) ... ..<br>S. 37 (2) rep. ... ..                                                                                                                                          | 29, s. 1 (2).<br>30, s. 7, sch. 1.<br>30, s. 30, sch. 4 Pt. IV.                                                                                                                                              |
| c. 69 ... ..                        | Sexual Offences Act 1956                                | Sch. 2 para. 10 am. ...                                                                                                                                                                                                 | 15, s. 20 (1), sch. 4 Pt. II.                                                                                                                                                                                |
| c. 74 ... ..                        | Copyright Act 1956 ...                                  | Appl. in pt. (mod.) ...<br><br>S. 30 am. (N.I.)... ..<br>Sch. 7 para. 39 (2) excl. (prosp.)                                                                                                                             | S.I. Nos. 1642, 1643, 2184, 2185.<br>30, s. 7, sch. 1.<br>40, s. 3, sch. 2 para. 13.<br>54, s. 3, sch. 2 para. 13.                                                                                           |
| c. 75 ... ..                        | Education (Scotland) Act 1956.                          | Rep. (saving) ... ..                                                                                                                                                                                                    | 47, ss. 124 (8), 147, sch. 8.                                                                                                                                                                                |
| c. 76 ... ..                        | Medical Act 1956 ...                                    | Pt. III saved (South Africa).                                                                                                                                                                                           | 23, s. 2 (2), sch. 3 para. 3.                                                                                                                                                                                |
| 5 & 6 Eliz. 2:                      |                                                         |                                                                                                                                                                                                                         |                                                                                                                                                                                                              |
| c. 3 ... ..                         | Air Corporations Act 1956.                              | S. 1 (2) proviso am. ...                                                                                                                                                                                                | 5 (11 Eliz. 2), s. 6 (3).                                                                                                                                                                                    |
| c. 8 ... ..                         | Commonwealth Settlement Act 1957.                       | Rep. ... ..                                                                                                                                                                                                             | 17, s. 1 (2).                                                                                                                                                                                                |
| c. 9 ... ..                         | Transport (Railway Finances) Act 1957.                  | Rep. ... ..                                                                                                                                                                                                             | 46, ss. 38, 95 (2), sch. 12 Pt. II.                                                                                                                                                                          |

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| 5 & 6 Eliz. 2 —<br><i>cont.</i>     |                                                                   |                                             |                                                                  |
| c. 14 ... ..                        | Northern Ireland (Compensation for Compulsory Purchase) Act 1957. | Rep. ... ..                                 | 30, ss. 28 (1), 30, sch. 4 Pt. IV.                               |
| c. 17 ... ..                        | Rating and Valuation Act 1957.                                    | S. 2 rep. ... ..                            | 46, s. 95 (2), sch. 12 Pt. II.                                   |
| c. 20 ... ..                        | House of Commons Disqualification Act 1957.                       | Sch. 1 Pt. II am. ... ..<br>rep. in pt....  | 46, s. 85 (1).<br>46, s. 95 (2), sch. 12 Pt. II.                 |
|                                     |                                                                   | Sch. 1 Pt. III am. ... ..                   | 46, s. 85 (2).                                                   |
|                                     |                                                                   | Sch. 3 am. ... ..<br>rep. in pt. ... ..     | 46, s. 85 (1) (3).<br>46, s. 95 (2), sch. 12 Pt. II.             |
| c. 22 ... ..                        | White Fish and Herring Industries Act 1957.                       | S. 1 (1) rep. ... ..                        | 31, s. 37 (1), sch. 4.                                           |
|                                     |                                                                   | S. 1 (2) subst. ... ..                      | 31, ss. 3 (5), 37, sch. 2 para. 21.                              |
|                                     |                                                                   | S. 1 (3) subst. ... ..                      | 31, ss. 3 (8), 37, sch. 2 para. 21.                              |
|                                     |                                                                   | S. 1 (3A) added ... ..                      | 31, s. 37, sch. 2 para. 21.                                      |
|                                     |                                                                   | S. 1 (4) appl. ... ..<br>am. ... ..         | 31, s. 33 (3).<br>31, s. 37, sch. 2 para. 21.                    |
|                                     |                                                                   | rep. in pt. ... ..                          | 31, s. 37, sch. 4.                                               |
|                                     |                                                                   | S. 1 (5) rep.,<br>1 (6) rep. in pt. ... ..  | 31, s. 37, sch. 4.                                               |
|                                     |                                                                   | S. 3 (1) am. ... ..                         | 31, ss. 1 (2) (4), 37, sch. 2 para. 22.                          |
|                                     |                                                                   | S. 3 (2) am. ... ..                         | 31, ss. 1 (3) (4) (7), 37, sch. 2 para. 22.                      |
|                                     |                                                                   | rep. in pt. ... ..                          | 31, s. 37, sch. 4.                                               |
