









THE LAW REPORTS

1939

THE

PUBLIC GENERAL ACTS

Passed in the  
Second, Third and Fourth Years of the Reign of  
His Majesty

*King George the Sixth*

and the

Church Assembly Measures

Which received the Royal Assent during that Period  
with

Tables of the Short Titles and of  
The Effect of Legislation, Index, and  
Index to the Local and Private Acts  
passed during the Period

[IN TWO VOLUMES]

VOLUME II

Public General Acts, 2 & 3 Geo. 6, Chapters 62 to 121  
and 3 & 4 Geo. 6, Chapters 1 and 2



LONDON

PRINTED BY EYRE AND SPOTTISWOODE LIMITED  
FOR SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E.  
THE KING'S PRINTER OF ACTS OF PARLIAMENT

AND PUBLISHED BY THE COUNCIL OF LAW REPORTING

13. SERJEANTS' INN, TEMPLE, LONDON, E.C.4

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**CHAPTER 62.**

An Act to confer on His Majesty certain powers which it is expedient that His Majesty should be enabled to exercise in the present emergency ; and to make further provision for purposes connected with the defence of the realm.

[24th August 1939.]

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

**1.**—(1) Subject to the provisions of this section, His Majesty may by Order in Council make such Defence  
Regulations. Regulations (in this Act referred to as “Defence Regulations”) as appear to him to be necessary or expedient for securing the public safety, the defence of the realm, the maintenance of public order and the efficient prosecution of any war in which His Majesty may be engaged, and for maintaining supplies and services essential to the life of the community.

(2) Without prejudice to the generality of the powers conferred by the preceding subsection, Defence Regulations may, so far as appears to His Majesty in Council to be necessary or expedient for any of the purposes mentioned in that subsection,—

(a) make provision for the apprehension, trial and punishment of persons offending against the Regulations, and for the detention of persons whose detention appears to the Secretary of State to be expedient in the interests of the public safety or the defence of the realm ;

(b) authorise—

(i) the taking of possession or control, on behalf of His Majesty, of any property or undertaking ;

(ii) the acquisition, on behalf of His Majesty, of any property other than land ;

- (c) authorise the entering and search of any premises; and
- (d) provide for amending any enactment, for suspending the operation of any enactment, and for applying any enactment with or without modification.

(3) Defence Regulations may provide for empowering such authorities, persons or classes of persons as may be specified in the Regulations to make orders, rules and byelaws for any of the purposes for which such Regulations are authorised by this Act to be made, and may contain such incidental and supplementary provisions as appear to His Majesty in Council to be necessary or expedient for the purposes of the Regulations.

(4) A Defence Regulation, and any order, rule or byelaw duly made in pursuance of such a Regulation, shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

(5) Nothing in this section shall authorise the imposition of any form of compulsory naval, military or air force service or any form of industrial conscription, or the making of provision for the trial by courts martial of persons not being persons subject to the Naval Discipline Act, to military law or to the Air Force Act.

(6) In this section the expression "enactment" includes any enactment of the Parliament of Northern Ireland.

Power to  
impose  
charges.

2.—(1) The Treasury may by order provide for imposing and recovering, in connection with any scheme of control contained in or authorised by Defence Regulations, such charges as may be specified in the order; and any such order may be varied or revoked by a subsequent order of the Treasury.

(2) Any charges recovered by virtue of such an order as aforesaid shall be paid into the Exchequer of the United Kingdom or, if the order so directs, be paid into such public fund or account as may be specified in the order.

(3) Any such order as aforesaid shall be laid before the Commons House of Parliament as soon as may be



after it is made, but, notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, shall be deemed not to be a statutory rule to which that section applies. 56 & 57 Vict. c. 66.

(4) Any such order as aforesaid imposing or increasing a charge shall cease to have effect on the expiration of the period of twenty-eight days beginning with the day on which the order is made, unless at some time before the expiration of that period it has been approved by a resolution of the Commons House of Parliament, without prejudice, however, to the validity of anything previously done under the order or to the making of a new order.

In reckoning any period of twenty-eight days for the purposes of this subsection, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which the Commons House is adjourned for more than four days.

(5) Without prejudice to the preceding provisions of this section, any Defence Regulations may provide—

(a) for charging, in respect of the grant or issue of any licence, permit, certificate or other document for the purposes of the Regulations, such fee not exceeding five pounds as may be prescribed under the Regulations with the approval of the Treasury; and

(b) for imposing and recovering such charges as may be so prescribed in respect of any services which, in pursuance of such Regulations, are provided on behalf of His Majesty, or under arrangements made on behalf of His Majesty, other than services necessary for the performance of duties imposed by law upon the Crown;

and all sums received by way of such fees or charges as aforesaid shall be paid into the Exchequer of the United Kingdom or, if the Treasury so direct, be paid into such public fund or account as they may determine.

**3.—(1)** Unless the contrary intention appears therefrom, any provisions contained in, or having effect under, any Defence Regulation shall—

(a) in so far as they specifically impose prohibitions, restrictions or obligations, in relation to ships,

Extra-territorial operation of Defence Regulations

vessels or aircraft, or specifically authorise the doing of anything in relation to ships, vessels or aircraft, apply to all ships, vessels or aircraft in or over the United Kingdom and to all British ships or aircraft, not being Dominion ships or aircraft, wherever they may be; and

(b) in so far as they impose prohibitions, restrictions or obligations on persons, apply (subject to the preceding provisions of this subsection) to all persons in the United Kingdom and all persons on board any British ship or aircraft, not being a Dominion ship or aircraft, and to all other persons being British subjects except persons in any of the following countries or territories, that is to say,—

(i) a Dominion,

(ii) India, Burma and Southern Rhodesia,

(iii) any country or territory to which any provisions of this Act can be extended by Order in Council, and

(iv) any other country or territory, being a country or territory under His Majesty's protection or suzerainty:

Provided that Defence Regulations may make provision whereby the owner, manager or charterer of any British ship or aircraft, being a person resident in the United Kingdom or a corporation incorporated under the law of any part of the United Kingdom, is subjected to restrictions in respect of the employment of persons in any foreign country or territory in connection with the management of the ship or aircraft.

(2) In this section the expression "Dominion ship or aircraft" means a British ship or aircraft registered in a Dominion, not being a ship or aircraft for the time being placed at the disposal of, or chartered by or on behalf of, His Majesty's Government in the United Kingdom; and, for the purposes of subsection (1) of this section, any ship or aircraft registered in India, Burma or Southern Rhodesia, not being a ship or aircraft for the time being placed at the disposal of, or chartered by or on behalf of, His Majesty's Government in the United Kingdom, shall be treated as if it were a Dominion ship or aircraft.

(3) Subsection (1) of this section shall apply in relation to British protected persons, as that subsection applies in relation to British subjects.

4.—(1) His Majesty may by Order in Council direct that the provisions of this Act other than this section shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order,—

Provisions  
as to  
colonies, &c.

- (a) to the Isle of Man or any of the Channel Islands,
- (b) to Newfoundland or any colony,
- (c) to any British protectorate,
- (d) to any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty, and is being exercised by His Majesty's Government in the United Kingdom, and
- (e) (to the extent of His Majesty's jurisdiction therein) to any other country or territory being a foreign country or territory in which for the time being His Majesty has jurisdiction ;

and, in particular, but without prejudice to the generality of the preceding provisions of this section, such an Order in Council may direct that any such authority as may be specified in the Order shall be substituted for His Majesty in Council as the authority empowered to make Defence Regulations for the country or territory in respect of which the Order is made.

(2) His Majesty may by Order in Council make, or authorise the making of, provision whereby persons offending against any Defence Regulations may be apprehended, tried and punished in the United Kingdom, or any of the countries or territories specified in the preceding subsection, whether section one of this Act extends to that country or territory or not.

5.—(1) If and so far as the provisions of any Act for purposes of defence passed by the Parliament of the Commonwealth of Australia or by the Parliament of the Dominion of New Zealand purport to have extra-territorial operation as respects—

Extra-  
territorial  
operation  
of defence  
legislation  
of certain  
Dominions,  
&c.

- (a) ships or aircraft registered in the said Commonwealth or Dominion, or

- (b) the employment of persons in relation to British ships or aircraft by owners, managers or charterers of such ships or aircraft who are persons resident in the said Commonwealth or Dominion or corporations incorporated under the law of the said Commonwealth or Dominion or any part thereof,

the said provisions shall be deemed to have such operation.

(2) No law made for purposes of defence by the Indian Legislature or the Federal Legislature of India or by the Legislature of Burma shall, on the ground that it would have extra-territorial operation, be deemed to be invalid in so far as it makes provision whereby any owner, manager or charterer of a British ship or aircraft who is a person resident in India or Burma or a corporation incorporated under the law of India or Burma or any part thereof, is subjected to restrictions in respect of the employment of persons in relation to the ship or aircraft.

26 Geo. 5.  
c. 2.

26 Geo. 5.  
c. 3.

Nothing in this subsection shall be taken to pre-  
judice the effect of section ninety-nine of the Govern-  
ment of India Act, 1935, or section thirty-three of the  
Government of Burma Act, 1935.

(3) If and so far as the provisions of any law for purposes of defence made by the Legislature of Southern Rhodesia purport to have extra-territorial operation as respects—

(a) aircraft registered in Southern Rhodesia, or

(b) the employment of persons in relation to British aircraft by owners, managers or charterers of such aircraft who are persons resident in Southern Rhodesia or corporations incorporated under the law of Southern Rhodesia,

the said provisions shall be deemed to have such operation.

6.—(1) If, as respects any proceedings before a court (whether instituted before or after the commencement of this Act), the court is satisfied that it is expedient, in

Hearing of  
proceedings  
in camera.

the interests of the public safety or the defence of the realm so to do, the court—

- (a) may give directions that, throughout, or during any part of, the proceedings, such persons or classes of persons as the court may determine shall be excluded;
- (b) may give directions prohibiting or restricting the disclosure of information with respect to the proceedings.

The powers conferred by this subsection shall be in addition to, and not in derogation of, any other powers which a court may have to give such directions as aforesaid.

(2) If any person contravenes any directions given by a court under the preceding subsection, then, without prejudice to the law relating to contempt of court, he shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine, or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine.

(3) The operation of subsection (4) of section eight of the Official Secrets Act, 1920, shall be suspended during the continuance in force of this Act.

10 & 11  
Geo. 5. c. 75.

7. Every document purporting to be an instrument made or issued by any Minister or other authority or person in pursuance of any provision contained in, or having effect under, Defence Regulations, and to be signed by or on behalf of the said Minister, authority or person, shall be received in evidence, and shall, until the contrary is proved, be deemed to be an instrument made or issued by that Minister, authority or person; and *prima facie* evidence of any such instrument as aforesaid may, in any legal proceedings (including arbitrations), be given by the production of a document purporting to be certified to be a true copy of the instrument by, or on behalf of, the Minister or other authority or person having power to make or issue the instrument.

Proof of  
instru-  
ments.

Provisions  
as to certain  
Orders in  
Council.

8.—(1) Every Order in Council containing Defence Regulations shall be laid before Parliament as soon as may be after it is made; but, notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, such an Order shall be deemed not to be a statutory rule to which that section applies.

(2) If either House of Parliament, within the next twenty-eight days on which that House has sat after such an Order in Council as aforesaid is laid before it, resolves that the Order be annulled, the Order shall thereupon cease to have effect except as respects things previously done or omitted to be done, without prejudice, however, to the making of a new Order.

(3) Any power conferred by the preceding provisions of this Act to make an Order in Council shall be construed as including a power to vary or revoke the Order.

Saving of  
preroga-  
tive powers.

9. The powers conferred by or under this Act shall be in addition to, and not in derogation of, the powers exercisable by virtue of the prerogative of the Crown.

Interpreta-  
tion.  
22 Geo. 5.  
c. 4.

10.—(1) In this Act the expression "Dominion" means any Dominion within the meaning of the Statute of Westminster, 1931, except Newfoundland, and includes any territory administered by His Majesty's Government in such a Dominion.

(2) References in this Act to British aircraft shall be construed as references to aircraft registered in any part of His Majesty's dominions, in any British protectorate or in any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by the Government of any part of His Majesty's dominions.

(3) For the avoidance of doubt it is hereby declared that any reference in this Act to Defence Regulations includes a reference to regulations made under any provision of this Act, as extended to any country or territory by an Order in Council under this Act, and that any reference in this Act to any country or territory includes a reference to the territorial waters, if any, adjacent to that country or territory.

11.—(1) Subject to the provisions of this section, this Act shall continue in force for the period of one year beginning with the date of the passing of this Act, and shall then expire : Duration of Act.

Provided that, if at any time while this Act is in force, an address is presented to His Majesty by each House of Parliament praying that this Act should be continued in force for a further period of one year from the time at which it would otherwise expire, His Majesty may by Order in Council direct that this Act shall continue in force for that further period.

(2) Notwithstanding anything in the preceding subsection, if His Majesty by Order in Council declares that the emergency that was the occasion of the passing of this Act has come to an end, this Act shall expire at the end of the day on which the Order is expressed to come into operation.

(3) The expiry of this Act shall not affect the operation thereof as respects things previously done or omitted to be done.

12. This Act may be cited as the *Emergency Powers (Defence) Act, 1939.* Short title.

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## CHAPTER 63.

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 forty, and to appropriate the further Supplies granted in this Session of Parliament. [1st September 1939.]

Most Gracious Sovereign,

**WE**, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this

session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### GRANT OUT OF CONSOLIDATED FUND.

Issue of  
£500,000,000  
out of the  
Consoli-  
dated Fund.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and forty, the sum of five hundred million 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 five hundred million 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 forty, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

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

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

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



## APPROPRIATION OF GRANT.

3. The sum granted by this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by Schedule (A) to five hundred million pounds, is appropriated for the services and purposes expressed in Schedule (B) annexed hereto.

Appropriation of sum voted for supply services.

The abstract of schedules and the 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.

4.—(1) A person shall not receive any payment out of a grant which may be made in pursuance of this Act for half-pay or army, navy, air force, or civil non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Treasury before one of the persons prescribed by the warrant :

Declaration required in certain cases before receipt of sums appropriated.

Provided that the Treasury may dispense with the production of a declaration under this section in respect of any payment if either—

(a) such a declaration has been subscribed within a period of twelve calendar months preceding the date of the payment, or such longer period as the Treasury may in any particular case allow; or

(b) the payment is made through a banker who has entered into an undertaking in such form as may be approved by the Treasury with respect to the notification of circumstances coming to the knowledge of the banker which might affect the right to such payments of the person to whom the payment is made.

(2) Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanour.

5. This Act may be cited for all purposes as the Appropriation (No. 2) Act, 1939.

Short title.

## A B S T R A C T

OF

Section 3.

SCHEDULES (A.) and (B.) to which this  
Act refers.

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SCHEDULE (A.)

	£	s.	d.
Grant out of the Consolidated Fund - -	500,000,000	0	0

---

Section 3.

SCHEDULE (B.)—APPROPRIATION OF GRANT.

	1939.	Supply Grant.
		£            s.    d.
Navy, Army and Air Services, &c. (Vote of Credit) - - - - -		500,000,000    0    0

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SCHED. (A.)

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SCHEDULE (A.)

## GRANT OUT OF THE CONSOLIDATED FUND.

For the service of the year ending on the  
31st day of March 1940 :—

	£	s.	d.
Under this Act - - - - -	500,000,000	0	0

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SCHEDULE (B.)

Supply Grant.	Sched. (B.). Navy, Army and Air Services, &c. (Vote of Credit).
Sum not exceeding	
£                      s.      d.	
Navy, Army and Air Services, &c. (Vote of Credit).	
Sum granted beyond the ordinary grants of Parliament to defray the expenses which may be incurred during the year ending on the 31st day of March, 1940, for securing the public safety, the defence of the realm, the maintenance of public order and the efficient prosecution of any war in which His Majesty may be engaged and for maintaining supplies and services essential to the life of the community	
500,000,000      0      0	

**CHAPTER 64.**

An Act to amend the law with respect to the application and financing of the Exchange Equalisation Account; to make postal orders and certain bank notes temporarily legal tender; and to make provision with respect to certain loans granted by the Bank of England.

[1st September 1939.]

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

1.—(1) Notwithstanding anything in subsection (3) of section twenty-four of the Finance Act, 1932, the Treasury may cause any funds in the Exchange Equalisation Account to be invested in securities (including securities and assets in currency of any country and in whatever form held), or in the purchase of gold, in such manner as they think expedient for securing the defence of the realm and the efficient

Provisions as to Exchange Equalisation Account. 22 & 23 Geo. 5. c. 25.

prosecution of any war in which His Majesty may be engaged; and in subsection (7) of the said section (which requires the Comptroller and Auditor General to examine the Account with a view to ascertaining whether the operations on, and the transactions in connection with, the Account have been in accordance with the provisions of Part IV of the said Act) references to the said Part IV shall be construed as including references to this subsection.

(2) There shall be no limit to the aggregate amount which may be issued to the Exchange Equalisation Account out of the Consolidated Fund of the United Kingdom or the growing produce thereof; and accordingly in subsection (4) of section twenty-four of the Finance Act, 1932, the words from "not exceeding" to "pounds," the Exchange Equalisation Account Act, 1933, and the Exchange Equalisation Account Act, 1937, shall cease to have effect.

(3) If at any time the Treasury are of opinion that the assets in sterling of the Account are for the time being in excess of what is required for the purposes of the Account, the Treasury may direct that the excess shall be applied in such manner as the Treasury may direct in redeeming or paying off debt of such description as the Treasury think fit.

2.—(1) Until such date as His Majesty may by Order in Council appoint, postal orders shall be current in the United Kingdom in the same manner and to the same extent as current coins, and shall be legal tender for the payment of any amount in the United Kingdom.

(2) Until such date as His Majesty may by Order in Council appoint, bank notes issued by a bank having power to issue such notes in Scotland or in Northern Ireland shall be legal tender for the payment of any amount in Scotland or in Northern Ireland, as the case may be.

3.—(1) The amount of the principal of, and interest on, any loan which has, in the period beginning with the twenty-eighth day of August, nineteen hundred and thirty-nine, and ending with such date as His Majesty may by Order in Council appoint, been granted by the Bank of England to any person, and is certified by the

23 & 24  
Geo. 5. c. 18.  
1 Edw. 8. &  
1 Geo. 6.  
c. 41.

Postal  
orders and  
Scottish  
and  
Northern  
Irish Bank  
notes to  
be tem-  
porarily  
legal  
tender.

Provisions  
as to certain  
loans by  
Bank of  
England.

Treasury to be a loan granted by the Bank by arrangement with his Majesty's Government in the United Kingdom, shall be a floating charge on the assets of that person in priority to all other floating charges created, whether under statute or otherwise, on the assets of that person; and the provisions of section seventy-nine of the Companies Act, 1929, and section forty-three of the Bankruptcy Act, 1914, and of any other enactment in force in the United Kingdom relating to the registration of charges (including any such enactment of the Parliament of Northern Ireland) shall not apply, and shall be deemed never to have applied, to any floating charge created by virtue of this section.

19 & 20  
Geo. 5. c. 23.  
4 & 5 Geo. 5.  
c. 59.

(2) Any document purporting to be a certificate of the Treasury given for the purposes of this section, and to be signed by two of the Commissioners of the Treasury, or signed by a person by authority of the Treasury, shall be deemed to be such a certificate until the contrary is proved.

4.—(1) This Act may be cited as the Currency (Defence) Act, 1939.

Short title  
and  
commence-  
ment.

(2) This Act shall come into operation on such date as His Majesty may by Order in Council appoint; and different dates may be appointed under this subsection in relation to different provisions of this Act.

## CHAPTER 65.

An Act to apply prize law to aircraft; to amend and explain the enactments relating to prize; and to provide for purposes connected with the matters aforesaid. [1st September 1939.]

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

1.—(1) Subject to the provisions of this section, the law relating to prize shall apply in relation to aircraft and goods carried therein as it applies in relation to aircraft.

to ships and goods carried therein, and shall so apply notwithstanding that the aircraft is on or over land.

(2) The amendments specified in the second column of Part I of the Schedule to this Act (being amendments necessary for giving effect to the preceding subsection) shall be made in the Acts specified in the first column of that Part of that Schedule.

27 & 28 Vict.  
c. 25.

(3) The provisions of the Naval Prize Act, 1864, specified in Part II of the Schedule to this Act shall not apply in relation to aircraft or goods carried therein taken as prize.

Establishment of prize courts outside His Majesty's dominions.  
57 & 58 Vict.  
c. 39.

2.—(1) The power conferred by section two of the Prize Courts Act, 1894, to issue any commission, warrant or instructions for the purpose of commissioning or regulating the procedure of a prize court, and to establish a Vice-Admiralty Court under the authority of any such commission or warrant, shall be exercisable not only in relation to a place in a British possession, but also in relation to a place in any of the following countries and territories, that is to say,—

- (a) any British protectorate,
- (b) any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty, and is being exercised by His Majesty's Government in the United Kingdom, in the Commonwealth of Australia or in the Dominion of New Zealand, and
- (c) any other country or territory in which for the time being His Majesty has jurisdiction in matters of prize;

and accordingly subsection (1) of the said section shall have effect as if the reference therein to a British possession included a reference to any of the countries and territories mentioned in paragraphs (a) to (c) of this subsection; and subsection (2) of the said section shall, in relation to any of the said countries and territories, have effect as if for the reference in that subsection to the Vice-Admiral of the possession, there were substituted a reference to such authority as may be prescribed, in relation to that country or territory, by Order of His Majesty in Council.

(2) The Admiralty may appoint a judge, registrar and marshal, and other officers, of any Vice-Admiralty court established by any commission or warrant the

issue of which is authorised by section two of the Prize Courts Act, 1894, as amended by this section, in any of the countries and territories mentioned in paragraphs (a) to (c) of the preceding subsection.

(3) Any commission or warrant for the purpose of commissioning or regulating the procedure of a prize court which has been issued before the commencement of this Act and is in force at the commencement of this Act, shall have effect as if any reference therein to ships included a reference to aircraft.

3. For the removal of doubts it is hereby declared that Colonial Courts of Admiralty within the meaning of the Colonial Courts of Admiralty Act, 1890, courts to which paragraph (b) of the proviso to subsection (3) of section two of that Act applies by virtue of an Order in Council under section twelve of that Act, and Vice-Admiralty courts established by any commission or warrant the issue of which is authorised by section two of the Prize Courts Act, 1894, as amended by this Act, are prize courts within the meaning of the Naval Prize Act, 1864.

Certain courts declared to be prize courts.  
53 & 54 Vict. c. 27.

4.—(1) This Act extends to the following countries and territories, that is to say,—

Extent of this Act and existing Prize Acts.

- (a) the United Kingdom, the Channel Islands and the Isle of Man,
- (b) the Commonwealth of Australia and the Dominion of New Zealand,
- (c) British India and British Burma,
- (d) Newfoundland and every colony,
- (e) every British protectorate, and
- (f) every territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty, and is being exercised by His Majesty's Government in the United Kingdom, in the Commonwealth of Australia or in the Dominion of New Zealand,

and (to the extent of His Majesty's jurisdiction therein in matters of prize) to every other country or territory in which for the time being His Majesty has such jurisdiction.

(2) The enactments relating to prize, as amended by this Act, shall extend to the countries and territories

mentioned in paragraphs (e) and (f) of the preceding subsection, and (to the extent of His Majesty's jurisdiction therein in matters of prize) to every other country or territory in which for the time being His Majesty has such jurisdiction.

Short title  
and citation.

5. This Act may be cited as the Prize Act, 1939; and the Naval Prize Acts, 1864 to 1916, and this Act may be cited together as the Prize Acts, 1864 to 1939.

## SCHEDULE.

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### PART I.

#### AMENDMENTS OF PRIZE ACTS IN RELATION TO AIRCRAFT.

Act amended.	Amendment.
<p>The Naval Prize Act, 1864 (27 &amp; 28 Vict. c. 25).</p>	<p>In section two, for the words " and others on board any of Her Majesty's ships of war " there shall be substituted the words " airmen and others on board any of His Majesty's ships of war or any of His Majesty's military aircraft "; for the words " (other than ships) " there shall be substituted the words " but does not include ships, and does not include aircraft which are not part of the cargo of a ship "; and at the end of that section there shall be inserted the following paragraphs :—</p> <p style="margin-left: 2em;">" The term ' aircraft papers ' includes</p> <p style="margin-left: 2em;">" all books, passes, charter parties, bills</p> <p style="margin-left: 2em;">" of lading, manifests, certificates,</p> <p style="margin-left: 2em;">" licences, lists, tickets, notes, letters</p> <p style="margin-left: 2em;">" and other documents and writings</p> <p style="margin-left: 2em;">" delivered up or found on board a</p> <p style="margin-left: 2em;">" captured aircraft.</p> <p style="margin-left: 2em;">" The term ' any of His Majesty's</p> <p style="margin-left: 2em;">" military aircraft ' includes any air-</p> <p style="margin-left: 2em;">" craft belonging to His Majesty's naval</p> <p style="margin-left: 2em;">" military or air forces, and any hired</p> <p style="margin-left: 2em;">" armed aircraft in His Majesty's ser-</p> <p style="margin-left: 2em;">" vice."</p>



## Act amended.

## Amendment.

The Naval Prize Act, 1864 (27 & 28 Vict. c. 25)—  
*cont.*

In section sixteen, after the second paragraph thereof there shall be inserted the following paragraphs :—

“ Every aircraft taken as prize and brought to a place within the jurisdiction of a prize court, shall forthwith, and without bulk broken, be delivered up to the marshal of the court.

“ If there is no such marshal, then the aircraft shall be in like manner delivered up to such person as the court may appoint ”;

and in the third paragraph thereof after the words “ The ship ” there shall be inserted the words “ or aircraft ”, and after the word “ officer ” there shall be inserted the words “ or person ”.

In section seventeen, for the first paragraph thereof there shall be substituted the following paragraph :—

“ The captors shall with all practicable speed after the ship is brought into port, or the aircraft is brought to a place within the jurisdiction of a prize court, bring the ship papers or the aircraft papers, as the case may be, into the registry of the court ”; in the second paragraph thereof, after the words “ capturing ship ” there shall be inserted the words “ or capturing aircraft ”, and after the words “ ship papers ” in each place where those words occur, there shall be inserted the words “ or aircraft papers ”; and in the third paragraph thereof, after the words “ ship papers ” there shall be inserted the words “ or aircraft papers ”, after the words “ captured ship ” there shall be inserted the words “ or captured aircraft ”, and after the words “ capturing ship ” there shall be inserted the words “ or capturing aircraft ”.

In section thirty-one, after the word “ ships ” there shall be inserted the words “ and aircraft ”; and after the word “ ship ” there shall be inserted the words “ or aircraft ”.

Act amended.	Amendment.
<p>The Naval Prize Act, 1864 (27 &amp; 28 Vict. c. 25)— <i>cont.</i></p>	<p>In section forty, in the first paragraph thereof, after the word "ship" there shall be inserted the word "aircraft", and after the words "any of Her Majesty's ships of war" there shall be inserted the words "or any of His Majesty's military aircraft"; and in the second paragraph thereof after the word "ship" in each place where that word occurs, there shall be inserted the words "or aircraft", and after the words "as a ship of war" there shall be inserted the words "or as a military aircraft".</p> <p>In section forty-one, in the first paragraph thereof after the word "ship" there shall be inserted the words "or aircraft", and after the words "any of Her Majesty's ships of war" there shall be inserted the words "or any of His Majesty's military aircraft"; for the second paragraph thereof there shall be substituted the following paragraph:—</p> <p style="padding-left: 2em;">"The master or owner of the ship or his agent, or the pilot or owner of the aircraft or his agent, may, with the consent of the re-captors, unload and dispose of the goods on board the ship or aircraft, as the case may be, before adjudication";</p> <p>and in the third paragraph thereof after the words "United Kingdom" there shall be inserted the words "or the aircraft does not, within six months, return to a place within the United Kingdom," and after the word "ship" in the second place where that word occurs there shall be inserted the word "aircraft".</p> <p>In section forty-seven, after the word "ships" in each place where that word occurs there shall be inserted the word "aircraft" and after the words "United Kingdom" there shall be inserted the words "or brought to a place within the United Kingdom, as the case may be,".</p> <p>After section forty-eight, there shall be inserted the following section:—</p> <p style="padding-left: 2em;">"48A. Where any aircraft or goods taken as prize is or are brought to any place within the jurisdiction of a prize court, the pilot or other person in charge or</p>

## Act amended.

## Amendment.

The Naval Prize Act, 1864 (27 & 28 Vict. c. 25)—  
*cont.*

“ command of the aircraft which has been  
“ taken or in which the goods are brought  
“ shall, when required by any officer  
“ of Customs deliver an account in  
“ writing under his hand concerning  
“ such aircraft and goods, giving  
“ such particulars relating thereto as  
“ may be in his power, and shall truly  
“ answer all questions concerning such  
“ aircraft or goods asked by any such  
“ officer, and in default shall forfeit a  
“ sum not exceeding one hundred pounds,  
“ such forfeiture to be enforced as for-  
“ feitures for offences against the laws  
“ relating to the Customs are enforced;  
“ and every such aircraft shall be liable  
“ to such searches as other aircraft are  
“ liable to; and the officers of the  
“ Customs may freely go on board such  
“ aircraft and bring to the King’s ware-  
“ house any goods on board the same,  
“ subject, nevertheless, to such regula-  
“ tions in respect of military aircraft  
“ belonging to His Majesty as shall  
“ from time to time be issued by the  
“ Treasury.”

In section fifty-five, in paragraph (1) thereof after the words “ any of Her Majesty’s ships of war ” there shall be inserted the words “ or any of His Majesty’s military aircraft ”, and after the word “ ship ” there shall be inserted the word “ aircraft ”; and in paragraph (5) thereof after the word “ ship ”, in each place where that word occurs, there shall be inserted the word “ aircraft ”.

The Prize Courts (Procedure) Act, 1914 (4 & 5 Geo. 5. c. 13).

In section one, after the words “ ships of war ”, in each place where those words occur, there shall be inserted the words “ or military aircraft ”.

The Prize Courts Act, 1915 (5 & 6 Geo. 5. c. 57).

In section three, in subsection (1) thereof, after the words “ or the ship ” there shall be inserted the words “ or the aircraft ”; and in subsection (2) thereof after the word “ ship,” in each place where that word occurs, there shall be inserted the words “ or aircraft ”.

## PART II.

PROVISIONS OF NAVAL PRIZE ACT, 1864,  
 INAPPLICABLE IN RELATION TO AIRCRAFT OR GOODS  
 CARRIED THEREIN TAKEN AS PRIZE.

Section thirty.

Sections thirty-four and thirty-five.

Sections thirty-seven to thirty-nine.

Sections forty-two to forty-six.

Section forty-eight.

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 CHAPTER 66.

An Act to amend the Government of India Act,  
 1935. [1st September 1939.]

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

Amend-  
 ments as to  
 Proclama-  
 tions of  
 Emergency.  
 26 & 27  
 Geo. 5. c. 2.

**1.**—(1) After section one hundred and twenty-six of the Government of India Act, 1935, there shall be inserted the following section:—

“ 126A. Where a Proclamation of Emergency is in operation whereby the Governor-General has declared that the security of India is threatened by war—

(a) the executive authority of the Federation shall extend to the giving of directions to a Province as to the manner in which the executive authority thereof is to be exercised, and any directions so given shall for the purposes of the last preceding section be deemed to be directions given thereunder;

(b) any power of the Federal Legislature to make laws for a Province with respect to any matter shall include power to make laws as respects a Province conferring powers and imposing duties, or authorising the conferring of powers and the imposition of duties, upon the Federation

or officers and authorities of the Federation as respects that matter, notwithstanding that it is one with respect to which the Provincial Legislature also has power to make laws :

Provided that no Bill or amendment which, as respects a Province, confers powers or imposes duties, or authorises the conferring of powers or the imposition of duties, upon the Federation or upon officers or authorities of the Federation in relation to such a matter as aforesaid shall be introduced or moved without the previous sanction of the Governor-General in his discretion, and the Governor-General shall not give his sanction unless it appears to him that the provision proposed to be made is a proper provision in view of the nature of the emergency”.

(2) The following consequential amendment shall, for the avoidance of doubt, be made in subsections (2) and (3) of section one hundred and twenty-four of the said Act, that is to say, after the word “duties” there shall be inserted the words “or authorise the conferring of powers and the imposition of duties”.