|                                     |                                                                   | S. 3 (3) am. ... ..                         | 31, ss. 1 (5), 37, sch. 2 para. 22.                              |
|                                     |                                                                   | S. 4 am. ... ..                             | 31, ss. 1 (6), 37, sch. 2 para. 23.                              |
|                                     |                                                                   | S. 5 (4) excl. ... ..<br>rep. in pt. ... .. | 31, s. 2 (8).<br>31, s. 37, sch. 4.                              |
|                                     |                                                                   | S. 6 (1) am. ... ..                         | 31, s. 37, sch. 2 para. 24.                                      |
| c. 24 ... ..                        | House of Commons Members' Fund Act 1957.                          | S. 2 rep. and superseded                    | 53, ss. 1 (1), 2 (4), sch.                                       |
| c. 25 ... ..                        | Rent Act 1957 ... ..                                              | S. 12 (6), sch. 6 para 20, rep. (E.).       | 50, s. 7 (4), sch.                                               |
| c. 27 ... ..                        | Solicitors Act 1957 ... ..                                        | S. 4 (1) appl. (mod.) (South Africa).       | 23, s. 2 (2), sch. 3 para. 5.                                    |
| c. 28 ... ..                        | Dentists Act 1957 ... ..                                          | S. 12 saved (South Africa)                  | 23, s. 2 (2), sch. 3 para. 4.                                    |
| c. 38 ... ..                        | Housing and Town Development (Scotland) Act 1957.                 | S. 2 restr. ... ..<br>S. 2 (3) appl. ... .. | 28, s. 1 (3).<br>28, s. 35, sch. 4 para. 7.                      |
|                                     |                                                                   | S. 3 restr. ... ..                          | 28, s. 1 (3).                                                    |
|                                     |                                                                   | S. 20 (2) (4) (5) am. ... ..                | 28, s. 35, sch. 4 para. 25.                                      |
|                                     |                                                                   | S. 22 (1) am. ... ..                        | 28, s. 22 (4).                                                   |
|                                     |                                                                   | S. 23 (1) restr. ... ..                     | 28, s. 1 (3).                                                    |

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| 5 & 6 Eliz. 2: c. 38— <i>cont.</i>  | Housing and Town Development (Scotland) Act 1957— <i>cont.</i> | S. 23 (3) am. ( <i>retrosp.</i> )<br>S. 23 (4) am. ... ..                                                                                                                                                                                                                                                                                                                          | 28, s. 20.<br>28, s. 19 (2).                                                                                                                                                                                                                                                                                                 |
| c. 49 ... ..                        | Finance Act 1957 ...                                           | S. 7 rep. ... ..<br><br>S. 13 am. ... ..<br>S. 14 (1) ( <i>e</i> ) added ... ..<br>Pt. IV (ss. 23–37) mod.                                                                                                                                                                                                                                                                         | 13, s. 25 (2), sch. 8.<br>44, s. 8 (2).<br>44, s. 9 (5).<br>44, s. 19 (6).                                                                                                                                                                                                                                                   |
| c. 51 ... ..                        | Road Transport Lighting Act 1957.                              | Power to excl. or mod. (hover vehicles).<br>Power to appl. (mod.) ... ..<br>Ss. 1–5 ext. ... ..<br><br>S. 5 ext. ... ..<br>S. 5 (1) rep. in pt. ... ..<br><br>Ss. 12–18 ext. ... ..<br>S. 12 (1) am. ( <i>prosp.</i> ) ... ..<br><br>S. 12 (2) am. ( <i>prosp.</i> ) ... ..<br>am. ... ..<br>ext. ... ..<br>S. 18 (2) rep. ( <i>prosp.</i> ) ... ..<br><br>S. 18 (3) subst. ... .. | 59, s. 19 (2) ( <i>a</i> ).<br>59, s. 19 (2) ( <i>b</i> ).<br>59, ss. 15 (3) (4), 16.<br>59, s. 16 (3).<br>59, s. 51 (2), sch. 5.<br>59, s. 15 (5).<br>59, ss. 5, 8, sch. 1 Pt. III.<br>59, ss. 5, 8, sch. 1 Pt. III.<br>59, s. 51 (1), sch. 4 Pt. II.<br>59, s. 16 (4).<br>59, s. 51 (2), sch. 5.<br>13, s. 25 (1), sch. 7. |
| c. 53 ... ..                        | Naval Discipline Act 1957                                      | Restr. (meaning of "colony") {<br>S. 42 ext. ( <i>prosp.</i> ) ... ..<br>S. 135 (1) am. (meaning of "Commonwealth country") {<br>rep. in pt. ... ..                                                                                                                                                                                                                                | 40, s. 3 (2) ( <i>a</i> ).<br>54, s. 3 (2) ( <i>a</i> ).<br>57, s. 3 (2).<br>59, s. 3.<br>40, s. 3 (2) ( <i>b</i> ).<br>54, s. 3 (2) ( <i>b</i> ).<br>57, s. 3 (2).<br>23, s. 2 (3), sch. 5.                                                                                                                                 |
| c. 56 ... ..                        | Housing Act 1957 ...                                           | S. 8 rep. ... ..<br>S. 23 (2)–(5) appl. ( <i>prosp.</i> )<br>S. 73 ext. ( <i>prosp.</i> ) ... ..<br>S. 144 restr. ... ..<br>Ss. 168, 169 (1) ( <i>c</i> ) ( <i>d</i> ) am.<br>Sch. 10 rep. so far as relating to the Town and Country Planning Act 1944 (c. 47).                                                                                                                   | 50, s. 7 (4), sch.<br>58, s. 28 (4).<br>58, s. 30 (1).<br>38, s. 84 (2).<br>27, s. 1.<br>38, s. 223, sch. 15.                                                                                                                                                                                                                |
| c. 57 ... ..                        | Agriculture Act 1957 ...                                       | S. 18. Grants increased to 55 million pounds.<br>S. 32 (1) am. ... ..                                                                                                                                                                                                                                                                                                              | S.I. No. 2555.<br>S.I. No. 652.                                                                                                                                                                                                                                                                                              |
| c. 62 ... ..                        | Governors' Pensions Act 1957.                                  | Pensions increase ... ..<br><br>Ss. 3, 9 am. ... ..                                                                                                                                                                                                                                                                                                                                | 2 (11 Eliz. 2).<br>ss. 1, 2, 6 (1), 8 (1), schs. 1, 2,<br>S.I. No. 149.                                                                                                                                                                                                                                                      |