(3) At the end of section one hundred and two of the said Act, there shall, for the avoidance of doubt, be inserted the following subsection—

“(5) A Proclamation of Emergency declaring that the security of India is threatened by war or by internal disturbance may be made before the actual occurrence of war or of any such disturbance if the Governor-General in his discretion is satisfied that there is imminent danger thereof.”

2.—(1) This Act may be cited as the Government of India Act (Amendment) Act, 1939.

Short title  
and com-  
mence-  
ment.

(2) This Act shall be deemed to have come into operation on the commencement of Part III of the Government of India Act, 1935.

## CHAPTER 67.

An Act to confer on courts certain powers in relation to remedies in respect of the non-payment of money and the non-performance of obligations (including powers in relation to bankruptcy and winding-up proceedings), and to make provision for purposes connected with the matters aforesaid. [1st September 1939.]

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

Restriction  
on execution  
and other  
remedies.

1.—(1) Subject to the provisions of this section, a person shall not be entitled, except with the leave of the appropriate court, to proceed to execution on, or otherwise to the enforcement of, any judgment or order of any court (whether given or made before or after the commencement of this Act) for the payment or recovery of a sum of money:

Provided that nothing in this subsection shall apply to—

- (a) any judgment for the recovery of damages for tort;
- (b) any judgment or order for the recovery of a debt which has become due by virtue of a contract made after the commencement of this Act;
- (c) any judgment or order under which no sum of money is recoverable otherwise than in respect of costs;
- (d) any order in a matter of bastardy, or any order enforceable as an affiliation order; or
- (e) any order made either in criminal proceedings or in proceedings for the recovery of a penalty in respect of any contravention of, or failure to comply with, any provisions of an Act.

(2) Subject to the provisions of this section, a person shall not be entitled, except with the leave of the appropriate court,—

(a) to proceed to exercise any remedy which is available to him by way of—

(i) the levying of distress;

(ii) the taking of possession of any property or the appointment of a receiver of any property;

(iii) re-entry upon any land;

(iv) the realisation of any security or the forfeiture of any deposit; or

(v) the serving of a demand under paragraph (1) of section one hundred and sixty-nine of the Companies Act, 1929; or

(b) to institute any proceedings for foreclosure or for sale in lieu of foreclosure, or take any step in any such proceedings instituted before the commencement of this Act :

19 & 20  
Geo. 5. c. 23.

Provided that this subsection shall not apply to any remedy or proceedings available in consequence of any default in the payment of a debt, or the performance of an obligation, being a debt or obligation arising by virtue of a contract made after the commencement of this Act; and nothing in this subsection shall affect—

(a) any power of sale of a mortgagee of land or an interest in land who is in possession of the mortgaged property at the commencement of this Act, or who before the commencement of this Act has appointed a receiver who at the commencement of this Act is in possession, or in receipt of the rents and profits, of the mortgaged property;

(b) any power of sale of a mortgagee in possession of property other than land or some interest in land, where the power of sale has arisen and notice of the intended sale has been given before the commencement of this Act; or

(c) any right or power of pawnbrokers to deal with pledges; or

- (d) the institution or prosecution of any proceedings for the appointment by the court of a receiver of any property, or for the recovery of possession of land.

(3) Subject to the provisions of this section, a person shall not be entitled, except with the leave of the appropriate court, to proceed to execution on, or otherwise to the enforcement of, any judgment or order of any court (whether given or made before or after the commencement of this Act) for the recovery of possession of land in default of payment of rent :

Provided that nothing in this subsection shall apply to any judgment given or order made in proceedings for the enforcement of a contract made after the commencement of this Act.

(4) If, on any application for such leave as is required under this section for the exercise of any of the rights and remedies mentioned in subsections (1), (2) and (3) of this section, the appropriate court is of opinion that the person liable to satisfy the judgment or order, or to pay the rent or other debt, or to perform the obligation, in question is unable immediately to do so by reason of circumstances directly or indirectly attributable to any war in which His Majesty may be engaged, the court may refuse leave for the exercise of that right or remedy, or give leave therefor subject to such restrictions and conditions as the court thinks proper.

(5) Where a bankruptcy petition has been presented against any debtor, or a winding-up petition has been presented against any company on the ground that it is unable to pay its debts, and the debtor or company proves to the satisfaction of the court having jurisdiction in the bankruptcy or winding-up that his or its inability to pay his or its debts is due to circumstances directly or indirectly attributable to any war in which His Majesty is engaged, the court may at any time stay the proceedings under the petition for such time and subject to such conditions as the court thinks fit.

(6) His Majesty may by Order in Council direct that, in relation to the exercise of any right or power of any person or class of persons having any goods in their custody as bailees to sell the goods by reason of any



default in payment of a debt, the restriction imposed by subsection (2) of this section either shall not apply or shall apply subject to such limitations as may be specified in the Order; and any such Order in Council shall have effect notwithstanding anything inconsistent therewith contained in any Act other than this Act.

(7) An Order in Council under this section may be varied or revoked by a subsequent Order of His Majesty in Council.

2.—(1) The appropriate Court for the purposes of Procedure. any of the provisions of this Act shall be such court as may be designated by rules made by the Lord Chancellor under this Act, and such rules may designate different courts in relation to different classes of proceedings.

(2) The Lord Chancellor may also make rules prescribing the manner in which applications under this Act are to be made, and generally for regulating the conduct of proceedings under this Act.

(3) When the Great Seal is in commission, any power vested in the Lord Chancellor by this section may be exercised by any Lord Commissioner.

3. For the purposes of this Act—

(a) a contract shall be deemed to have been made before the commencement of this Act, if an offer made before the day of the commencement thereof so as to be binding on a contracting party if accepted within a specified period expiring on or after that day, is accepted by the contracting party at any time within that period; and

(b) a person entitled to the benefit of a judgment or order, who issues a bankruptcy notice or presents a bankruptcy petition or a winding-up petition founded on the non-payment of money due under that judgment or order shall be deemed to be proceeding to the enforcement of that judgment or order.

4. This Act shall apply to Scotland subject to the following modifications— Application to Scotland.

(a) for references to the Lord Chancellor and to rules there shall be respectively substituted

references to the Court of Session and to Act of Sederunt, and subsection (3) of section two shall not apply; "judgment or order" shall include a decree or warrant authorising diligence; "stay" means sist; "tort" means delict or quasi delict; "affiliation order" means decree for aliment; "bankruptcy petition" means petition for sequestration; and "bankruptcy" means sequestration; "levying of distress" means doing of diligence; and for any reference to a mortgagee of land or of an interest in land there shall be substituted a reference to a creditor in a heritable security, and the expression "mortgaged property" shall be construed accordingly;

- (b) for paragraph (b) of subsection (2) of section one of this Act the following paragraph shall be substituted—

"(b) to exercise any power of sale conferred by a heritable security";

- (c) subsection (6) of section one of this Act shall have effect as if the words "as bailees" were omitted.

Application  
to Northern  
Ireland.

5. This Act shall apply to Northern Ireland subject to the following modifications—

- (a) for the reference to paragraph (1) of section one hundred and sixty-nine of the Companies Act, 1929, there shall be substituted a reference to paragraph (1) of section one hundred and sixty of the Companies Act (Northern Ireland), 1932;
- (b) for references to the Lord Chancellor there shall be substituted references to the Lord Chief Justice of Northern Ireland, and subsection (3) of section two shall not apply.

Extension  
of Act to  
Isle of Man.

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

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

7.—(1) This Act may be cited as the Courts (Emergency Powers) Act, 1939.

Short title,  
commence-  
ment and  
duration of  
Act.

(2) This Act shall come into operation on such date as His Majesty may by Order in Council appoint.

(3) This Act shall continue in force until such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end.

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## CHAPTER 68.

An Act to amend the law with respect to the conditions of service of members of the armed forces of the Crown. [1st September 1939.]

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

1.—(1) Notwithstanding anything in subsection (1) of section two of the Naval Enlistment Act, 1884, a person may, during the period of the present emergency, be entered into the naval service of His Majesty for continuous and general service until the end of that period.

Men of  
royal  
navy.  
47 & 48 Vict  
c. 46.

(2) Subsection (2) of section two of the Naval Enlistment Act, 1884, (which provides that men and boys entering in pursuance of that section shall be liable to serve in accordance with the terms of their entry, and that the provisions of the Naval Enlistment Act, 1835, and of the enactments amending that Act shall be applicable to every man and boy as if the term for which he is entered and liable to serve were throughout substituted for the term mentioned in those provisions) shall have effect as if the reference in that subsection to that section included a reference to this section.

3 & 4 Will. 4.  
c. 24.

Men of  
royal  
marine  
forces.  
10 & 11 Vict.  
c. 63.  
20 Vict. c. 1.

**2.** Notwithstanding anything in section one of the Royal Marines Act, 1847, or in section one of the Royal Marines Act, 1857, a person may, during the period of the present emergency, be enlisted to serve in the royal marine forces as a marine until the end of that period.

Soldiers of  
regular  
forces  
other than  
marines.

**3.—(1)** Notwithstanding anything in section seventy-six of the Army Act, a person may, during the period of the present emergency, be enlisted to serve His Majesty as a soldier of the regular forces until the end of that period.

(2) Notwithstanding anything in section eighty-three of the Army Act, a soldier of the regular forces may, during the period of the present emergency, be transferred without his consent to any corps by order of the competent military authority, if that authority considers the transfer to be expedient in the interests of the efficiency of the military forces; but where, at any time during the said period, a soldier is, in pursuance of this subsection, transferred to any corps, then, as soon as may be convenient after the end of that period, he shall, if he continues in army service and so desires, be re-transferred to the corps in which he was serving at the time when he was first so transferred.

(3) Where, during the period of the present emergency, a soldier is transferred as aforesaid, then, if the transfer is authorised both by the last preceding subsection and by section eighty-three of the Army Act, the soldier shall be deemed to have been so transferred in pursuance of that subsection and not in pursuance of that section.

(4) At any time during the period of the present emergency a soldier of the regular forces may, by order of the competent military authority, be released from army service; and, so long as the order remains in force, he shall be in the position in which he would be if no proclamation ordering the army reserve to be called out on permanent service were in force, and he had, at the time of the making of the order, been duly transferred to that reserve.

(5) Any order under the last preceding subsection may be revoked by the competent military authority; and, on revoking such an order, the said authority may, if the term of service of the person with respect to whom

the order was made has not expired, give directions requiring him to re-enter upon army service and to attend at the place and time fixed by those directions.

For the purposes of section fifteen of the Reserve Forces Act, 1882, (which provides for the punishment of a person failing to appear at any time and place at which he is required to attend upon the calling out of the army reserve on permanent service) any such directions as aforesaid given with respect to any person shall have effect as if they were directions calling him out on permanent service in pursuance of a proclamation under section twelve of that Act. 45 & 46 Vict.

(6) Nothing in this section shall apply in relation to the enlistment of a person for service in the royal marine forces, or to a person serving in those forces.

4.—(1) Notwithstanding anything in the Territorial and Reserve Forces Act, 1907, any embodied part of the territorial army and any officer or man belonging to an embodied part thereof shall, during the present period of embodiment, be liable to be ordered to go out of, and liable to be carried out of, the United Kingdom; and at any time during that period any man belonging to an embodied part of the territorial army may, by order of the competent military authority,—

The territorial army.  
7 Edw. 7.  
c. 9.

(a) be transferred without his consent to any corps, and

(b) be posted without his consent to any regiment battalion or other military body within the corps to which he has been appointed or to which he may have been transferred :

Provided that where, in the case of any such officer or man appointed or enlisted before the beginning of the said period, an undertaking has been given as to the conditions of his service, that undertaking shall be observed, unless he has agreed to the contrary; and, in particular,—

(i) no such officer or man so appointed or enlisted shall be ordered to go out of, or be carried out of, the United Kingdom, unless he has signed an agreement accepting liability for service outside the United Kingdom; and

(ii) in relation to a man so enlisted who, at the time of his enlistment, signed an agreement relating

to the corps or units to which he would be liable to be transferred, posted or attached, this subsection shall not authorise the doing, without his consent, of anything not contemplated by the agreement.

(2) Where, by virtue of the preceding subsection, a person has been transferred to any corps or posted to any regiment, battalion or other military body, whether in the same corps or not, then, if he continues in territorial army service and so desires, there shall, as soon as may be convenient after the end of the present period of embodiment, be taken all such steps as are necessary to enable him to serve again in the corps, and in the regiment, battalion or other military body (if any), in which he was serving at the time when he was first so transferred or posted, as the case may be.

(3) Orders and regulations made under section seven of the Territorial and Reserve Forces Act, 1907, may, notwithstanding anything in that section or in section nine of that Act, provide that any man enlisted in the territorial army during the present period of embodiment—

- (a) may be enlisted for general service,
- (b) may be enlisted to serve until the end of the period of embodiment, whether or not the period for which he serves under the enlistment exceeds four years, and
- (c) may, on enlistment, be appointed without his consent to such corps as the competent military authority may determine;

and any order or regulations providing as aforesaid may be made to apply to men of the territorial army enlisted during the present period of embodiment, notwithstanding that they were enlisted before the coming into operation of the order or regulations.

(4) At any time during the present period of embodiment any officer or man belonging to an embodied part of the territorial army may, by order of the competent military authority, be released from the obligations which he is under by reason of the embodiment of that part of the territorial army; and, so long as the order remains in force, he shall be in the position in which he

would be if that part of the territorial army were not embodied.

Any such order may be revoked by the competent military authority.

(5) On revoking an order under the last preceding subsection, the competent military authority may, if the person with respect to whom the order was made is still an officer or man of the territorial army, give directions requiring him to attend at the place and time fixed by those directions; and, for the purposes of section twenty of the Territorial and Reserves Forces Act, 1907, (which provides for the punishment of a person failing to appear at the time and place appointed for assembling on embodiment) those directions shall have effect as if they were directions under section seventeen of that Act directing the embodiment of a part of the territorial army to which that person belonged.

(6) For the purposes of this section, the expression "the present period of embodiment" means the period of embodiment of the territorial army current at the date of the passing of this Act or, if no such period is then current, the first period for which the territorial army is embodied after that date.

(7) In this section the expression "regiment, battalion or other military body" includes any regiment, battalion or other military body of the regular forces.

5.—(1) Notwithstanding anything in section seventy-six of the Air Force Act or in section four of the Reserve Forces Act, 1882, as applied to the air force reserve, a person may, during the period of the present emergency, be enlisted to serve His Majesty as an airman of the regular air force or of the air force reserve until the end of that period.

Airmen  
of regular  
air force  
and air  
force  
reserve.

(2) At any time during the period of the present emergency an airman of the regular air force may, by order of the competent air force authority, be released from air force service; and, so long as the order remains in force, he shall be in the position in which he would be if no proclamation ordering the air force reserve to be called out on permanent service were in force, and he had, at the time of the making of the order, been duly transferred to that reserve.

(3) Any order under the last preceding subsection may be revoked by the competent air force authority; and on revoking such an order the said authority may, if the term of service of the person with respect to whom the order was made has not expired, give directions requiring him to re-enter upon air force service and to attend at the time and place fixed by those directions.

For the purposes of section fifteen of the Reserve Forces Act, 1882, as applied to the air force reserve, any such directions as aforesaid given with respect to any person shall have effect as if they were directions calling him out on permanent service in pursuance of a proclamation under section twelve of that Act, as so applied.

The  
 auxiliary  
 air force.

**6.—(1)** Notwithstanding anything in the Territorial and Reserve Forces Act, 1907, as applied to the auxiliary air force, any embodied part of the auxiliary air force and any officer or man belonging to an embodied part thereof shall, during the present period of embodiment, be liable to be ordered to go out of, and liable to be carried out of, the United Kingdom.

(2) At any time during the present period of embodiment any officer or man belonging to an embodied part of the auxiliary air force may, by order of the competent air force authority, be released from the obligations which he is under by reason of the embodiment of that part of the auxiliary air force; and, so long as the order remains in force, he shall be in the position in which he would be if that part of the auxiliary air force were not embodied.

Any such order may be revoked by the competent air force authority.