| Session and Chap. or No. of Measure | Short title or Subject                                | How affected                                                                                                                                                                                                     | Chapter of 1962 Act or number of Measure or Statutory Instrument                                                                                                                                                                                                                                                               |
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| 6 & 7 Eliz. 2:<br>c. 6 ... ..       | Import Duties Act 1958                                | Ext. ... ..<br><br>S. 2 (4) am. ...<br><br>rep. in pt. ...<br><br>S. 2 (9) am. ... ..<br>S. 3 (2) rep. in pt. ( <i>prosp.</i> ).<br>Sch. 1 para. 1 rep. in pt. ( <i>prosp.</i> ).<br>Sch. 1 paras. 2, 3 rep. ... | 44, s. 3 (1).<br>23, s. 2 (1), sch. 2 para. 6.<br>40, s. 3, sch. 2 para. 4.<br>54, s. 3, sch. 2 para. 4.<br>57, s. 3, sch. 3 para. 4.<br>S.I. No. 1640.<br>23, s. 2 (1), sch. 2 para. 6.<br>23, s. 2 (1), sch. 2 para. 6.<br>44, s. 34 (7), sch. 11 Pt. II.<br>44, s. 34 (7), sch. 11 Pt. II.<br>44, s. 34 (7), sch. 11 Pt. I. |
| c. 10 ... ..                        | British Nationality Act 1958.                         | S. 3 (1) ( <i>a</i> ) mod. ( <i>temp.</i> ) (South Africa).<br>S. 3 (2) ext. ( <i>temp.</i> ) (South Africa).                                                                                                    | 23, s. 1 (2), sch. 1 para. 4.<br>23, s. 1 (2), sch. 1 para. 1.                                                                                                                                                                                                                                                                 |
| c. 13 ... ..                        | Cayman Islands and Turks and Caicos Islands Act 1958. | Rep. ... ..                                                                                                                                                                                                      | 19, s. 10 (3), sch.                                                                                                                                                                                                                                                                                                            |
| c. 16 ... ..                        | Commonwealth Institute Act 1958.                      | Sch. 2 rep. in pt....<br><br>am. ... ..                                                                                                                                                                          | 23, s. 2 (3), sch. 5.<br><br>40, s. 3, sch. 2 para. 15<br>54, s. 3, sch. 2 para. 15.<br>57, s. 3, sch. 3 para. 14.                                                                                                                                                                                                             |
| c. 17 ... ..                        | Recreational Charities Act 1958.                      | S. 6 (2) am. ... ..                                                                                                                                                                                              | 9, s. 12 (1), sch. 2.                                                                                                                                                                                                                                                                                                          |
| c. 30 ... ..                        | Land Powers (Defence) Act 1958.                       | S. 23 (1) am. ... ..                                                                                                                                                                                             | 27, s. 1.                                                                                                                                                                                                                                                                                                                      |
| c. 38 ... ..                        | Defence Contracts Act 1958.                           | S. 4 am. (N.I.) ... ..                                                                                                                                                                                           | 30, s. 7, sch. 1.                                                                                                                                                                                                                                                                                                              |
| c. 45 ... ..                        | Prevention of Fraud (Investments) Act 1958.           | S. 26 (5) am. ... ..                                                                                                                                                                                             | 23, s. 2 (3), sch. 4.                                                                                                                                                                                                                                                                                                          |
| c. 47 ... ..                        | Agricultural Marketing Act 1958.                      | S. 9 (4) ( <i>b</i> ) am. ... ..<br><br>S. 53 (11) rep. ... ..                                                                                                                                                   | 27, s. 1 (2), sch. para. 5.<br>30, s. 30, sch. 4 Pt. IV.                                                                                                                                                                                                                                                                       |
| c. 55 ... ..                        | Local Government Act 1958.                            | S. 2 ext. ( <i>prosp.</i> ) ... ..<br>S. 2 (4) saved ... ..<br>S. 3 ext. ( <i>prosp.</i> ) ... ..<br>S. 4 (2) ( <i>f</i> ) rep. ... ..                                                                           | 33, s. 5 (2).<br>12, s. 7 (3).<br>33, s. 5 (2).<br>13, s. 25 (2), sch. 8.                                                                                                                                                                                                                                                      |
| c. 56 ... ..                        | Finance Act 1958                                      | Sch. 8 para. 23 am. ... ..<br>S. 4 (1) (4) am. ... ..<br>S. 5 am. ... ..<br>Ss. 7-9 rep. ... ..<br><br>S. 14 (1) rep. ... ..                                                                                     | 46, s. 66.<br>44, s. 1, sch. 3.<br>44, s. 1 (4).<br>13, s. 25 (2), sch. 8.<br>44, s. 34 (7), sch. 11 Pt. III.                                                                                                                                                                                                                  |