(3) On revoking an order under the last preceding subsection, the competent air force authority may, if the person with respect to whom the order was made is still an officer or man of the auxiliary air force, give directions requiring him to attend at the place and time fixed by those directions; and for the purposes of section twenty of the Territorial and Reserve Forces Act, 1907, as applied to the auxiliary air force, those directions shall have effect as if they were directions under section seventeen of that Act, as so applied, directing the embodiment of a part of the auxiliary air force to which that person belonged.



(4) For the purposes of this section the expression “the present period of embodiment” means the period of embodiment of the auxiliary air force current at the date of the passing of this Act, or, if no such period is then current, the first period for which the auxiliary air force is embodied after that date.

**7.** In this Act—

Interpreta-  
tion.

- (a) the expression “the period of the present emergency” means the period beginning with the date of the passing of this Act and ending with such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end;
- (b) the expression “the competent military authority” means the Army Council, the Commander-in-Chief in India, the General Officer Commanding in Burma, a commander-in-chief in the field or an officer designated by any of them; and
- (c) the expression “the competent air force authority” means the Air Council or an officer designated by them.

**8.** This Act may be cited as the *Armed Forces (Conditions of Service) Act, 1939.* Short title.

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## CHAPTER 69.

An Act to provide for controlling the importation, exportation and carriage coastwise of goods and the shipment of goods as ships' stores; to provide for facilitating the enforcement of the law relating to the matters aforesaid and the law relating to trading with the enemy; and to provide for purposes connected with the matters aforesaid. [1st September 1939.]

**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

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

Control of  
importation  
and expor-  
tation.

1.—(1) The Board of Trade may by order make such provisions as the Board think expedient for prohibiting or regulating, in all cases or any specified classes of cases, and subject to such exceptions, if any, as may be made by or under the order, the importation into, or exportation from, the United Kingdom or any specified part thereof, or the carriage coastwise or the shipment as ships' stores, of all goods or goods of any specified description.

(2) An order under this section may be varied or revoked by a subsequent order.

(3) An order under this section may suspend wholly or in part the operation of any enactment, proclamation, Order in Council or order prohibiting or regulating the importation, exportation, shipment as ships' stores or carriage coastwise of any goods; and an order under this section may contain such provisions (including penal provisions) as appear to the Board of Trade to be necessary for securing the due operation and enforcement of the order.

(4) For the avoidance of doubt it is hereby declared that, without prejudice to the provisions of the enactments relating to customs with respect to ships and aircraft, the taking into or out of the United Kingdom of ships or aircraft may be prohibited or regulated by an order under this section as an importation or exportation of goods, notwithstanding that the ships or aircraft are conveying goods or passengers, and whether or not they are moving under their own power.

(5) Notwithstanding anything in section eleven of the Customs and Inland Revenue Act, 1879, a prosecution for an offence under an order made in pursuance of this section may, in England or Northern Ireland, be instituted by, or under the authority of, the Board of Trade.

42 & 43 Vict  
o. 21.

Power to  
impose  
charges.

2.—(1) The Treasury may by order provide for imposing and recovering, in connection with any scheme of control contained in an order under the preceding section, such charges as may be specified in the first-mentioned order; and any order under this section may be varied or revoked by a subsequent order of the Treasury.

(2) Any charges recovered by virtue of such an order as aforesaid shall be paid into the Exchequer of the United Kingdom or, if the order so directs, be paid into such public fund or account as may be specified in the order.

(3) Any order under this section shall be laid before the Commons House of Parliament as soon as may be after it is made, but, notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, shall be deemed not to be a statutory rule to which that section applies. 56 & 57 Vict  
c. 66.

(4) Any such order as aforesaid imposing or increasing a charge shall cease to have effect on the expiration of the period of twenty-eight days beginning with the day on which the order is made, unless at some time before the expiration of that period it has been approved by a resolution of the Commons House of Parliament, without prejudice, however, to the validity of anything previously done under the order or to the making of a new order.

In reckoning any period of twenty-eight days for the purposes of this subsection, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which the Commons House is adjourned for more than four days.

### 3.—(1) If any goods—

- (a) are imported, exported, carried coastwise or shipped as ships' stores in contravention either of an order under this Act or of the law relating to trading with the enemy, or
- (b) are brought to any quay or other place, or waterborne, for the purpose of being exported or of being so carried or shipped in contravention either of an order under this Act or of the law relating to trading with the enemy,

Application  
and extension  
of law  
as to pro-  
hibited  
goods.

those goods shall be deemed to be prohibited goods and shall be forfeited; and the exporter of the goods or his agent, or the shipper of the goods, shall be liable, in addition to any other penalty under the enactments relating to customs, to a customs penalty of five hundred pounds.

(2) If any such order as aforesaid prohibits the exportation of any goods unless consigned to a particular

place or person, and such goods so consigned are delivered otherwise than to that place or person, as the case may be, the vessel in which the goods were exported shall be deemed to have been used in the conveyance of prohibited goods.

(3) If any goods are imported, exported, carried coastwise or shipped as ships' stores, or are brought to any quay or other place, or waterborne, for the purpose of being exported or of being so carried or shipped, an officer of Customs and Excise may require any person possessing or having control of the goods to furnish proof that the importation, exportation or carriage coastwise of the goods or the shipment of the goods as ships' stores, as the case may be, is not unlawful by virtue either of an order under this Act or of the law relating to trading with the enemy; and if such proof is not furnished to the satisfaction of the Commissioners of Customs and Excise, the goods shall be deemed to be prohibited goods unless the contrary is proved.

In any proceedings taken by virtue of this subsection, an averment in the information that such proof as aforesaid has not been furnished to the satisfaction of the Commissioners of Customs and Excise shall, unless the contrary is proved, be sufficient evidence that no such proof has been furnished to their satisfaction.

Notice of  
seizure of  
goods.  
39 & 40 Vict.  
c. 36.

4. Where any goods are seized as forfeited, the notice of the seizure required by section two hundred and seven of the Customs Consolidation Act, 1876, to be given to the owner of the goods may, if the owner has no address in the United Kingdom, be given by the publication of a notice of the seizure in the London, Edinburgh or Belfast Gazette.

Require-  
ment of  
pre-entry  
of ships'  
stores.

5. Section one hundred and thirty-nine of the Customs Consolidation Act, 1876, (which relates to the pre-entry and clearance of goods) shall have effect as if the reference therein to goods intended for exportation or carriage coastwise included a reference to goods intended for exportation as ships' stores or carriage coastwise as ships' stores.

Provisions  
as to clear-  
ance.

6.—(1) For the purpose of securing compliance with the provisions of this Act or any order made under section one of this Act or with any other enactment

relating to the importation or exportation of goods or with the law relating to trading with the enemy—

- (a) an officer of Customs and Excise may at any time refuse clearance to any ship, and
- (b) where clearance has been granted to a ship, an officer of Customs and Excise, an officer of His Majesty's Navy, or any person authorised in that behalf by the Commissioners of Customs and Excise may, at any time whilst the ship is within the limits of a port in the United Kingdom, demand that the clearance shall be returned to the person making the demand.

(2) Any such demand may be made orally on the master of the ship or by serving a written demand in any manner authorised by section six hundred and ninety-six of the Merchant Shipping Act, 1894, for the service of documents which are, under that Act, to be served on the master of a ship. 57 & 58 Vict.  
c. 60.

(3) Where a demand is so made for the return of a clearance—

- (a) the clearance shall forthwith become void, and
- (b) if the demand is not complied with, the master of the ship shall be liable to a customs penalty of one hundred pounds.

(4) This section shall apply to aircraft, as if references in this section and in section six hundred and ninety-six of the Merchant Shipping Act, 1894, to a ship, the master of a ship, and a port included respectively references to an aircraft, the pilot of an aircraft and an aerodrome.

7.—(1) Where a person about to export goods from the United Kingdom, in the course of making entry thereof before shipment, makes a declaration as to the ultimate destination thereof, and the Commissioners of Customs and Excise have reason to suspect that the declaration is untrue in any material particular, the goods may be detained until the Commissioners are satisfied as to the truth of the declaration, and, if the Commissioners are not so satisfied, the goods shall be forfeited. Provisions  
as to  
ultimate  
destination  
of goods.

(2) Any exporter or shipper of goods which have been exported from the United Kingdom shall, if so required by the Commissioners of Customs and Excise,

satisfy the Commissioners that those goods have not reached any enemy or any enemy territory, and if he fails so to do, he shall incur a customs penalty of treble the value of the goods or one hundred pounds at the election of the Commissioners, unless he proves that he did not consent to or connive at the goods reaching an enemy or enemy territory, and that he took all reasonable steps to secure that the ultimate destination of the goods was not other than that specified in the documents shown or furnished to the officers of Customs and Excise in connection with the exportation of the goods.

(3) In any proceedings under this section, an averment in the information that the Commissioners of Customs and Excise are not satisfied as to any matter shall be sufficient evidence that they have not been so satisfied, unless the contrary is proved.

**8.—(1) For the purposes of this Act—**

- (a) the Isle of Man shall be deemed to form part of the United Kingdom;
- (b) the expression “ enemy ” means—
- (i) any State, or Sovereign of a State, at war with His Majesty;
  - (ii) any individual resident in enemy territory;
  - (iii) any body of persons (whether corporate or unincorporate) carrying on business in any place, if and so long as the body is controlled by a person who, under this subsection, is an enemy;
  - (iv) any body of persons constituted or incorporated in, or under the laws of, a State at war with His Majesty; or
  - (v) any other person, who for the purposes of any Act relating to trading with the enemy is to be deemed to be an enemy; but does not include any person by reason only that he is an enemy subject;
- (c) the expression “ enemy subject ” means—
- (i) an individual who, not being either a British subject or a British protected person,

Interpretation, &c.

possesses the nationality of a State at war with His Majesty, or

(ii) a body of persons constituted or incorporated in, or under the laws of, any such State; and

(d) the expression "enemy territory" means any area which is under the sovereignty of, or in the occupation of, a Power with whom His Majesty is at war, not being an area in the occupation of His Majesty or of a Power allied with His Majesty.

(2) A certificate of a Secretary of State that any area is or was under the sovereignty of, or in the occupation of, any Power, or as to the time at which any area became or ceased to be under such sovereignty or in such occupation shall, for the purposes of any proceedings taken by virtue of this Act, be conclusive evidence of the facts stated in the certificate.

(3) Anything required or authorised under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board or any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President of the Board.

9.--(1) This Act may be cited as the Import, Export and Customs Powers (Defence) Act, 1939.

Short title,  
construc-  
tion and  
duration of  
Act.

(2) This Act shall be construed as one with the Customs Consolidation Act, 1876, and the enactments amending that Act.

(3) This Act shall continue in force until such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end, and shall then expire except as respects things previously done or omitted to be done.

## CHAPTER 70.

An Act to impose restrictions on certain transactions in respect of ships and aircraft and parts of aircraft; and for purposes connected with the matter aforesaid. [1st September 1939.]

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

Restriction  
on transfer  
and mort-  
gage of  
ships.

1.—(1) It shall be unlawful, except under the sanction of the Board of Trade,—

- (a) to transfer any ship to which this Act applies or any share in such a ship, or
- (b) to mortgage any such ship or any share therein, or to transfer a mortgage of any such ship or share;

and if any person purports to effect any transfer or mortgage which is unlawful by virtue of this subsection, then, in addition to the transfer or mortgage being void, he shall be guilty of an offence.

57 & 58 Vict.  
c. 60.

(2) Any ship or share in a ship which has been the subject of any transaction unlawful by virtue of this section shall be subject to forfeiture; and accordingly section seventy-six of the Merchant Shipping Act, 1894, as amended by any subsequent enactment (which section prescribes the procedure for the forfeiture of ships) shall apply in relation to ships which have become subject to forfeiture under this section, as it applies in relation to ships which have become subject to forfeiture under Part I of that Act.

Restriction  
on transfer  
of registry  
of ships.

2. Notwithstanding anything in section fifty-three of the Merchant Shipping Act, 1894, an application made (whether before or after the commencement of this Act) for the transfer of the registry of a ship to which this Act applies from any port at which the ship is registered for the time being, shall not be granted except with the approval of the Board of Trade.



3.—(1) It shall be unlawful, except under the sanction of the Secretary of State, to sell, transfer or let on hire (whether under charter or otherwise), or to do anything involving the creation of a charge on,—

- (a) any aircraft to which this Act applies, or
- (b) any airframe, aero-engine or airscrew which is within any country or territory to which this Act extends;

Restriction on transactions in respect of aircraft and parts of aircraft.

and if any person purports to effect any transaction which is unlawful by virtue of this section, then, in addition to the transaction being void, he shall be guilty of an offence:

Provided that the provisions of this section restricting transactions in respect of airframes, aero-engines and airscrews shall not avoid, or render a person punishable in respect of, any transaction relating to an aircraft to which this Act does not apply, by reason only that any airframe forming part of the aircraft, or any aero-engine or airscrew installed therein, is within a country or territory to which this Act extends.

(2) This section shall come into operation on such date as the Secretary of State may by order appoint.

4.—(1) The ships to which this Act applies are —

- (a) all British ships, except ships registered—
  - (i) in a Dominion, or
  - (ii) in any territory administered by His Majesty's Government in a Dominion, or
  - (iii) in India or Burma; and

Ships and aircraft to which this Act applies.

(b) all other ships being ships—

(i) which are registered in, or licensed under the law of, any colony or British protectorate or any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom, or

(ii) which, in pursuance of an Order in Council under section eighty-eight of the

Merchant Shipping Act, 1894, are registered at any port within which His Majesty exercises jurisdiction in accordance with the Foreign Jurisdiction Act, 1890.

53 & 54 Vict.  
c. 37.

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

(a) all aircraft registered—

- (i) in the United Kingdom,
- (ii) in any of the Channel Islands or in the Isle of Man,
- (iii) in Newfoundland or in any colony,
- (iv) in any British protectorate, or
- (v) in any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom; and

(b) all other aircraft being aircraft which are within any of the countries and territories referred to in paragraph (a) of this subsection, and have at any time (whether before or after the commencement of this Act) been registered in any of the said countries and territories, and are not for the time being either registered—

- (i) in a Dominion, or
- (ii) in any territory administered by His Majesty's Government in a Dominion, or
- (iii) in India, Burma or Southern Rhodesia,

or registered in a register of any foreign State.

The reference in paragraph (a) of this subsection to any colony shall be construed as a reference to any colony except Southern Rhodesia or a colony administered by His Majesty's Government in a Dominion.

Offences by  
corporations.

5. Where a person convicted of an offence under this Act is a body corporate, every person who, at the time of the commission of the offence, was a director or an officer of the body corporate shall be deemed to be guilty of that

offence, unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

**6.**—(1) Any person guilty of an offence under this Act shall be liable— Penalties and legal proceedings.

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

(b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

(2) Proceedings against any person for the purposes of this Act may be taken before the court having jurisdiction in the place where that person is for the time being.

(3) Any summary proceedings which may be taken against a person for an offence under this Act committed by him outside the countries and territories to which this Act extends may, notwithstanding any limitation imposed by law on the time for taking proceedings, be commenced in any competent court within six months from the date on which he first sets foot within the jurisdiction of that court after the commission of the offence.

(4) In any proceedings a document purporting to state that a sanction or approval has been given under this Act, and to be signed on behalf of the Secretary of State or the Board of Trade, as the case may be, or by a person who is empowered by this Act to do anything which may be done thereunder by the Board, shall be evidence of the facts stated in the document.

**7.** For the avoidance of doubt it is hereby declared that any sanction or approval under this Act may be given either generally or in relation to a particular case; and any such sanction or approval may be given on such terms, and subject to such conditions, as may be determined by the Secretary of State or the Board of Trade. Incidental provisions as to sanctions and approvals.

**8.**—(1) The Treasury may by order authorise the making of such charges as may be specified in the order in respect of the giving of any sanction under section Power to impose charges.

one or section three of this Act; and any such order may be varied or revoked by a subsequent order of the Treasury.

56 & 57 Vict.  
c. 66.

(2) Any such order as aforesaid shall be laid before the Commons House of Parliament as soon as may be after it is made, but, notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, shall be deemed not to be a statutory rule to which that section applies.

(3) Any such order as aforesaid imposing or increasing a charge shall cease to have effect on the expiration of the period of twenty-eight days beginning with the day on which the order is made, unless at some time before the expiration of that period it has been approved by a resolution of the Commons House of Parliament, without prejudice, however, to the validity of anything previously done under the order or to the making of a new order.