| Session and Chap. or No. of Measure | Short title or Subject                                                       | How affected                                                                                                                                                                                                                                                                                                                                  | Chapter of 1962 Act or number of Measure or Statutory Instrument                                                                                                                                                                                                                                                                         |
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| 6 & 7 Eliz. 2:<br>c. 56—cont.       | Finance Act 1958—cont.                                                       | Sch. 2 Pt. I:<br>group 2 (b) rep. ...<br>group 7 am. ...<br>group 11 (b) rep. ...<br>group 16 (a) subst. ...<br>groups 18, 19 am. ...<br>group 27 am. ...<br>groups 30, 31, 32 (a) (b) am. ...<br>group 33 am. ...<br>group 33. Power to am. ...<br>groups 34–36 added ...<br>Sch. 3 rep. and superseded. ...<br>Sch. 4 superseded ...        | 44, s. 6 (1) (a), sch. 8 Pt. I.<br>S.I. No. 1686.<br>44, s. 6 (1) (a), sch. 8 Pt. II.<br>44, s. 6 (1) (a), sch. 8 Pt. II.<br>S.I. No. 2841.<br>S.I. Nos. 716, 2007, 2434.<br>S.I. No. 2841.<br>S.I. No. 595.<br>44, s. 6 (4).<br>44, s. 6 (1) (b), sch. 8 Pt. II.<br>44, ss. 1, 34 (7), schs. 3, 11.<br>44, s. 1 (2), sch. 3 (Table II). |
| c. 64 ...                           | Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958. | S.1. Power to apply ...<br>S. 2 ext. (prosp.) ...<br>S. 2 (2) saved ...<br>S. 3 ext. (prosp.) ...<br>S. 4 (2) (d) rep. ...<br>S. 5 (1) (3) rep. ...<br>S. 7 (5) am. ...<br>S. 14 rep. ...<br>S. 21 (2) appl. ...<br>Sch. 2 appl. (mod.) ...<br>Sch. 2 paras. 5 (2), 6 mod. ...<br>Sch. 4 Pt. I para. 6 rep., Pt. III para. 24 rep. in pt. ... | 12, s. 8 (1).<br>33, s. 5 (2).<br>12, s. 8 (3).<br>33, s. 5 (2).<br>13, s. 25 (2), sch. 8.<br>47, s. 147, sch. 8.<br>9, s. 9.<br>47, s. 147, sch. 8.<br>12, s. 8 (4).<br>9, s. 1 (3).<br>9, s. 1 (3).<br>47, s. 147, sch. 8.                                                                                                             |
| c. 66 ...                           | Tribunals and Inquiries Act 1958.                                            | Sch. 5 paras. 2–7 rep. ...<br>S. 9 (7) subst. ...<br>S. 11 ext. ...<br>Sch. 1 Pts. I, II am. ...<br>Sch. 1 para. 22 rep. in pt. ...                                                                                                                                                                                                           | 47, s. 147, sch. 8.<br>30, s. 7, sch. 1.<br>13, s. 12 (8).<br>S.I. No. 1697.<br>46, s. 95 (1), sch. 12 Pt. I.                                                                                                                                                                                                                            |
| c. 69 ...                           | Opencast Coal Act 1958                                                       | Sch. 1, Annex, am. ...<br>S. 2 (4) saved (E). ...                                                                                                                                                                                                                                                                                             | 46, s. 88.<br>38, s. 29 (8).                                                                                                                                                                                                                                                                                                             |
| 7 & 8 Eliz. 2:<br>c. 16 ...         | Transport (Borrowing Powers) Act 1959.                                       | Rep. ...                                                                                                                                                                                                                                                                                                                                      | 46, s. 95 (2), sch. 12 Pt. II.                                                                                                                                                                                                                                                                                                           |
| c. 19 ...                           | Emergency Laws (Repeal) Act 1959.                                            | Sch. 2 rep. in pt. ...<br>Sch. 3 para. 3 rep. in pt. ...<br>Sch. 3 para. 3 am. ...                                                                                                                                                                                                                                                            | 30, s. 30, sch. 4 Pt. IV.<br>23, s. 2 (3), sch. 5.<br>40, s. 3, sch. 2 para. 9.<br>54, s. 3, sch. 2 para. 9.<br>57, s. 3, sch. 3 para. 9.                                                                                                                                                                                                |

| Session and Chap. or No. of Measure | Short title or Subject                                | How affected                                                                                                                                                                                                                                                                                                                                                     | Chapter of 1962 Act or number of Measure or Statutory Instrument                                                                                                                                                                                                                                                                                                              |
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| 7 & 8 Eliz. 2—<br><i>cont.</i>      |                                                       |                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                               |
| c. 20 ... ..                        | Electricity (Borrowing Powers) Act 1959.              | S. 1 (1) (b) (ii) rep. ...                                                                                                                                                                                                                                                                                                                                       | 7 (11 Eliz. 2), s. 2, sch.                                                                                                                                                                                                                                                                                                                                                    |
| c. 22 ... ..                        | County Courts Act 1959                                | S. 102 ext. ... ..<br>S. 108 saved ... ..                                                                                                                                                                                                                                                                                                                        | 48, s. 1 (3).<br>37, s. 72 (5).                                                                                                                                                                                                                                                                                                                                               |
| c. 25 ... ..                        | Highways Act 1959 ...                                 | S. 19 (1) am. ... ..<br>S. 38. Power to ext. ... ..<br>S. 137 (3) am. ... ..<br><br>S. 139 (1) am. ... ..<br>Ss. 192 (3), 295 (5) am. ... ..<br>S. 238 saved ... ..<br>S. 276 (9) (a) rep. in pt. ... ..                                                                                                                                                         | 38, s. 222, sch. 12.<br>38, s. 153 (2).<br>59, s. 51 (1), sch. 4, Pt. II.<br>58, s. 19.<br>46, s. 32, sch. 2.<br>38, s. 189 (1).<br>15, s. 20 (2), sch. 5 Pt. II.<br>38, s. 223, sch. 15.                                                                                                                                                                                     |
| c. 33 ... ..                        | House Purchase and Housing Act 1959.                  | S. 19 (1) (c) subst. ... ..<br>S. 19 (5) rep. ... ..                                                                                                                                                                                                                                                                                                             | 28, s. 17 (1).<br>28, s. 17 (2).                                                                                                                                                                                                                                                                                                                                              |
| c. 38 ... ..                        | Police Federation Act 1959.                           | Rep. ( <i>prosp.</i> ) ... ..                                                                                                                                                                                                                                                                                                                                    | 25, s. 2, sch.                                                                                                                                                                                                                                                                                                                                                                |
| c. 41 ... ..                        | Criminal Justice Administration (Amendment) Act 1959. | Rep. ... ..                                                                                                                                                                                                                                                                                                                                                      | 15, s. 20 (2), sch. 5 Pt. I.                                                                                                                                                                                                                                                                                                                                                  |
| c. 50 ... ..                        | Pensions (Increase) Act 1959.                         | Expld. ... ..<br><br>Power to appl. ... ..<br><br>S. 1 (1) mod. ... ..<br>Ss. 2-6 (except ss. 5 (3) and 6 (1)) appl. (mod.).<br><br>S. 5 (2) excl. ... ..                                                                                                                                                                                                        | 2 (11 Eliz. 2), s. 6 (1).<br>2 (11 Eliz. 2), s. 7 (2).<br>30, s. 26 (2).<br>2 (11 Eliz. 2), s. 8 (2), sch. 1 Pt. II.<br>2 (11 Eliz. 2), s. 6 (2).                                                                                                                                                                                                                             |
| c. 51 ... ..                        | Licensing (Scotland) Act 1959.                        | Sch. Pt. I paras. 10 am., 25 added, Pt. II paras. 3 am., 4 rep. in pt., 7 am., 10 added.<br>S. 10 (1) am. ... ..<br>S. 27 (1) am. ... ..<br>S. 29 (1) (2) am. ... ..<br>S. 30 (1)-(3) am. ... ..<br>S. 32 (1) am. ... ..<br>S. 32 (3) (4) am. ... ..<br>S. 42 am. ... ..<br>Ss. 44, 49 (1) am. ... ..<br>S. 54 am. ... ..<br>ext. ... ..<br>S. 54 (1) am. ... .. | 2 (11 Eliz. 2), s. 1 (2), sch. 1 Pt. I.<br>51, ss. 25 (4), 26 (1), sch. 2.<br>51, ss. 25 (4), 26 (1), sch. 2.<br>51, ss. 25 (4), 26 (1), sch. 2.<br>51, ss. 25 (4), 26 (1), sch. 2.<br>51, ss. 1, 26 (1), sch. 2.<br>51, s. 26 (1), sch. 2.<br>51, s. 26 (1), sch. 2.<br>51, ss. 2 (2), 26 (1), sch. 2.<br>51, s. 12 (1).<br>51, s. 12 (5).<br>51, ss. 2 (3), 26 (1), sch. 2. |

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| 7 & 8 Eliz. 2<br>— <i>cont.</i><br>c. 51— <i>cont.</i> ... | Licensing (Scotland) Act<br>1959— <i>cont.</i> | <p>S. 54 (2) (3) (5) am. ...</p> <p>S. 56 am. ...</p> <p>S. 60 (1) am. ...</p> <p>S. 60 (2), (4), (6) appl. (mod.).</p> <p>S. 60 (7) appl. (mod.) ...</p> <p>am. ...</p> <p>S. 60 (8) appl. (mod.) ...</p> <p>S. 60 (10) am. ...</p> <p>S. 61 ext. (<i>retrosp.</i>) ...</p> <p>S. 61 (1) am. ...</p> <p>S. 61 (2) (3) am., 61 (4) added.</p> <p>S. 62 (1) am. ...</p> <p>Ss. 64 (1) am., 77 (4) (c) subst.</p> <p>S. 82 (1) (d) added ...</p> <p>Ss. 89 (2), 97 (2) am. ...</p> <p>S. 111 (1) am. ...</p> <p>S. 111 (2)–(5) rep. ...</p> <p>S. 116 (2) (b) rep. ...</p> <p>Pt. IX expld. ...</p> <p>saved and expld....</p> <p>S. 121 mod. ...</p> <p>excl. ...</p> <p>S. 121 (1) proviso added</p> <p>S. 121 (2) (a) expld. ...</p> <p>Ss. 123–125 rep. ...</p> <p>S. 126 subst. ...</p> <p>S. 127 rep. ...</p> <p>S. 128 subst. ...</p> <p>S. 129 (1) am. ...</p> <p>S. 129 (2) (3) rep. ...</p> <p>Pt. X mod. (liqueur chocolates).</p> <p>Ss. 131 (6), 133 (2) rep....</p> | <p>51, s. 26 (1), sch. 2.</p> <p>51, s. 26 (1), sch. 2.</p> <p>51, s. 26 (1), sch. 2.</p> <p>51, s. 18 (3).</p> <p>51, s. 18 (3).</p> <p>51, ss. 2 (4), 26 (1), sch. 2.</p> <p>51, s. 18 (3).</p> <p>51, s. 26 (1), sch. 2.</p> <p>51, s. 13.</p> <p>51, ss. 2 (5), 26 (1), sch. 2.</p> <p>51, s. 26 (1), sch. 2.</p> <p>51, ss. 2 (5), 26 (1), sch. 2.</p> <p>51, s. 26 (1), sch. 2.</p> <p>51, ss. 2 (7) (8), 26 (1), sch. 2.</p> <p>51, s. 26 (1) (2), schs. 2, 3.</p> <p>51, s. 26 (1) (2), schs. 2, 3.</p> <p>51, s. 3 (4).</p> <p>51, s. 4.</p> <p>51, s. 17.</p> <p>51, s. 18 (2).</p> <p>51, ss. 3 (2) (3), 26 (1), sch. 2.</p> <p>51, s. 25 (3).</p> <p>51, ss. 4. (3), 26 (2), sch. 3.</p> <p>51, s. 7.</p> <p>51, ss. 4 (3), 26 (2), sch. 3.</p> <p>51, s. 9.</p> <p>51, s. 26 (1), sch. 2.</p> <p>51, s. 26 (1) (2), schs. 2, 3.</p> <p>51, s. 16 (1).</p> <p>51, ss. 23, 26 (2), sch. 3.</p> |

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| 7 & 8 Eliz. 2<br>—cont.<br>c. 51—cont. | Licensing (Scotland) Act 1959—cont. | Ss. 145–146 rep. ...<br>S. 147 rep. ...<br>S. 150 (1) proviso subst.<br>S. 151 (1) am. ...<br>S. 152 am. ...<br>Ss. 153, 154 am....<br>S. 166 rep. ...<br>S. 173 rep. in pt. ...<br>Ss. 179 (1) (b), 184 am....<br>S. 189 am. ...<br>rep. in pt. ...<br>S. 190 am. ...<br>S. 191 am. ...<br>S. 191 (2) rep. in pt. ...<br>Ss. 194–6, 198 am. ...<br>S. 199 am. ...<br>S. 199 (1) rep. in pt. ...<br>am. ...<br>S. 199 (2), (4), (6), (7) am.<br>Sch. 2 rep. in pt. ...<br>am. ...<br>Sch. 3 am. ...<br>Sch. 4 am. ... | 51, ss. 14 (8),<br>26 (2), sch. 3.<br>51, ss. 4 (3),<br>26 (2), sch. 3.<br>51, ss. 15, 26 (1),<br>sch. 2.<br>51, ss. 24, 26 (1),<br>sch. 2.<br>52, s. 1 (1) (a),<br>(2) (a).<br>52, s. 1 (1) (b),<br>(2) (b).<br>51, ss. 4 (3),<br>26 (2), sch. 3.<br>51, s. 26 (1) (2),<br>schs. 2, 3.<br>51, ss. 25 (4),<br>26 (1), sch. 2.<br>51, ss. 25 (4),<br>26 (1), sch. 2.<br>51, s. 26 (1) (2),<br>schs. 2, 3.<br>51, ss. 25 (4),<br>26 (1), sch. 2.<br>51, ss. 25 (4),<br>26 (1), sch. 2.<br>51, s. 26 (1) (2),<br>schs. 2, 3.<br>51, s. 26 (1),<br>sch. 2.<br>51, ss. 4 (3), 14 (8),<br>26 (2), sch. 3.<br>51, s. 26, sch. 2.<br>51, s. 26 (1),<br>sch. 2.<br>51, s. 26 (1),<br>sch. 2. |