In reckoning any period of twenty-eight days for the purposes of this subsection, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which the Commons House is adjourned for more than four days.

(4) Without prejudice to the preceding provisions of this section, there may be charged in respect of the giving of any sanction under this Act, or in respect of the approving under this Act of any transfer of the registry of a ship, such fee, not exceeding five pounds, as the Secretary of State or the Board of Trade may with the approval of the Treasury determine.

(5) All sums received by virtue of this section or of an order made thereunder shall be paid into the Exchequer of the United Kingdom.

Exercise  
of powers of  
Secretary of  
State and  
Board of  
Trade.

9.—(1) The Secretary of State and the Board of Trade may respectively make arrangements whereby any sanction or approval which may be given under this Act by the Secretary of State or the Board is given on his or their behalf outside the United Kingdom by such persons, and at such places, as the Secretary of State or the Board may determine; and any sanction or approval given in pursuance of such arrangements shall be deemed for the purposes of this Act to be a sanction or approval given by the Secretary of State or the Board, as the case may be.

(2) Anything required or authorised under this Act to be done by, to or before the Board of Trade may (without prejudice to any arrangements in force under the preceding subsection) 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.

**10.** The penal provisions of this Act shall apply to all persons in any country or territory to which this Act extends or on board any ship or aircraft to which this Act applies, and to all other persons being British subjects or British protected persons, except persons in any of the following countries and territories, that is to say,—

Extra-territorial operation of penal provisions of Act.

- (a) any Dominion,
- (b) any territory administered by His Majesty's Government in a Dominion,
- (c) India, Burma and Southern Rhodesia, and
- (d) any other country or territory being a country or territory under His Majesty's protection or suzerainty, and not being a country or territory to which this Act extends;

but nothing in this section shall be taken to restrict the operation of the provisions of this Act relating to the forfeiture of ships.

**11.**—(1) This Act extends to the following countries and territories, that is to say,—

Extent of Act.

- (a) the United Kingdom,
- (b) the Channel Islands and the Isle of Man,
- (c) Newfoundland, and any colony except Southern Rhodesia or a colony administered by His Majesty's Government in a Dominion,
- (d) any British protectorate, and
- (e) any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom;

and also extends (in so far as His Majesty has jurisdiction therein) to any other country or territory being a foreign country or territory in which for the time being His Majesty has jurisdiction, and not being a country or

territory administered by His Majesty's Government in a Dominion.

(2) This Act shall, in its application to any country or territory outside the United Kingdom, have effect subject to such adaptations and modifications, if any, as may be prescribed by or under an Order of His Majesty in Council; and any such Order may be varied or revoked by a subsequent Order of His Majesty in Council.

Inter-  
pretation.

12. In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“ aircraft ” means any flying machine, glider or airship or any balloon (whether fixed or free);

“ Dominion ” means any Dominion within the meaning of the Statute of Westminster, 1931, except Newfoundland; and

“ ship ” has the same meaning as in the Merchant Shipping Act, 1894.

22 Geo. 5.  
c. 4.

Short title  
and dura-  
tion of Act.

13.—(1) This Act may be cited as the *Ships and Aircraft (Transfer Restriction) Act, 1939*.

(2) This Act shall continue in force until such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end, and shall then expire except as respects things previously done or omitted to be done.

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## CHAPTER 71.

An Act to continue and amend the Rent and Mortgage Interest Restrictions Acts, 1920 to 1938. [1st September 1939.]

**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

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

1. Subject to the provisions of this Act, the principal Acts shall continue in force until six months after such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end.

Continuance  
of Acts.

2. Subsection (2) of section three of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1938, (which provides for the continued application of section two of the Rent and Mortgage Interest Restrictions Act, 1923, to certain classes of dwelling-houses) is hereby repealed.

Repeal of  
s. 3 (2) of  
1 & 2 Geo. 6.  
c. 26.  
13 & 14  
Geo. 5. c. 32.

3.—(1) Without prejudice to the operation of the two preceding sections in relation to any dwelling-house to which the principal Acts applied immediately before the commencement of this Act, the principal Acts, as amended by the last preceding section, shall, subject to the provisions of this section, apply to every other dwelling-house of which the rateable value on the appropriate day did not exceed—

Application  
of Acts.

- (a) in the metropolitan police district or the city of London, one hundred pounds;
- (b) in Scotland, ninety pounds; or
- (c) elsewhere, seventy-five pounds;

and in relation to any such dwelling-house as aforesaid, not being a dwelling-house to which the principal Acts applied immediately before the commencement of this Act, the provisions of the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, set out in the first column of the First Schedule to this Act shall have effect as if there were made in those provisions the modifications respectively prescribed by that Schedule.

(2) The principal Acts shall not, by virtue of this section, apply—

- (a) to any dwelling-house consisting of, or comprising, premises licensed for the sale of intoxicating liquor for consumption on the premises; or
- (b) save as is expressly provided in the said Acts, as amended by virtue of this section, to any

dwelling-house bona fide let at a rent which includes payments in respect of board, attendance or use of furniture; or

- (c) to any dwelling-house being, or forming part of, a house or dwelling in respect of which a local authority for the purposes of Part V of the Housing Act, 1936, are required by section one hundred and twenty-eight of that Act to keep a Housing Revenue Account, other than a house or dwelling to which subsection (3) of section one hundred and twenty-nine of that Act applies.

26 Geo. 5. &  
1 Edw. 8  
c. 51

(3) Subject to the provisions of paragraph (a) of the last preceding subsection, the application of the principal Acts, by virtue of this section, to any dwelling-house shall not be excluded by reason only that part of the premises is used as a shop or office or for business, trade or professional purposes; and for the purposes of the Rent and Mortgage Interest Restrictions Acts, 1920 to 1938, as amended by virtue of this section, any land or premises let together with a dwelling-house shall, unless the land or premises so let consists or consist of agricultural land exceeding two acres in extent, be treated as part of the dwelling-house; but, save as aforesaid, the principal Acts shall not, by virtue of this section, apply to any dwelling-house let together with land other than the site of the dwelling-house.

Application  
of Act to  
pending  
proceed-  
ings.

4. Where, in relation to any dwelling-house to which the principal Acts apply by virtue only of the last preceding section, any order or judgment has been made or given by a court before the commencement of this Act, but has not been executed, and, in the opinion of the court, the order or judgment would not have been made or given if this Act had been in operation at the time when the order or judgment was made or given, the court may, on application by the tenant, rescind or vary the order or judgment in such manner as the court thinks fit for the purpose of giving effect to this Act.

Repeal of  
s. 5 of  
23 & 24  
Geo. 5. c. 32.

5. Section five of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, (which excepts certain dwelling-houses of low value from the restriction on the right to possession imposed by section five of the



Increase of Rent and Mortgage Interest (Restrictions) Act, 1920) shall cease to have effect. 10 & 11  
Geo. 5. c. 17.

6. Any power vested in the Lord Chancellor to make rules or give directions for the purpose of giving effect to the principal Acts may, when the Great Seal is in commission, be exercised by any Lord Commissioner. Exercise of  
power to  
make rules  
when Great  
Seal in com-  
mission.

7.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say :— Interpreta-  
tion.

“ agricultural land ” has the meaning assigned to that expression by section two of the Rating and Valuation (Apportionment) Act, 1928; 18 & 19  
Geo. 5. c. 44.

“ rateable value on the appropriate day,” in relation to any dwelling-house, means (subject to the following provisions of this section) the value shown, with respect to that dwelling-house, on that day in the valuation list then in force, as the rateable value or, where the net annual value differs from the rateable value, as the net annual value; and

“ the appropriate day ” means, as respects the administrative county of London, the sixth day of April, nineteen hundred and thirty-nine, or, as respects the remainder of England, the first day of April, nineteen hundred and thirty-nine;

and other expressions have the same meanings as in the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933.

(2) In relation to any dwelling-house of which the rateable value on the appropriate day was not on that day separately assessed, any reference in the preceding provisions of this Act to the rateable value on the appropriate day shall be construed as a reference to such proportion of the rateable value on that day of the property in which the dwelling-house is comprised as may be apportioned to the dwelling-house by the county court in accordance with the provisions of subsection (3) of section twelve of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.

(3) In relation to any dwelling-house first assessed after the appropriate day, any reference in the preceding

provisions of this Act to the rateable value on the appropriate day shall be construed as a reference to the rateable value on the day on which the dwelling-house was first assessed.

(4) References in this Act or in the Rent and Mortgage Interest (Restrictions) Act, 1938, to the principal Acts or to any of them or to any provision of the principal Acts or of any of them shall, unless the context otherwise requires, be construed as references to the principal Acts, to that one of them or to that provision, as the case may be, as amended by any subsequent enactment, including this Act.

Application  
to Scotland.

**8.** In the application of this Act to Scotland—

(a) “the appropriate day” means the sixteenth day of May, nineteen hundred and thirty-nine;

(b) “valuation list” means valuation roll;

(c) “agricultural land” means land used for agricultural or pastoral purposes only or as woodlands, market gardens, orchards, allotments or allotment gardens and any lands exceeding one quarter of an acre used for the purpose of poultry farming, but does not include any lands occupied together with a house as a park, garden or pleasure ground or any land kept or preserved mainly or exclusively for sporting purposes;

(d) for reference to the Housing Act, 1936, Part V, and section one hundred and twenty-eight thereof there shall be substituted respectively references to the Housing (Scotland) Act, 1935, Part III, and section thirty-nine thereof.

25 & 26  
Geo. 5. c. 41.

Short title,  
citation,  
extent,  
repeal and  
commence-  
ment.

**9.**—(1) This Act may be cited as the Rent and Mortgage Interest Restrictions Act, 1939; and the Rent and Mortgage Interest Restrictions Acts, 1920 to 1938, and this Act may be cited together as the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939.

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

(3) The enactments mentioned in the first and second columns of the Second Schedule to this Act are hereby

repealed to the extent specified in the third column of that Schedule.

(4) This Act shall come into operation on such date as His Majesty may by Order in Council appoint.

## SCHEDULES.

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### FIRST SCHEDULE.

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Section 3 (1).

#### MODIFICATION OF THE RENT AND MORTGAGE INTEREST RESTRICTIONS ACTS, 1920 TO 1933, FOR THE PURPOSES OF SECTION THREE OF THIS ACT.

#### THE INCREASE OF RENT AND MORTGAGE INTEREST (RESTRICTIONS) ACT, 1920 (10 & 11 GEO. 5. c. 17).

Section 1 - For the reference to the twenty-fifth day of March, nineteen hundred and twenty, there shall be substituted a reference to the date of the passing of this Act, and for the reference to the passing of the Act there shall be substituted a reference to the commencement of this Act; and for the words "if the increased rent or the increased rate of interest exceeds by more than the amount permitted under this Act the standard rent or standard rate of interest" there shall be substituted the words "if the increased rent exceeds the standard rent by more than the amount permitted under this Act or, as the case may be, if the increased rate of interest exceeds the standard rate of interest."

Section 2 - In paragraph (a) of subsection (1) for the reference to the fourth day of August, nineteen hundred and fourteen, there shall be substituted a reference to the date of the commencement of this Act, and the words "six, or in the case of such expenditure incurred after the passing of this Act" shall be omitted.

In paragraph (b) of subsection (1) for the reference to the third day of August, nineteen

1ST SCH.  
—cont.

Section 2—cont.

hundred and fourteen, there shall be substituted a reference to the day before the date of the commencement of this Act.

Paragraphs (c) and (d) and (e) of subsection (1) shall not apply.

Subsections (2) and (4) shall not apply.

Section 3

- In subsection (3) for the reference to the passing of the Act there shall be substituted a reference to the commencement of this Act.

Section 4

- This section shall not apply.

Section 5

- Subsection (3) shall not apply.

In subsection (7) for the reference to the thirty-first day of July, nineteen hundred and twenty-three, there shall be substituted a reference to the commencement of this Act.

Section 6

- For the reference to the Courts (Emergency Powers) Act, 1914, there shall be substituted a reference to the Courts (Emergency Powers) Act, 1939.

Section 7

- In proviso (i) for the reference to the twenty-fifth day of March, nineteen hundred and twenty, there shall be substituted a reference to the date of the passing of this Act.

Section 8

- In subsection (1) for the reference to the twenty-fifth day of March, nineteen hundred and twenty, there shall be substituted a reference to the date of the passing of this Act; for the reference to the passing of the Act there shall be substituted a reference to the commencement of this Act; and the words " but the enactments repealed by this Act did not apply " shall be omitted.

Section 9

- In subsection (1) for the words " before the passing of this Act " there shall be substituted the words " since the beginning of " the date of the passing of the Rent and " Mortgage Interest Restrictions Act, 1939 "; the words " more than twenty-five per cent." and " and twenty-five per cent." shall be omitted; and for the second reference to the passing of the Act there shall be substituted a reference to the commencement of this Act.

In subsection (2) for the reference to the third day of August, nineteen hundred and fourteen, there shall be substituted a reference to the day before the date of the commencement of this Act.

- Section 10 - For the reference to the passing of the Act there shall be substituted a reference to the commencement of this Act, and the words " and in particular to the margin of profit allowed under the last preceding section of this Act " shall be omitted. 1st Sch.  
—cont.
- Section 12 - In paragraphs (a) and (b) of subsection (1), for the references to the third day of August, nineteen hundred and fourteen, there shall be substituted references to the day before the date of the commencement of this Act.
- For paragraph (e) of subsection (1) there shall be substituted the following paragraph :—
- “(e) The expression ‘rateable value,’ in relation to any dwelling-house, means the value shown, with respect to that dwelling-house, on the appropriate day in the valuation list then in force, as the rateable value or, where the net annual value differs from the rateable value, as the net annual value; and the expression ‘the appropriate day’ means, in relation to a dwelling-house within the administrative county of London, the sixth day of April, nineteen hundred and thirty-nine, or, in relation to a dwelling-house in any other part of England, the first day of April, nineteen hundred and thirty-nine; and in relation to a dwelling-house first assessed after the said sixth day of April or the said first day of April, as the case may be, any reference in the preceding provisions of this paragraph to the appropriate day shall be construed as a reference to the day on which the dwelling-house was first assessed;”
- Subsection (2) shall not apply.
- Paragraph (c) of subsection (4) shall not apply.
- Subsections (9) and (10) shall not apply.
- Section 14 - In subsection (1) for the words “ whether before or after the passing of this Act ” there shall be substituted the words “ since the beginning of the date of the passing of the Rent and Mortgage Interest Restrictions Act, 1939 ”; and the words “ or any Act repealed by this Act ” shall be omitted.

1ST SCH.  
—cont.

- Section 18 - In paragraph (a) of subsection (1) the definition of "rateable value" and of "rateable value" on the third day of August, nineteen hundred and fourteen shall be omitted.

**THE RENT AND MORTGAGE INTEREST RESTRICTIONS ACT, 1923**  
(13 & 14 Geo. 5. c. 32).

- Section 3 - This section shall not apply.
- Section 7 - This section shall not apply.
- Section 8 - In subsection (2) for the references to the passing of the Act there shall be substituted references to the commencement of this Act.
- Section 10 - In subsection (1) for the reference to proviso (i) to subsection (2) of section twelve of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, there shall be substituted a reference to paragraph (b) of subsection (2) of section three of this Act.

23 & 24  
Geo. 5. c. 32.

**THE RENT AND MORTGAGE INTEREST RESTRICTIONS (AMENDMENT)**  
**ACT, 1933 (23 & 24 Geo. 5. c. 32).**

- Section 1 - Subsection (3) shall not apply.
- Section 4 - In subsection (4) for the reference to the passing of the Act there shall be substituted a reference to the commencement of this Act.
- Section 5 - This section shall not apply.
- Section 6 - For the references to the third day of August, nineteen hundred and fourteen, there shall be substituted references to the day before the date of the commencement of this Act.
- Section 9 - This section shall not apply.
- The First Schedule. - In paragraph (d) for the reference to the thirty-first day of July, nineteen hundred and twenty-three, there shall be substituted a reference to the date of the passing of this Act.
- In paragraph (h) for the reference to the eleventh day of July, nineteen hundred and thirty-one, there shall be substituted a reference to the date of the passing of this Act.

SECOND SCHEDULE.

Section 9 (3).

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
23 & 24 Geo. 5. c. 32.	<b>Increase of Rent and Mortgage Restrictions (Amendment) Act, 1933.</b>	Subsections (1), (2), (4), (5) and (6) of section one; section two; section five; in paragraph (c) of section fifteen the definition of "appointed day"; paragraph (f) of section fifteen; and in subsection (1) of section sixteen the definitions of "Appointed day" and of "Rateable value on the appointed day"; and subsection (2) of section sixteen.
1 & 2 Geo. 6. c. 28.	<b>Increase of Rent and Mortgage Interest (Restrictions) Act, 1938.</b>	Section one; subsection (2) of section three; section four; and in subsection (2) of section eight the words from "and subsections" to the end of the subsection.

CHAPTER 72.

An Act to modify the rights and liabilities of landlords, tenants and other persons interested in land damaged by war. [1st September 1939.]

**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

**PART I.** Parliament assembled, and by the authority of the same  
 —*cont.* as follows :—

**PART I.**

**MODIFICATION OF OBLIGATIONS TO REPAIR.**

Relief from  
 obligation  
 to repair  
 in cases of  
 war  
 damage.

**1.**—(1) Where, by virtue of the provisions (whether express or implied) of a disposition or of any contract collateral thereto, an obligation (in this Part of this Act referred to as an “obligation to repair”) is imposed on any person to do any repairs in relation to the land comprised in the disposition, those provisions shall be construed as not extending to the imposition of any liability on that person to make good any war damage occurring to the land so comprised.

(2) Where war damage occurs to land comprised in a disposition, then, in so far as compliance with an obligation to repair, as modified by the provisions of the preceding subsection, is, having regard to the extent of the war damage—

- (a) impracticable, or only practicable at a cost which is unreasonable in view of all the circumstances; or
- (b) of no substantial advantage to the person who, but for the provisions of this subsection, would be entitled to the benefit of the obligation;

the obligation shall be suspended until the war damage is made good to such an extent that compliance with the obligation is practicable at a reasonable cost and is of substantial advantage to the person entitled to the benefit thereof.

(3) Any disposition or contract collateral thereto containing a provision whereunder an obligation to make good war damage as such is imposed on any person, shall have effect as if that provision were not contained therein.

(4) Where, under the foregoing provisions of this section, an obligation to repair is modified or suspended or an obligation to make good war damage as such is extinguished, all rights and remedies (whether by way of damages, forfeiture, re-entry, sale, foreclosure or otherwise) arising out of the non-fulfilment of the obligation, including all rights against any person who has guaranteed



the fulfilment of the obligation, shall be modified or suspended or extinguished accordingly.

PART I.  
—cont.

(5) In this section the expression "disposition" means any instrument (including an enactment) or oral transaction, whether made before or after the commencement of this Act, creating or transferring any interest in land.

(6) Where a disposition is made under or in pursuance of an enactment which imposes an obligation to repair in relation to the land the subject of the disposition, the obligation shall be deemed for the purposes of this section to have been imposed by virtue of the provisions of the disposition.

(7) The provisions of this section shall have effect subject to the provisions of Part II of this Act relating to notices of retention and notices to avoid disclaimer.

**2.—**(1) Where, by virtue of the provisions (whether express or implied) of any lease (whether made before or after the commencement of this Act) or any contract collateral thereto, an obligation to repair is imposed on the tenant, the lease shall have effect as if there were contained therein covenants by the tenant with the landlord that, in the event of war damage occurring to the land comprised in the lease, the tenant will—

Supple-  
mentary  
provisions  
to be  
implied in  
leases and  
mortgages.

(a) as soon as practicable after the damage has become known to him, serve a notice on the landlord stating that the damage has occurred and the general nature of the damage so far as it is known to him; and

(b) permit the landlord or any person authorised by him, at such times as may be reasonable in the circumstances, to enter upon the land for the purpose of ascertaining the extent of the damage and making it good either temporarily or permanently.

(2) The foregoing subsection shall have effect as if references to a lease, tenant and landlord included respectively references to a mortgage, mortgagor and mortgagee :

Provided that it shall not be lawful for a mortgagee without the leave of the court to enforce any right or remedy arising out of a breach of the covenant referred to in paragraph (a) of the foregoing subsection.

**PART I.**—*cont.*

Raising of money for making good war damage on settled land, &c.  
15 & 16  
Geo. 5. c. 18.

15 & 16  
Geo. 5. c. 24.

**3. Where war damage occurs to—**

- (a) settled land; or
- (b) land which by virtue of section twenty-nine of the Settled Land Act, 1925 (which relates to certain land vested or to be vested in trustees for charitable, ecclesiastical or public trusts or purposes) is deemed to be settled land; or
- (c) land held on trust for sale; or
- (d) land belonging to a university or college to which the Universities and College Estates Act, 1925, applies;

the making good of the damage may be defrayed out of capital moneys, and accordingly shall, notwithstanding the provisions of any instrument, be deemed to be an improvement authorised by Part I of the Third Schedule to the Settled Land Act, 1925, or Part I of the First Schedule to the Universities and College Estates Act, 1925, as the case may be.

**PART II.****DISCLAIMER AND RETENTION OF LEASES.***Notices affecting leaseholds.*

Power to disclaim leases or to retain on altered terms.

4.—(1) Where the land comprised in a lease is unfit by reason of war damage, the following provisions of this section shall have effect, whether the lease was made before or after the commencement of this Act.

- (2) The tenant may serve on the landlord either—
  - (a) a notice (hereafter in this Act referred to as a “notice of disclaimer”) stating that he elects to disclaim the lease; or
  - (b) a notice (hereafter in this Act referred to as a “notice of retention”) stating that he elects to retain the lease on the terms hereafter specified in this Act.

(3) The landlord may, if no such notice has been served by the tenant, serve upon the tenant a notice (hereafter in this Act referred to as a “notice to elect”) requiring the tenant to serve on him, within the period allowed under this Act, either a notice of disclaimer or a notice of retention.

(4) Where a notice to elect is served and the tenant does not comply therewith within the said period, he shall, unless the notice is of no effect under this Part of this Act, be deemed for the purpose of this Act to have served on the landlord at the expiration of the said period a notice of retention.

(5) Where a notice of disclaimer is served (whether in pursuance of a notice to elect or not) the landlord may, within the period allowed under this Act, serve upon the tenant a notice (hereafter in this Act referred to as a "notice to avoid disclaimer") requiring the tenant to retain the lease on the terms hereafter specified in this Act.

**5.—(1) The period allowed under this Act—**

- (a) within which a tenant upon whom a notice to elect has been served must comply therewith; and
- (b) within which a landlord upon whom a notice of disclaimer has been served by a tenant may serve on the tenant a notice to avoid disclaimer;

Period for complying with notice to elect or serving notice to avoid disclaimer.

shall, unless it is extended or abridged under this Part of this Act, be a period of one month from the date when the notice to elect or the notice of disclaimer, as the case may be, was served.

(2) If, in the case of a notice to elect,—

- (a) the tenant on whom it is served, or his predecessor in title, has granted an underlease which comprises the land to which the notice relates or any part thereof; and
- (b) the said tenant, before the expiration of a period of fourteen days from the service of the notice, serves a notice to elect on the tenant under that underlease (hereafter in this section referred to as "the sub-tenant") and informs the landlord in writing that such a notice has been served;

the said period of one month shall—

- (i) in a case where the sub-tenant complies with the notice to elect within the period allowed under this Act, and the said period of one month expires before the expiration of a

**PART II.**  
—*cont.*

period of seven days from the date when he complies with the notice, be extended until the expiration of those seven days; and

- (ii) in a case where the sub-tenant fails to comply with the notice to elect within the period so allowed, and the said period of one month expires before the expiration of a period of seven days from the end of the period so allowed, be extended until the expiration of those seven days.

(3) If, in the case of a notice of disclaimer, the landlord on whom it is served—

- (a) is himself a tenant of the land to which the notice relates under a superior lease; and  
(b) before the expiration of a period of fourteen days from the service of the notice, serves on his landlord (hereinafter in this subsection referred to as “the superior landlord”) a notice of disclaimer in respect of that superior lease and informs his tenant in writing that such a notice has been served;

the said period of one month shall—

- (i) in a case where the superior landlord serves on the landlord within the period allowed under this Act a notice to avoid disclaimer, and the said period of one month expires before the expiration of a period of seven days from the date when that notice was served, be extended until the expiration of those seven days; and  
(ii) in a case where no such notice is served by the superior landlord within the period allowed under this Act, and the said period of one month expires before the expiration of a period of seven days from the end of the period so allowed, be extended until the expiration of those seven days.

(4) Any period mentioned in this section may be extended or abridged by the court, on such terms as it thinks fit, on the application of any person affected by the extension or abridgment.

(5) An application to the court under the last foregoing subsection for the extension of any such period

may be made at any time whether before or after the expiration of that period, but where it is made after the expiration of the period, the court shall not extend the period unless it is satisfied that the interests of persons affected by the extension other than the applicant will be adequately protected by the terms imposed by the court or on the terms of an agreement or otherwise.

PART II  
—cont.

- 6.—(1) Where a notice of disclaimer is served—
- (a) any person having an interest in or derived out of the term created by the lease to which the notice relates; or
  - (b) any person having an interest in the reversion immediately expectant on the determination of that lease;

Determina-  
tion of  
disputes  
as to un-  
fitness of  
premises.

may, at any time within one month from the service of the notice, apply to the court to determine whether the notice is of no effect on the ground that the land comprised in the lease was not unfit by reason of war damage at the time when the notice was served.

(2) Within one month from the service of a notice to elect on a tenant, he may serve on the landlord a notice (hereafter in this section referred to as a "counter-notice")—

- (a) claiming that the notice to elect is of no effect on the ground that the land to which it relates was not unfit by reason of war damage at the time when the notice was served; and
- (b) stating the effect of the next following subsection.

(3) Where a counter-notice is served, the notice to elect shall be of no effect unless the court, on the application of the landlord made within fourteen days from the service of the counter-notice, determines that the land in question was unfit by reason of war damage at the time when the notice to elect was served.

(4) If on any application made under this section the court determines that the land in question was unfit by reason of war damage at the time when the notice of disclaimer or notice to elect was served, the period allowed under this Act within which a notice to avoid disclaimer may be served by the landlord, or the notice to elect is to be complied with by the tenant, as the case may be, may be extended to such date as the court may fix.

**PART II.**  
—*cont.*

(5) Unless it is decided by the court on an application made under this section that a notice of disclaimer or a notice to elect is of no effect on the ground that the land to which it relates was not unfit by reason of war damage at the time when the notice was served, the land shall be deemed for the purpose of any proceedings pursuant to the notice to have been unfit by reason of war damage at that time.

*Notices of disclaimer.*

Particulars  
to be  
included in  
notices of  
disclaimer,  
&c.

**7.—(1)** A tenant serving a notice of disclaimer shall include therein such of the following particulars with respect to the lease disclaimed as are known to him, or can reasonably be ascertained by him, namely—

- (a) the term of and the rent reserved by any immediate underlease of the land comprised in the lease or any part thereof;
- (b) the name and address of the person to whom that underlease was granted and of the person (if any) to whom it has been assigned;
- (c) if the term created by the lease is mortgaged, the fact of the mortgage and the name and address of the mortgagee and his successor in title (if any).

(2) Within seven days from the service of a notice of disclaimer, the tenant serving the notice shall serve upon any person claiming immediately under him (whether as assignee, mortgagee or lessee) in respect of an interest in the land comprised in the lease a notice stating that he has served the notice of disclaimer and the name and address of the landlord on whom it was served and such other particulars as are necessary to identify the lease disclaimed.

(3) Every person upon whom a notice is served in pursuance of the last preceding subsection or this subsection shall, within seven days from the receipt of the notice, serve upon every person (other than the person from whom he has received the notice)—

- (a) who has immediately derived from him an interest in the land comprised in the lease; or
- (b) to whom he has immediately assigned such an interest;

a notice stating the date on which the first-mentioned notice was served on him and the terms thereof and the effect of this and the next following subsection.

PART II.  
—cont.

(4) If any person fails to comply with the provisions of this section, he shall be liable to make good to any other person any damage suffered by that other person by reason of the failure.

8.—(1) Where a notice of disclaimer is served, the following provisions of this section shall have effect, subject to any order of the court under the next following section, at the expiration of the period allowed under this Act within which notice to avoid disclaimer may be served, unless a notice to avoid disclaimer is served within that period or the notice of disclaimer is otherwise of no effect under this Part of this Act.

Effect of  
notice of  
disclaimer.

(2) As from the date when the notice of disclaimer was served—

(a) the lease disclaimed shall be deemed to have been surrendered; and

(b) all sub-leases derived out of the term created by the lease disclaimed shall also be deemed to have been surrendered, except a sub-lease—

(i) by virtue whereof any person is entitled to the actual occupation of the land comprised in the disclaimed lease or of any part thereof; and

(ii) in respect of which no notice of disclaimer has been served; and

(c) all interests in the term created by the lease disclaimed or any sub-lease which is deemed to have been surrendered as aforesaid shall be deemed to have been extinguished.

(3) Any notice of disclaimer, notice of retention or notice to elect served in respect of any sub-lease which is deemed to have been surrendered by virtue of this section shall be of no effect.

9.—(1) On an application duly made under this section, the court shall have power to modify the operation

Power of  
court to

PART II.  
 —cont.  
 modify  
 effect of  
 notice of  
 disclaimer.

of a notice of disclaimer as stated in the last foregoing section as follows:—

- (a) by varying the date on which subsection (2) of that section takes effect or the date as from which any lease or sub-lease is deemed to have been surrendered or any interest therein is deemed to have been extinguished;
- (b) by excepting from the operation of that section, on such terms as the court thinks just, any sub-lease and any interest therein which would otherwise be deemed to have been surrendered or extinguished;
- (c) by vesting on such terms as the court thinks just the lease disclaimed, or any sub-lease which would otherwise be deemed to have been surrendered, in any person having an interest in the lease or sub-lease other than the tenant thereunder;
- (d) by imposing such terms and making such orders as to the removal of fixtures and otherwise as the court thinks just.

(2) The terms imposed by the court under paragraph (b) or paragraph (c) of the last foregoing subsection may include such alterations as the court thinks just of the terms of the lease or sub-lease in question.

(3) An application under this section may be made by any person—

- (a) having an interest in or derived out of the term created by the lease disclaimed; or
- (b) having an interest in the reversion immediately expectant upon the determination of that lease;

at any time within the period allowed under this Act for serving a notice to avoid disclaimer.

(4) Unless the court otherwise directs, no application under this section and no order of the court thereon shall prejudice the right of a landlord to serve a notice to avoid disclaimer within the period allowed by this Act.

*Notices of retention and notices to avoid disclaimer.*

**10.**—(1) Where a notice of retention is served or is deemed to have been served in respect of a lease, then, unless the notice of retention is of no effect under this

Effect of  
 notice of  
 retention.



Part of this Act or the notice to elect by virtue whereof the notice of retention is deemed to have been served is of no effect under this Part of this Act, the lease shall have effect subject to the following modifications :—

PART II.  
—cont.

- (a) There shall be implied in the lease, notwithstanding anything in Part I of this Act, a covenant by the tenant with the landlord that the land comprised in the lease shall be rendered fit as soon as is reasonably practicable after the date when the notice was served or is deemed to have been served :

Provided that where before that date any person has guaranteed the performance of the covenants in the lease, the guarantee shall be deemed not to extend to the covenant implied in the lease by virtue of this paragraph :

- (b) Subject to the powers of the court under the following provisions of this subsection, no rent shall be payable by the tenant under the lease in respect of the period beginning with the date when the notice was served or is deemed to have been served and ending with the date on which the land is rendered fit :
- (c) Where the court is satisfied, on the application of the landlord made at any time before the land has been rendered fit, that part of the land is capable of beneficial occupation, the court may direct that there shall be payable by the tenant such rent, at such times and in respect of such period as the court may fix :

Provided that the amount of the rent fixed by the court under this paragraph shall not exceed such proportion of—

(i) the annual value at the time of the application of so much of the land as is at that time capable of beneficial occupation ;

or

(ii) the full annual rent reserved by the lease ;

whichever is the less, as the period in respect of which the rent is payable bears to a year :

- (d) Where the court is satisfied, on the application of the landlord made at any time, that there has

**PART II.**  
—*cont.*

been unreasonable delay on the part of the tenant in rendering the land fit, the court may direct that there shall be payable by the tenant such rent (not exceeding the rent reserved by the lease) at such times and in respect of such period as the court may fix.