| c. 53 .. ..                            | Town and Country Planning Act 1959. | Sch. 6 Pt. II ext. ...<br>S. 23 ext. (mod.) ...<br>S. 24 (1) appl. ...<br>S. 26 (2)–(4) expld. ...<br>S. 26 (5) am. ...<br>S. 27 saved ...<br>S. 30 (6) saved ...<br>Ss. 31, 32, 33–44, 51,<br>52 (1)–(3), (5) (6),<br>53–56, 57(5) (6), (8) (9),<br>58 (1) para. (b), 58 (2)<br>(5) (6), schs. 5, 6 rep.,<br>7 rep. in pt., 8, 9 rep.                                                                                                                                                                                | 51, s. 12 (6).<br>38, s. 77 (3).<br>38, s. 73 (6).<br>38, s. 78 (3).<br>38, s. 222, sch. 12.<br>38, s. 78 (8).<br>38, s. 78 (8).<br>38, s. 223, sch. 15.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |



| Session and Chap. or No. of Measure     | Short title or Subject                         | How affected                                                                                                                                                                                                                                                                                                                                                     | Chapter of 1962 Act or number of Measure or Statutory Instrument                                                                                                                                                                                                                                                                                                |
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| 7 & 8 Eliz. 2<br>—cont.<br>c. 58 ... .. | Finance Act 1959 ...                           | S. 1 (1) am. ... ..<br>Ss. 1 (4) rep. in pt., 7, 8 rep.<br>Ss. 10-14 rep. ... ..<br>S. 19 (4) rep. ... ..<br>Sch. 1 Pt. I rep. and superseded.<br>Sch. 2 paras. 6, 7 rep. ...<br>Sch. 3 rep. ... ..                                                                                                                                                              | 44, s. 1 (2), sch. 2.<br>44, s. 34 (7), sch. 11 Pt. I.<br>13, s. 25 (2), sch. 8.<br>44, s. 34 (7), sch. 11 Pt. III.<br>44, ss. 1 (2), 2 (1) (a), 34 (7), schs. 2, 11 Pt. I.<br>51, s. 26 (2), sch. 3.<br>13, s. 25 (2), sch. 8.                                                                                                                                 |
| c. 70 ... ..                            | Town and Country Planning (Scotland) Act 1959. | S. 54 (1) am. ... ..                                                                                                                                                                                                                                                                                                                                             | 28, s. 35, sch. 4 para. 8.                                                                                                                                                                                                                                                                                                                                      |
| c. 71 ... ..                            | Colonial Development and Welfare Act 1959.     | S. 2 appl. ... ..                                                                                                                                                                                                                                                                                                                                                | 57, s. 4 (1).                                                                                                                                                                                                                                                                                                                                                   |
| c. 72 ... ..                            | Mental Health Act 1959                         | Appl. (mod.) (Isles of Scilly).<br>S. 67 am. ( <i>prosp.</i> ) ...<br>Sch. 8 Pt. II rep. so far as relating to the Education (Scotland) Act 1946 (c. 72).                                                                                                                                                                                                        | S.I. No. 42.<br>15, s. 15 (1) (3).<br>47, s. 147, sch. 8.                                                                                                                                                                                                                                                                                                       |
| C.A.M. No. 2                            | Vacancies in Sees Measure, 1959.               | S. 8 rep. ... ..                                                                                                                                                                                                                                                                                                                                                 | C.A.M. No. 1, s. 8 (2), sch. Pt. II.                                                                                                                                                                                                                                                                                                                            |
| 8 & 9 Eliz. 2:<br>c. 7 ... ..           | Sea Fish Industry Act 1959.                    | S. 2 rep. ... ..<br>S. 7 (1) am. ... ..<br>S. 7 (1) (c) am. ... ..<br>S. 7 (2) subst. ... ..<br>S. 7 (4) am. ... ..<br>S. 7 (6) ext. ... ..<br>am. ... ..<br>Ss. 8 (2) (b), 9 (1) (d), 2 rep.<br>S. 11 (a) am. ... ..<br>S. 12 (2) rep. in pt., 12 (3) rep.<br>S. 12 (4) excl. ... ..<br>S. 13 (1) am. ... ..<br>rep. in pt. ... ..<br>S. 14 (1) rep. in pt. ... | 31, s. 37, sch. 4.<br>31, s. 10 (1) (7).<br>31, s. 37, sch. 2, para. 25 (1).<br>31, s. 37, sch. 2 para. 25 (2).<br>31, s. 13.<br>31, s. 10 (5) (6).<br>31, s. 37, sch. 2, para. 25.<br>31, s. 37, sch. 4.<br>31, s. 36 (2).<br>31, s. 37, sch. 4.<br>31, s. 34 (4) (5).<br>31, s. 37, sch. 2 para. 26.<br>31, s. 37, schs. 2 para. 26, 4.<br>31, s. 37, sch. 4. |
| c. 13 ... ..                            | Air Corporations Act 1960.                     | Rep. ... ..                                                                                                                                                                                                                                                                                                                                                      | 5 (11 Eliz. 2), s. 6 (4).                                                                                                                                                                                                                                                                                                                                       |
| c. 16 ... ..                            | Road Traffic Act 1960 ...                      | Apptd. day for s. 102 (4) (1.4.1962).<br>Power to apply, excl. or mod. (hover vehicles).<br>Power to appl. (mod.) ...<br>S. 1 am. ( <i>prosp.</i> ) ...<br>S. 2 am. ( <i>prosp.</i> ) ...                                                                                                                                                                        | S.I. No. 200.<br>59, s. 19 (2).<br>59, s. 21 (5).<br>59, ss. 5, 7, sch. 1 Pt. I.<br>59, ss. 5, 7, sch. 1 Pts. I, 11.                                                                                                                                                                                                                                            |