(2) In this section the expression "rent", in relation to a lease, includes any periodical sum payable by the tenant in connection with the occupation of the land comprised in the lease, whether for services, lighting, heating, board, use of furniture or otherwise, and references to rent reserved by a lease include references to any such sum contracted to be paid by any agreement.

Effect of  
notice to  
avoid dis-  
claimer.

**11.**—(1) Where a notice to avoid disclaimer is served in respect of a notice of disclaimer, the notice of disclaimer shall be of no effect and, unless the notice of disclaimer is of no effect by reason of some other provision of this Part of this Act, the lease to which it relates shall have effect subject to the following modifications :—

(a) There shall be implied in the lease, notwithstanding anything in Part I of this Act, a covenant by the landlord with the tenant that the land comprised in the lease shall be rendered fit as soon as is reasonably practicable after the service of the notice to avoid disclaimer :

Provided that where before the service of the said notice any person has guaranteed the performance of the covenants in the lease, the guarantee shall be deemed not to extend to the covenant implied in the lease by virtue of this paragraph :

(b) Subject to the powers of the court under the next following paragraph, no rent shall be payable by the tenant under the lease in respect of the period beginning with the date of the service of the notice of disclaimer and ending with the date on which the land is rendered fit :

(c) If the court is satisfied, on the application of the landlord made at any time before the land has been rendered fit, that any part of the land is capable of beneficial occupation, the court

shall have the same powers as it has under paragraph (c) of subsection (1) of the last foregoing section.

PART II.  
—cont.

(2) In this section the expression “rent” has the same meaning as in the last foregoing section.

**12.**—(1) Where land comprised in a lease has been rendered unfit by war damage, and further war damage occurs to the land before it has been rendered fit and after notice of retention has been or is deemed to have been served, or notice to avoid disclaimer has been served, in respect of the lease, the tenant or the landlord, as the case may be, may apply to the court for leave to withdraw the notice.

Recurrence  
of war  
damage  
after  
service  
of notice.

(2) On any such application the court shall grant leave to withdraw the notice if it is satisfied that the liability of the tenant or the landlord, as the case may be, in respect of repairs under the lease as modified in pursuance of the notice has been materially increased by the further war damage.

(3) As from the date on which the notice is withdrawn—

- (a) any notice to elect served on the tenant or notice of disclaimer served on the landlord before that date shall be of no effect; and
- (b) the lease shall have effect as if the notice withdrawn had never been served, or been deemed to have been served :

Provided that nothing in this subsection shall, unless the court having regard to all the circumstances of the case otherwise determines, impose on the tenant a liability for rent under the lease in respect of any period before that date.

(4) In this section the expression “rent” has the same meaning as it has in the two last foregoing sections.

*Special provisions as to certain leases.*

**13.**—(1) In relation to a ground lease, this Part of this Act shall have effect subject to the modifications specified in this section.

Provision as  
to ground  
leases.

**PART II.**  
—*cont.*

(2) The tenant shall not be entitled to serve a notice of retention nor, unless the court otherwise orders, a notice of disclaimer, and the landlord shall not be entitled to serve a notice to elect.

(3) If, where the land comprised in a ground lease has suffered war damage, the court is satisfied on the application of the tenant, having regard to the extent of the war damage suffered by the land comprised in the lease as a whole and all the circumstances of the case, including—

- (a) the length of the unexpired part of the term of the lease, and the relation of the amount of the rent payable thereunder to the annual value, immediately before the occurrence of the war damage, of the land comprised in the lease; and
- (b) any offers made by the landlord for an extension of the term of the lease or for an alteration of the rent reserved thereby, or for any other modification of the terms of the lease;

that it is equitable to allow the tenant to disclaim the lease, the court may order that he be at liberty to serve a notice of disclaimer under this Part of this Act, on such conditions as to the payment of compensation and otherwise as the court thinks fit to impose, and that subsection (1) of section six of this Act shall not apply with respect to the notice.

(4) Where a notice of disclaimer is served in pursuance of an order of the court made under the last foregoing subsection, the provisions of this Act authorising the landlord to serve a notice to avoid disclaimer within the period allowed by this Act shall not have effect, but any other provision of this Act relating to that period shall have effect as if the landlord were entitled to serve such a notice.

Determina-  
tion of  
question  
whether a  
lease is a  
ground  
lease.

**14.**—(1) Where in respect of a lease a notice of retention or a notice to elect is served, or a notice of disclaimer is served otherwise than under an order of the court under the last foregoing section—

- (a) the person serving the notice or the person on whom it is served; or

- (b) any other person having an interest in or derived out of the term created by the lease, or having an interest in the reversion immediately expectant on the determination of the lease;

PART II.  
—cont.

may, at any time within one month from the service of the notice, apply to the court to determine whether the notice is of no effect on the ground that the lease is a ground lease.

(2) If, on an application made under this section, the court determines that the lease in respect of which a notice of disclaimer or a notice to elect has been served is not a ground lease, the period allowed under this Act within which a notice to avoid disclaimer may be served on the landlord or the notice to elect is to be complied with by the tenant, as the case may be, may be extended to such date as the court may fix.

(3) Unless it is decided by the court on an application made under this section that a notice is of no effect on the ground that the lease to which it relates is a ground lease, the lease shall be deemed for the purpose of any proceedings pursuant to the notice not to be a ground lease.

**15.**—(1) In relation to a multiple lease (not being a ground lease) section six of this Act shall not apply and the other provisions of this Part of this Act shall have effect subject to the modifications specified in this section.

Provisions  
as to leases  
comprising  
two or more  
separate  
tenements.

(2) Where a notice of disclaimer or a notice to elect is served with respect to the lease—

- (a) the person serving the notice or the person on whom it is served; or
- (b) any other person having an interest in or derived out of the term created by the lease, or having an interest in the reversion immediately expectant on the determination of the lease;

may apply to the court, within one month from the service of the notice, to determine the question whether the tenant should be allowed to disclaim the lease, whether wholly or as respects one or more of the separate tenements comprised therein or at all.

(3) If on such an application the court is satisfied that, having regard to the extent of the war damage

**PART II.**  
**—cont.**

suffered by the land comprised in the lease as a whole and all the circumstances of the case (including any offers made by the landlord for an extension of the term of the lease or for an alteration of the rent reserved thereby or for any other modification of the terms of the lease) it is equitable to allow the lease to be wholly disclaimed, the court—

- (a) in a case where a notice of disclaimer has been served (whether in compliance with a notice to elect or not), shall order that the notice of disclaimer shall have effect under this Part of this Act, and may extend to such date as it may fix the period allowed under this Act within which a notice to avoid disclaimer may be served by the landlord; or
- (b) in a case where a notice to elect has been served and has not been complied with, shall order that the tenant be at liberty to serve a notice of disclaimer and may extend to such date as it may fix the period allowed under this Act within which the notice to elect must be complied with or, on the application of the tenant, order that a notice of disclaimer shall be deemed to have been served by him on the date of the order.

(4) If on such an application the court, having regard to the matters referred to in the last foregoing subsection, is not satisfied that it is equitable to allow the lease to be wholly disclaimed, but is satisfied that it is equitable to allow it to be disclaimed as regards one or more of the separate tenements comprised therein (hereafter referred to as “ the disclaimable tenements ”), the court—

- (a) shall order that the lease shall be treated as if it were two separate leases, one comprising the disclaimable tenement or tenements, and the other comprising the remainder of the tenements; and
- (b) shall give such consequential directions as to the apportionment of the rent and otherwise as it thinks just, including directions as respects any sub-lease comprising a disclaimable tenement and a tenement which is not disclaimable; and

- (c) shall order that the tenant shall be at liberty to serve a notice of disclaimer as respects the lease comprising the disclaimable tenement or tenements but not as respects the other lease; and
- (d) where a notice of disclaimer has been served (whether in compliance with a notice to elect or not), shall order that the notice of disclaimer shall be of no effect; and
- (e) where a notice to elect has been served (whether a notice of disclaimer has been served in compliance therewith or not), may extend to such date as it may fix the period allowed under this Act within which the notice to elect must be complied with; and
- (f) may empower the landlord, if the tenant serves a notice of disclaimer as respects the lease comprising the disclaimable tenement or tenements, to enter upon the land comprised in the other lease for the purpose of doing work on the land comprised in the disclaimed lease.

(5) If on such an application the court, having regard to the matters referred to in subsection (3) of this section, is not satisfied that it is equitable to allow the lease to be disclaimed either wholly or as respects one or more of the separate tenements comprised therein, the court—

- (a) where a notice of disclaimer has been served (whether in compliance with a notice to elect or not), shall order that the notice of disclaimer shall be of no effect;
- (b) where a notice to elect has been served and no notice of disclaimer has been served in compliance therewith, shall order that any notice of disclaimer thereafter served by the tenant in compliance with the notice shall be of no effect;
- (c) where a notice to elect has been served and no notice of retention has been served in compliance therewith, may on the application of the tenant order that, notwithstanding any failure to comply with the notice to elect, the tenant shall not be deemed to have served a notice of retention.

**PART II.**  
*—cont.*

(6) Unless an application is made to the court under this section with respect to a notice of disclaimer or a notice to elect served with respect to a multiple lease, the land comprised in the lease shall be deemed for the purpose of any proceedings pursuant to the notice to have been unfit by reason of war damage at the time when the notice was served.

Power of landlord to recover possession of whole property comprised in ground lease or multiple lease.

**16.—(1)** Where under this Part of this Act—

- (a) a ground lease has been disclaimed or a multiple lease has been disclaimed as respects all or some of the separate tenements comprised therein; and
- (b) the landlord is not entitled to possession of the whole of the land comprised in the lease free from any interest in or derived out of the term created by the lease;

the court may, on the application of the landlord made at any time, grant to him the right to such possession on such terms as to payment of compensation or otherwise as appears just.

(2) Where—

- (a) land comprised in a ground lease which has not been disclaimed under this Part of this Act is unfit by reason of war damage; and
- (b) the term of the lease will expire before the expiration of five years from the date of an application under this section;

the court may, if it is satisfied on the application of the landlord, having regard to all the circumstances of the case, that it is equitable so to do, grant to him the right to possession of the land comprised in the lease on such terms as to payment of compensation or otherwise as appear just.

Exclusion of agricultural and mining leases.

**17.** Nothing in this Part of this Act shall apply to an agricultural lease or a mining lease.

**PART III.**

**MISCELLANEOUS AND GENERAL.**

Extension of powers as to

**18.—(1)** Where the buildings comprised in a ground lease or a multiple lease (whether made before or after the commencement of this Act) have been rendered unfit by



war damage, the provisions of section eighty-four of the Law of Property Act, 1925 (which relate to the discharge and modification of restrictive covenants) shall have effect, in relation to the land comprised in the lease, subject to the modifications specified in this section :

Provided that no application which could not have been entertained by the Authority if this section had not passed shall be made to the Authority after the buildings have been rendered fit.

(2) In addition to the grounds for the exercise of the powers of the Authority specified in paragraphs (a), (b) and (c) of subsection (1) of the said section eighty-four, those powers may be exercised, in relation to restrictions affecting the interest created by the lease, on the Authority being satisfied that the proposed discharge or modification is desirable in order to permit the economical use or development of the land comprised in the lease, or is otherwise desirable in the national interest.

(3) Where any restriction affecting the interest created by the lease is wholly or partially discharged or modified on any of the additional grounds specified in the last foregoing subsection, the powers of the Authority may be exercised on any of those additional grounds in relation to any similar restriction affecting the freehold out of which that interest is derived.

(4) The said section eighty-four shall, notwithstanding anything in subsection (12) thereof, apply to restrictions affecting interests created by the lease in like manner as it would have applied to restrictions affecting the land had the land been freehold, whatever the term of the lease and whatever period of the term has expired.

19. Where any buildings or works comprised in an agricultural lease or mining lease (whether made before or after the commencement of this Act) are unfit by reason of war damage, the court may, on the application of the tenant, either determine the lease or modify the terms thereof, whether by reducing the rent payable thereunder or otherwise, according as appears just having regard to all the circumstances of the case.

PART III.  
—cont.  
restrictive  
covenants  
in certain  
cases.

15 & 16  
Geo. 5. c. 20.

Provision  
as to agri-  
cultural  
and mining  
leases.

PART III.  
—cont.  
Provision  
as to  
notices.

**20.**—(1) Any notice required or authorised to be served under this Act shall be in writing.

(2) Any such notice may be served either—

(a) by delivering it to the person on whom it is to be served; or

(b) by leaving it at the usual or last known place of abode of that person; or

(c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode; or

(d) in a case where it is to be served on a body corporate, by delivering it to the secretary or clerk thereof at the registered or principal office thereof or sending it in a prepaid registered letter addressed to the secretary or clerk thereof at that office; or

(e) in such other manner as the court on an application made in that behalf may direct.

(3) Where the interest of a former landlord or tenant in the land comprised in a lease has passed to any person—

(a) service of any such notice on that former landlord or tenant by a person who does not know and has no reason to believe that the interest has passed, shall be treated for the purpose of this Act as service on the person to whom the interest has passed;

(b) the former landlord or tenant, on the receipt of any such notice, shall forthwith serve the notice on the person to whom the interest has passed, and, if he fails to do so, shall be liable to make good to any other person any damage suffered by that other person by reason of the failure.

(4) A notice with respect to a lease shall be deemed for the purposes of this Act to have been served on the landlord if it is served on any person for the time being authorised by the landlord to receive the rent payable under the lease.

**21.** The provisions of this Act shall have effect in relation to any war damage notwithstanding any contract to the contrary made before that damage occurred.

Contracting  
out for-  
bidden.

**22.** This Act binds the Crown, and shall apply to land belonging to His Majesty, or forming part of the possessions of the Duchy of Cornwall, or belonging to a Government Department, or held in trust for His Majesty for the purposes of a Government Department.

PART III.  
—*cont.*  
Application  
to the  
Crown.

**23.**—(1) Subject to the provisions of section one hundred and eleven of the County Courts Act, 1934 (which provides for the removal into the High Court of any proceedings commenced in a county court), the jurisdiction of the court under this Act shall be exercised by a county court.

Provisions  
as to county  
courts.  
24 & 25  
Geo. 5. c. 53.

(2) In any proceedings under this Act, the powers of a judge of summoning one assessor under subsection (1) of section eighty-eight of the County Courts Act, 1934, may be exercised notwithstanding that no application is made in that behalf by any party to the proceedings.

(3) Where an assessor is summoned by a judge in any proceedings by virtue of the last foregoing subsection—

- (a) he may, if so directed by the judge, inspect the land to which the proceedings relate without the judge, and report to the judge in writing thereon; and
- (b) the judge may, on consideration of the report and any observations of the parties thereon, give such judgment or make such order in the proceedings as may be just.

(4) The remuneration of an assessor summoned as aforesaid shall be defrayed out of moneys provided by Parliament.

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

Interpreta-  
tion.

“agricultural lease” means a lease the land comprised wherein consists wholly or mainly of agricultural land or agricultural buildings within the meaning of the Rating and Valuation (Apportionment) Act, 1928;

18 & 19  
Geo. 5. c. 44.

“annual value”, in relation to land, means the rent at which the land might reasonably be expected to let from year to year, if the tenant

## PART III.

—cont.

undertook to pay all usual tenants' rates and taxes and the landlord undertook to bear the cost of repairs and insurance and the other expenses necessary to command that rent;

“ground lease” means a lease at a rent (or, where the rent varies, at a maximum rent) which does not substantially exceed the rent which a tenant might reasonably have been expected, at the commencement of the term created by the lease, to pay for the land comprised in the lease, excluding any buildings, for a term equal to the term created by the lease;

“interest,” in relation to land, means any estate or interest in the land, whether legal or equitable;

“land” means land of any tenure, and includes any buildings or works situated on, over or under land;

“landlord” in relation to a lease means the person who under the lease is, as between himself and the tenant, for the time being entitled to the rents and profits of the demised premises payable under the lease;

“lease” and “mining lease” have the same meaning as in the Landlord and Tenant Act, 1927;

“mortgage” includes charge and debenture;

“multiple lease” means a lease comprising buildings which are used or adapted for use as two or more separate tenements;

“tenant,” in relation to a lease, means the person for the time being entitled to the term created by the lease;

“unfit” means—

(a) in relation to buildings or works, or to land of which three-quarters or more of the value is attributable to buildings or works, unfit for the purpose for which those buildings or works were used or adapted for use immediately before the occurrence of the war damage in question, having regard to the class of tenant likely to occupy similar buildings or works which are not unfit for that purpose,

to the standard of accommodation available at the material time, and to all other circumstances; and

PART III.  
—cont.