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| 8 & 9 Eliz. 2:<br>c. 16— <i>cont.</i> | Road Traffic Act 1960— <i>cont.</i> | <p>S. 3 am. (<i>prosp.</i>) ...</p> <p>S. 4 (1) am. ... ..</p> <p>S. 4 (3) subst. ... ..</p> <p>S. 4 (4) rep. ... ..</p> <p>          am. ... ..</p> <p>S. 4 (6) added ... ..</p> <p>S. 5 am. (<i>prosp.</i>) ...</p> <p>S. 6 expld. ... ..</p> <p>          ext. ... ..</p> <p>S. 6 (1) am. (<i>prosp.</i>) ...</p> <p>S. 6 (2) am. (<i>prosp.</i>) ...</p> <p>S. 6 (5) rep. (<i>prosp.</i>), 6 (6) rep.</p> <p>Ss. 7, 8 (2) am. (<i>prosp.</i>)</p> <p>Ss. 9–13 ext. ... ..</p> <p>S. 14 am. (<i>prosp.</i>) ...</p> <p>S. 14 (1) am. (<i>prosp.</i>) ...</p> <p>S. 16 am. (<i>prosp.</i>) ...</p> <p>S. 18 (1) am. (<i>prosp.</i>) ...</p> <p>S. 19 (2) rep. and superseded.</p> <p>S. 19 (3) rep. in pt. ...</p> <p>S. 20 expld. ... ..</p> <p>S. 20 (3) ext. (E. and W.) expld. ... ..</p> <p>S. 21 expld. (E. and W.)</p> <p>S. 21 (1) rep. in pt. ...</p> <p>S. 21 (3) (4) am. ...</p> <p>S. 21 (5) subst. ... ..</p> <p>S. 22 restr. ... ..</p> <p>S. 22 (1) (a) am. ... ..</p> <p>S. 22 (3) expld. ... ..</p> <p>          am. ... ..</p> <p>S. 26 superseded ext. ... ..</p> <p>S. 26 (1) expld. ... ..</p> <p>S. 26 (3) (f) rep., 26 (5) rep. in pt.</p> <p>S. 26 (7) am. (<i>prosp.</i>) ...</p> <p>S. 27 (4) am. ... ..</p> <p>S. 34 superseded expld. ... ..</p> <p>          ext. ... ..</p> <p>S. 34 (1) ext. ... ..</p> | <p>59, ss. 5, 7, 8, sch. 1 Pt. II.</p> <p>59, ss. 8, 51 (1), schs. 1 Pt. II, 4 Pt. I.</p> <p>59, s. 51 (1), sch. 4 Pt. I.</p> <p>59, ss. 8, 51 (2), schs. 1 Pt. II, 5.</p> <p>59, s. 51 (1), sch. 4 Pt. I.</p> <p>59, s. 51 (1), sch. 4 Pt. I.</p> <p>59, ss. 5, 7, 8, sch. 1 Pt. II.</p> <p>59, s. 1.</p> <p>59, ss. 2 (1), 5 (4).</p> <p>59, ss. 5, 7, 8, sch. 1, Pt. I.</p> <p>59, ss. 5, 7, 8, sch. 1 Pt. II.</p> <p>59, s. 51 (2), sch. 5.</p> <p>59, ss. 5, 7, 8, sch. 1.</p> <p>59, s. 43 (3).</p> <p>59, ss. 5, 7, sch. 1 Pt. II.</p> <p>59, s. 8, sch. 1 Pt. II.</p> <p>59, ss. 5, 8, sch. 1 Pt. III.</p> <p>59, ss. 11 (1), 51 (2), sch. 5.</p> <p>59, s. 51 (2), sch. 5.</p> <p>59, s. 35.</p> <p>59, s. 34 (1).</p> <p>59, s. 34 (2)–(3).</p> <p>59, s. 34 (1).</p> <p>59, s. 51 (2), sch. 5.</p> <p>59, s. 12 (1).</p> <p>59, s. 12 (2).</p> <p>59, s. 13 (4) (a).</p> <p>59, s. 12 (3).</p> <p>59, s. 13 (4) (b).</p> <p>59, s. 12 (4).</p> <p>59, s. 11 (6).</p> <p>59, ss. 28 (1), 32.</p> <p>59, s. 34 (2) (3).</p> <p>59, s. 51 (2), sch. 5.</p> <p>59, ss. 5, 8, sch. 1 Pt. III.</p> <p>59, s. 51 (1), sch. 4 Pt. I.</p> <p>59, s. 11 (6).</p> <p>59, s. 34 (1).</p> <p>59, ss. 26, 28 (1).</p> <p>59, s. 34 (1).</p> |

| Session and Chap. or No. of Measure   | Short title or Subject                 | How affected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Chapter of 1962 Act or number of Measure or Statutory Instrument                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| 8 & 9 Eliz. 2:<br>c. 16— <i>cont.</i> | Road Traffic Act 1960—<br><i>cont.</i> | <p>S. 34 (4) subst. (<i>prosp.</i>) ...</p> <p>S. 35 (3) am. (<i>prosp.</i>) ...</p> <p>S. 36 expld. ... ext. ...</p> <p>S. 36 (1) rep. in pt. ...</p> <p>S. 36 (3) am. ...</p> <p>S. 36 (4) rep. in pt. ...</p> <p>S. 36 (8) am. (<i>prosp.</i>) ...</p> <p>S. 36 (11) am. ...</p> <p>S. 37 (4) am. (<i>prosp.</i>) ...</p> <p>S. 39 (1) expld. ...</p> <p>S. 40 (5) am. (<i>prosp.</i>) ...</p> <p>S. 44 (1) expld. ...</p> <p>S. 46 (5) am. (<i>prosp.</i>) ...</p> <p>S. 48 (2) am. (<i>prosp.</i>) ...</p> <p>S. 48 (4) (c) added ...</p> <p>S. 49 (1) expld. ...</p> <p>S. 49 (6) am. (<i>prosp.</i>) ...</p> <p>Ss. 51–63 ext. ...</p> <p>S. 51 ext. ...</p> <p>S. 52 (3) added ...</p> <p>S. 57 ext. ...</p> <p>S. 64 (1) rep. in pt. ...</p> <p>S. 64 (1) (b) (c) subst. ...</p> <p>S. 64 (2) am. (<i>prosp.</i>) ...</p> <p>rep. in pt. (<i>prosp.</i>) ...</p> <p>S. 64 (3) mod. ...</p> <p>S. 64 (4) (d) added, 64 (7) am. ...</p> <p>S. 66 (1) am. (<i>prosp.</i>) ...</p> <p>S. 66 (8) am., 66 (9) am. (<i>prosp.</i>), 66 (9A) added, 67 (1) am. ...</p> <p>S. 68 (1) (2) am. (<i>prosp.</i>) ...</p> <p>S. 68 (3) am. (<i>prosp.</i>) ...</p> <p>S. 69 (1) ext. ...</p> <p>S. 69 (4) am. (<i>prosp.</i>) ...</p> <p>S. 70 ext. ...</p> <p>S. 70 (1) subst. ...</p> | <p>59, ss. 5, 8, sch. 1 Pt. III.</p> <p>59, ss. 5, 8, sch. 1 Pt. III.</p> <p>59, s. 34 (2) (3).<br/>59, s. 34 (4).</p> <p>59, s. 51, schs. 4, 5.</p> <p>59, s. 51 (1), sch. 4.</p> <p>59, s. 51, schs. 4, 5.</p> <p>59, ss. 5, 8, sch. 1 Pt. III.</p> <p>59, s. 51 (1), sch. 4 Pt. I.</p> <p>59, ss. 5, 7, 8, sch. 1 Pt. II.</p> <p>59, s. 34 (2) (3).</p> <p>59, ss. 5, 8, sch. 1 Pt. III.</p> <p>59, s. 34 (2) (3).</p> <p>59, ss. 5, 7, 8, sch. 1 Pt. II.</p> <p>59, s. 51 (1), sch. 4 Pt. I.</p> <p>59, s. 34 (2) (3).</p> <p>59, ss. 5, 7, 8, sch. 1 Pt. II.</p> <p>59, s. 51 (1), sch. 4 Pt. I.</p> <p>59, ss. 5, 7, 8, sch. 1 Pt. II.</p> <p>59, s. 32 (7).</p> <p>59, s. 33.</p> <p>59, s. 51 (1), sch. 4.</p> <p>59, s. 32 (5).</p> <p>59, s. 51, schs. 4, 5.</p> <p>59, s. 51 (1), sch. 4.</p> <p>59, ss. 5, 7, 8, sch. 1 Pt. II.</p> <p>59, ss. 8, 51 (2), schs. 1 Pt. II, 5.</p> <p>59, s. 14.</p> <p>59, s. 51 (1), sch. 4 Pt. I.</p> <p>59, ss. 5, 8, sch. 1 Pt. III.</p> <p>59, s. 51 (1), sch. 4 Pt. I.</p> <p>59, s. 51 (1), sch. 4 Pt. I.</p> <p>59, ss. 5, 8, sch. 1 Pt. III.</p> <p>59, s. 17.</p> <p>59, ss. 5, 8, sch. 1 Pt. III.</p> <p>59, s. 43 (3).</p> <p>59, s. 43 (1).</p> |

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| 8 & 9 Eliz. 2<br>—cont.<br>c. 16—cont. | Road Traffic Act 1960—<br>cont. | S. 70 (4) (5) added ...<br>S. 77 (4) am. ( <i>prosp.</i> ) ...<br>S. 78 (2) am. ( <i>prosp.</i> ) ...<br>S. 81 ext. ...<br>S. 81 (1) expld. ...<br>am. ...<br>S. 81 (11) am. ...<br>Ss. 86, 87 subst. ...<br>S. 88 (1) (2) (5) (6) am. ...<br>Ss. 91–95 ext. ...<br>S. 91 (1) expld. ...<br>saved ...<br>S. 97 (2) proviso am. ...<br>S. 97 (3) added ...<br>S. 98 (3) am. ( <i>prosp.</i> ) ...<br>S. 99 (1) (c) am., 99 (2)<br>(b) subst.<br>S. 102 (3) am. ( <i>prosp.</i> ) ...<br>S. 104 rep. ( <i>prosp.</i> ) ...<br>S. 106 (2) (a)–(c) subst.<br>(saving) ( <i>prosp.</i> )<br>S. 106 (5) am. ...<br>S. 109 (3) am. ( <i>prosp.</i> ) ...<br>S. 110 rep. in pt. ( <i>prosp.</i> ) ...<br>S. 110 (b) am. ( <i>prosp.</i> ) ...<br>ext. ...<br>S. 111 rep. ( <i>prosp.</i> ) ...<br>S. 112 (3) am. ( <i>prosp.</i> ) ...<br>S. 113 rep. in pt. ...<br>S. 116 (2) am. ( <i>prosp.</i> ) ...<br>S. 116 (3) subst. ( <i>prosp.</i> ) ...<br>Pt. III (ss. 117–163)<br>restr. ...<br>ext. ...<br>saved ...<br>S. 130 (2) am. ...<br>S. 135 (2) am. ...<br>S. 135 (3) am. ...<br>S. 135 (5) am. ...<br>S. 135 (7) am. ... | 59, s. 43 (2).<br>59, ss. 5, 7, 8,<br>sch. 1 Pt. II.<br>59, ss. 5, 8, sch.<br>1 Pt. III.<br>59, s. 30.<br>59, s. 34 (2) (3).<br>59, s. 51 (1), sch.<br>4 Pt. I.<br>59, s. 31.<br>59, s. 29(1), sch. 2.<br>59, s. 51 (1), sch.<br>4 Pt. I.<br>59, s. 43 (3).<br>59, s. 34 (2) (3).<br>S.I. No. 1344,<br>art. 4.<br>59, s. 51 (1), sch.<br>4 Pt. I.<br>59, s. 24.<br>59, ss. 5, 7, 8,<br>sch. 1 Pt. II.<br>59, s. 51 (1), sch.<br>4 Pt. I.<br>59, ss. 5, 7, 8,<br>sch. 1 Pt. II.<br>59, s. 51 (2), sch.<br>5.<br>59, s. 6.<br>59, s. 51 (1), sch.<br>4 Pt. I.<br>59, s. 51 (1), sch.<br>4 Pt. I.<br>59, ss. 8, 51 (2),<br>schs. 1 Pt. III,<br>5.<br>59, ss. 5, 7, sch. 1<br>Pt. I.<br>59, s. 5 (5).<br>59, s. 51 (2), sch.<br>5.<br>59, s. 51 (1), sch.<br>4 Pt. I.<br>59, s. 51, schs. 4,<br>5.<br>59, ss. 5, 8, sch. 1<br>Pt. III.<br>59, s. 51 (1), sch.<br>4 Pt. I.<br>46, s. 59 (1) (3).<br>46, s. 59 (9).<br>46, s. 8 (3).<br>59, s. 51 (1), sch.<br>4 Pt. I.<br>59, s. 51 (1), sch.<br>4 Pt. I.<br>46, s. 32, sch. 2.<br>46, s. 59 (2) (3).<br>59, s. 51 (1), sch.<br>4 Pt. I. |

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| 8 & 9 Eliz. 2:<br>c. 16— <i>cont.</i>   | Road Traffic Act 1960—<br><i>cont.</i> | S. 135 (8) excl. ... ..                                 | 59, s. 28 (7).                                                   |
|                                         |                                        | S. 136 (2) am. ... ..                                   | 59, s. 51 (1), sch. 4 Pt. I.                                     |
|                                         |                                        | S. 137 (3) am. ... ..                                   | 59, s. 27.                                                       |
|                                         |                                        | S. 141 (1) am. ... ..                                   | 46, s. 32, sch. 2.                                               |
|                                         |                                        | S. 141 (4) am. ... ..                                   | 46, s. 32, sch. 2.                                               |
|                                         |                                        | excl. ... ..                                            | 59, s. 28 (7).                                                   |
|                                         |                                        | S. 141 (5) am. ... ..                                   | 46, s. 32, sch. 2.                                               |
|                                         |                                        | S. 141 (6) am. ... ..                                   | 46, s. 32, sch. 2.                                               |
|                                         |                                        | excl. ... ..                                            | 59, s. 28 (7).                                                   |
|                                         |                                        | S. 141 (7) am. ... ..                                   | 46, s. 32, sch. 2.                                               |
|                                         |                                        | S. 142 am. ... ..                                       | 46, s. 32, sch. 2.                                               |
|                                         |                                        | S. 142 (2) am. ... ..                                   | 59, s. 51 (1), sch. 4 Pt. I.                                     |
|                                         |                                        | S. 143 excl. ... ..                                     | 59, s. 28 (7).                                                   |
|                                         |                                        | S. 143 (1) (3) appl. ... ..                             | 46, s. 59 (6).                                                   |
|                                         |                                        | S. 157 (3) am. ... ..                                   | 46, s. 32, sch. 2.                                               |
|                                         |                                        | Pt. IV (ss. 164–191) expld. ... ..                      | 59, s. 57 (4) (5).                                               |
|                                         |                                        | ext. ... ..                                             | 59, s. 21 (5).                                                   |
|                                         |                                        | S. 174 (5) am. ... ..                                   | 46, s. 32, sch. 2.                                               |
|                                         |                                        | S. 180 expld. and ext. ... ..                           | 46, s. 60.                                                       |
|                                         |                                        | expld. ... ..                                           | 46, s. 78 (2).                                                   |
|                                         |                                        | S. 186 (1) mod. ( <i>temp.</i> ) ... ..                 | 59, s. 21.                                                       |
|                                         |                                        | S. 186 (6) am. ... ..                                   | 59, s. 20.                                                       |
|                                         |                                        | S. 190 (1) ( <i>g</i> ) added ... ..                    | 59, s. 22.                                                       |
|                                         |                                        | S. 201 am. ( <i>prosp.</i> ) ... ..                     | 59, ss. 5, 7, 8, sch. 1 Pt. II.                                  |
|                                         |                                        | S. 205 (5) am. ( <i>prosp.</i> ) ... ..                 | 59, ss. 5, 8, sch. 1 Pt. III.                                    |
|                                         |                                        | S. 209 (2) am. ( <i>prosp.</i> ) ... ..                 | 59, ss. 5, 8, sch. 1 Pt. III.                                    |
|                                         |                                        | S. 217 (1) am. ( <i>prosp.</i> ) ... ..                 | 59, ss. 5, 7, 44, sch. 1 Pt. II.                                 |
|                                         |                                        | S. 217 (1) ( <i>a</i> ) subst. ( <i>prosp.</i> ) ... .. | 59, s. 8, sch. 1 Pt. II.                                         |
|                                         |                                        | S. 218 rep. in pt. ( <i>prosp.</i> ) ... ..             | 59, ss. 5, 8, 51 (2), sch. 1 Pt. III, sch. 5.                    |
|                                         |                                        | S. 219 rep. in pt. ( <i>prosp.</i> ) ... ..             | 59, ss. 5, 8, 45, 51 (2), schs. 1 Pt. III, 5.                    |
|                                         |                                        | S. 219 (2) added ... ..                                 | 49, s. 45.                                                       |
|                                         |                                        | S. 220 (2) expld. ... ..                                | 59, s. 34 (2) (3).                                               |
|                                         |                                        | S. 220 (4) rep. in pt. ... ..                           | 59, ss. 37, 51 (2), sch. 5.                                      |
|                                         |                                        | Ss. 223, 224 (1), 225 (4) am. ( <i>prosp.</i> ) ... ..  | 59, ss. 5, 8, sch. 1 Pt. III.                                    |
|                                         |                                        | S. 226 (1) am. ( <i>prosp.</i> ) ... ..                 | 59, ss. 5, 8, 51 (1), schs. 1 Pt. III, 4 Pt. I.                  |
|                                         |                                        | S. 226 (2) am. ( <i>prosp.</i> ) ... ..                 | 59, ss. 5, 8, sch. 1 Pt. III.                                    |
|                                         |                                        | S. 226 (2A) added ... ..                                | 59, s. 51 (1), sch. 4 Pt. I.                                     |
|                                         |                                        | S. 226 (3) rep. ( <i>prosp.</i> ) ... ..                | 59, s. 51 (2), sch. 5.                                           |
|                                         |                                        | S. 230 (1) am. ( <i>prosp.</i> ) ... ..                 | 59, ss. 5, 8, sch. 1 Pt. III.                                    |
|                                         |                                        | S. 231 (3) added ... ..                                 | 59, s. 51 (1), sch. 4 Pt. I.                                     |
| S. 232 (3) am. ( <i>prosp.</i> ) ... .. | 59, ss. 5, 8, sch. 1 Pt. III.          |                                                         |                                                                  |

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