(b) in relation to other land, unfit for any purpose for which the tenant can be reasonably expected to use the land, having regard to the terms of the lease under which it is held;

and the expression “fit” shall be construed accordingly;

“war damage” means damage caused by, or in repelling, enemy action, or by measures taken to avoid the spreading of the consequences of damage caused by, or in repelling, enemy action.

**25.** Notwithstanding anything in the Government of Ireland Act, 1920, the Parliament of Northern Ireland shall have power to make laws, in respect of matters exclusively relating to the portion of Ireland within their jurisdiction or any part thereof, for purposes similar to the purposes of this Act.

Provision  
as to  
Northern  
Ireland.  
10 & 11  
Geo. 5. c. 67.

**26.**—(1) This Act may be cited as the Landlord and Tenant (War Damage) Act, 1939.

Short title  
and extent.

(2) No provision of this Act shall extend to Scotland, and no provision of this Act, except the provisions of the last foregoing section, shall extend to Northern Ireland.

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## CHAPTER 73.

An Act to empower local authorities to make fit for housing purposes buildings damaged by war, and for purposes connected therewith.

[1st September 1939.]

**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

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

Power for local authorities to repair war damaged buildings.

1. Where a local authority are satisfied—

- (a) that any building, whether a house or not, is in any respect unfit for housing purposes by reason of war damage; and
- (b) that the building is capable at reasonable expense of being rendered fit for housing purposes; and
- (c) that lack of housing accommodation in the area of the authority makes it necessary that the building should be rendered so fit; and
- (d) that the person having control of the building is unable or unwilling to carry out the works necessary to render it so fit;

the following provisions shall have effect—

- (i) the local authority, with the consent of the Minister of Health, may serve upon the person having control of the building a notice stating that at the expiration of such period, not being less than fourteen days, as may be specified in the notice, they intend to execute such works as may be so specified and stating that in the opinion of the authority those works are necessary to render the building fit for housing purposes;
- (ii) at the expiration of the period specified in the notice, the local authority, after considering any representations made by the person in control of the building, may enter upon the building and execute the works specified in the notice, or such other works, being works which in the opinion of the authority will render the building fit as aforesaid, as may be agreed between the authority and the person having control of the building:

Provided that where the local authority are also satisfied that temporary repairs to the building are immediately necessary to avoid danger to health, they

may at any time, without serving such a notice as aforesaid and without the consent of the Minister of Health, enter upon the building and execute such repairs, but without prejudice to their powers under paragraphs (i) and (ii) of this section.

2.—(1) The Housing Act, 1936, shall have effect as if the foregoing section were included in Part II of that Act, subject however to the modifications and exceptions hereafter specified in this section.

Application  
of the  
Housing  
Act, 1936.  
26 Geo. 5. &  
1 Edw. 8.  
c. 51.

(2) Subsection (4) of section nine of the said Act (which defines the person having control of a house) and section nineteen of that Act (which provides for protection of owners of houses) shall have effect as if references to a house included references to a building.

(3) Subsections (3), (4), (5) and (6) of section ten of the said Act (which relate to the recovery of expenses incurred by an authority under that section) shall have effect as if references to that section included references to section one of this Act and as if references to a house included references to a building :

Provided that no demand for expenses incurred by a local authority under this Act shall be made under subsection (3) of the said section ten until the end of the period of the present emergency.

(4) For the purpose of section fifteen of the Housing Act, 1936 (which relates to appeals), a notice under section one of this Act shall not be deemed to be a notice requiring the execution of works.

3.—(1) The Minister of Health may lend money for the purposes of section one of this Act to any local authority on such terms as he, with the approval of the Treasury, may fix, and, notwithstanding anything in any enactment, a local authority may borrow on the terms so fixed for those purposes.

Loans for  
purposes  
of Act.

(2) Any sums required by the Minister of Health for the purpose of a loan under this section shall be paid out of moneys provided by Parliament, and any sums received by him by way of repayment of a loan under this section or by way of interest thereon, shall be paid into the Exchequer.

Application  
to Scotland.

4.—(1) Sections one and three of this Act shall in their application to Scotland have effect as if for references to the Minister of Health there were substituted references to the Secretary of State.

15 & 16  
Geo. 5. c. 15.

(2) The Housing (Scotland) Acts, 1925 to 1938, shall have effect as if section one of this Act were included in Part I of the Housing (Scotland) Act, 1925, subject, however, to the modifications and exceptions hereafter specified in this section.

20 & 21  
Geo. 5. c. 40.

(3) Subsection (2) of section fourteen of the Housing (Scotland) Act, 1930 (which defines the person having control of a house), shall have effect as if references to a house included references to a building.

1 & 2 Geo. 6.  
c. 38.

(4) Subsections (2) and (3) of section fifteen of the said Act of 1930, and subsection (1) of section eleven of the Housing (Agricultural Population) (Scotland) Act, 1938 (which relate to the recovery of expenses incurred by an authority under the said section fifteen), shall have effect as if references to the said section fifteen included references to section one of this Act:

Provided that no demand for expenses incurred by a local authority under this Act shall be made under subsection (2) of the said section fifteen, nor shall any charging order in respect of such expenses be made, until the end of the period of the present emergency.

(5) For the purposes of section twenty of the said Act of 1930 (which relates to appeals), a notice under section one of this Act shall not be deemed to be a notice requiring the execution of works.

Provision  
as to  
Northern  
Ireland.  
10 & 11  
Geo. 5. c. 67.

5. Notwithstanding anything in the Government of Ireland Act, 1920, the Parliament of Northern Ireland shall have power to make laws, in respect of matters exclusively relating to the portion of Ireland within their jurisdiction or any part thereof, for purposes similar to the purposes of this Act.

Short title,  
interpreta-  
tion and  
extent.

6.—(1) This Act may be cited as the Housing (Emergency Powers) Act, 1939.

(2) In this Act—

(a) the expression “war damage” means damage caused by enemy action or in repelling



enemy action or by measures taken to mitigate the consequences of damage caused by enemy action or in repelling enemy action ;

- (b) the expression " period of the present emergency " means the period beginning with the date of the passing of this Act and ending with such day as His Majesty may by Order in Council declare to be the day on which the emergency that was the occasion of the passing of this Act came to an end.

(3) No provision of this Act, except the provisions of the last foregoing section, shall extend to Northern Ireland.

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## CHAPTER 74.

An Act to provide for the repair of buildings used for purposes essential to the welfare of the civil population, and the reinstatement of the plant of undertakings carried on for such purposes, where the buildings or plant are damaged by war. [1st September 1939.]

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

1.—(1) Where the appropriate Minister is satisfied on the representations of a local authority or otherwise— Loans for repairs to buildings.

- (a) that any building used for purposes which, in the opinion of the appropriate Minister, are essential to the welfare of the civil population has become wholly or partly incapable of use for those purposes by reason of war damage; and

- (b) that the building can be rendered fit to be used for those purposes (hereafter in this section referred to as " the essential purposes ") at a reasonable cost; and

- (c) that lack of buildings available for the said purposes makes it essential that the building should be rendered so fit;

the following provisions of this section shall have effect:

Provided that nothing in this section shall apply to a building used solely for housing purposes.

(2) Where a local authority is an owner or occupier of the building (whether or not some other person is an owner or occupier thereof)—

- (a) the appropriate Minister may, with the approval of the Treasury, lend to that authority such money as appears to him to be necessary for carrying out the works which in his opinion will render the building fit to be used for the essential purposes;

- (b) if the appropriate Minister considers that it is essential for the welfare of the civil population that certain works should be carried out forthwith, he may—

(i) by notice require the said authority, or in special circumstances the housing authority in whose area the building is situated, to carry out those works; and

(ii) with the approval of the Treasury, lend to the authority so required such money as in his opinion is necessary to enable the authority to comply with the requirement.

(3) Where some person other than a local authority is an owner or occupier of the building (whether or not a local authority is an owner or occupier thereof)—

- (a) the appropriate Minister (with the approval of the Treasury) or the housing authority in whose area the building is situated, may lend to that person such money as appears to that Minister to be necessary for carrying out the works which in the opinion of that Minister will render the building fit to be used for the essential purposes; and

- (b) where such money is lent to that person by that housing authority, the appropriate Minister may, with the approval of the Treasury, lend an equivalent amount to that authority:

Provided that no loan shall be made to any person under paragraph (a) of this subsection unless the appropriate Minister or the housing authority, as the case may be, is satisfied that that person is willing, but unable without financial assistance, to carry out the said works.

(4) Where—

- (a) the building is a building to which this subsection applies and no local authority is an owner or occupier thereof; and
- (b) the appropriate Minister considers that it is essential for the welfare of the civil population that certain works should be carried out forthwith; and
- (c) any person being an owner or occupier of the building is willing for those works to be carried out but is unable to carry them out without financial assistance;

then—

- (i) the appropriate Minister may by notice require the housing authority in whose area the building is situated either to carry out the said works themselves or to lend to the person so willing such money as appears to that Minister to be necessary for carrying out those works;
- (ii) the appropriate Minister may, with the approval of the Treasury, lend to the said housing authority any money required by the authority for the purpose of complying with the said notice;
- (iii) where the works are carried out by the housing authority, the provisions of subsections (3), (4), (5) and (6) of section ten of the Housing Act, 1936 (which relate to the recovery of expenses incurred by an authority under that section) shall have effect as if references to that section included references to this subsection, and as if references to a house included references to a building :

26 Geo. 5. &  
1 Edw. 8.  
c. 51.

Provided that no demand for expenses incurred in carrying out the said works shall

be made under subsection (3) of the said section ten until the end of the period of the present emergency.

(5) The last foregoing subsection applies to the following buildings, namely—

- (a) buildings used as hospitals or first-aid posts or otherwise for civil defence purposes;
- (b) buildings used as schools or other educational establishments; and
- (c) buildings of any other class to which the Minister of Health may by order declare that the said subsection applies.

(6) Any order made by the Minister of Health as aforesaid may be varied or revoked by a subsequent order made by him.

2. Where the appropriate Minister is satisfied, on the representations of a local authority or otherwise—

- (a) that any undertaking, carried on wholly or partly for purposes which, in the opinion of the appropriate Minister, are essential to the welfare of the civil population, has become wholly or partly incapable of being carried on for those purposes by reason of the occurrence of war damage to any plant used for the purposes of the undertaking; and
- (b) that the plant can be repaired or replaced at a reasonable cost; and
- (c) that lack of undertakings carried on for the said purposes makes it essential that the plant should be repaired or replaced; and
- (d) in a case where the undertaking is being carried on by some person other than a local authority, that that person is willing, but unable without financial assistance, to repair the plant;

the appropriate Minister may, with the approval of the Treasury, lend to the person carrying on the undertaking such money as appears to the appropriate Minister to be necessary for repairing or replacing the plant so as to enable the undertaking to be carried on.

3.—(1) Any loan made under this Act by the appropriate Minister or a local authority shall be made on such terms as may (subject to the provisions of this

Loans for  
reinstatement of  
plant.

Terms of  
loans, &c.

section) be fixed by the appropriate Minister with the approval of the Treasury, and, notwithstanding anything in any enactment or other instrument, any local authority or other person to whom a loan may be made under this Act shall be deemed to have power to borrow the amount of the loan for the purpose for which it is made on the terms so fixed.

(2) Any sums required by the appropriate Minister for the purpose of a loan under this Act shall be paid out of moneys provided by Parliament, and any sums received by the appropriate Minister by way of repayment of a loan under this Act, or by way of interest thereon, shall be paid into the Exchequer.

(3) Any loan made under section one of this Act by the appropriate Minister or a housing authority to any person not being a local authority shall be a charge on the premises in respect of which the loan is made, and the appropriate Minister or housing authority shall, for the purpose of enforcing that charge, have all the same powers and remedies under the Law of Property Act, 1925, and otherwise as if they were mortgagees by deed having powers of sale and lease, powers of accepting surrenders of leases and powers of appointing a receiver.

15 & 16  
Geo. 5. c. 20.

(4) Where a loan is made under section two of this Act to a company as defined by section three hundred and eighty of the Companies Act, 1929—

19 & 20  
Geo. 5. c. 23.

(a) the loan shall be secured by a floating charge on the undertaking of the company created by a debenture in such form and containing such conditions as the appropriate Minister, with the approval of the Treasury, may determine;

(b) notwithstanding anything in section seventy-nine of that Act—

(i) the said charge shall not be void for want of registration within the twenty-one days mentioned in that section except against a creditor in respect of a debt secured by a charge which is duly registered for the purpose of that section after the end of those twenty-one days and before the date when the first-mentioned charge is so registered; and

(ii) where the said charge is void under the foregoing sub-paragraph, the money secured thereby shall not immediately become payable.

(5) Where a loan is made under section two of this Act to a person not being such a company as aforesaid or a local authority—

(a) the loan shall be secured by a charge which shall be created and have effect in accordance with the provisions of Part I of the Schedule to this Act;

(b) if the said charge is not registered with the Chief Land Registrar in accordance with regulations made under Part II of that Schedule within twenty-one days after the date of its creation, it shall be void against a creditor in respect of a debt secured by a charge which is duly created by the borrower after the end of the said twenty-one days and before the date when the first-mentioned charge is so registered.

(6) Notwithstanding the provisions of any enactment or other instrument or any rule of law, any charge created in accordance with the provisions of paragraph (a) of either of the last two foregoing subsections shall have priority over any other charge (whenever created) affecting the property comprised therein :

4 & 5 Geo. 5. c. 59. Provided that nothing in this subsection shall affect the provisions of section thirty-three of the Bankruptcy Act, 1914, or sections seventy-eight or two hundred and sixty-four of the Companies Act, 1929, as amended by any subsequent enactment (which relate to preferential payments in the event of bankruptcy or the appointment of a receiver or winding up of a company).

Inter-  
pretation

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

“ appropriate Minister ” means, in relation to any building or undertaking, the Secretary of State or other Minister in charge of the Government Department concerned with the purposes for which the building is used or the undertaking is carried on ;

“ building ” includes any land used with a building ;

“ housing authority ” means the council of a county borough, county district or metropolitan borough or the Common Council of the City of London ;

“ local authority ” means the council of a county, county borough, county district or metropolitan borough, or the Common Council of the City of London, or a joint board or joint committee constituted under any enactment to discharge the functions of two or more such councils ;

“ owner ”, in relation to a building, does not include a mortgagee not in possession, but includes a person entitled to the rents and profits of the building under a lease or agreement the unexpired term whereof exceeds three years ;

“ period of the present emergency ” means the period beginning with the date of the passing of this Act and ending with such day as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end ;

“ plant ” includes works other than buildings ;

“ war damage ” means damage caused by, or in repelling, enemy action or by measures taken to avoid the spreading of the consequences of damage caused by, or in repelling, enemy action.

(2) If any question arises as to who was or is the appropriate Minister in relation to any building or undertaking, the question shall be referred to and determined by the Treasury, whose decision shall for all purposes be final.

**5.** This Act shall in its application to Scotland have effect subject to the following modifications :— Application  
to Scotland.

(a) for any reference to the Minister of Health there shall be substituted a reference to the Secretary of State ;

(b) for paragraph (iii) of subsection (4) of section one there shall be substituted the following paragraph :—

“ (iii) where the works are carried out by the housing authority, the provisions of subsections (2) and (3) of section fifteen of the

20 & 21  
Geo. 5. c. 40.  
1 & 2 Geo. 6.  
c. 38.

Housing (Scotland) Act, 1930, and subsection (1) of section eleven of the Housing (Agricultural Population) (Scotland) Act, 1938 (which relate to the recovery of expenses incurred by an authority under the said section fifteen), shall have effect as if references to the said section fifteen and to a house included respectively references to this subsection and to a building, and as if for any reference to the Department of Health for Scotland in the said section fifteen or in the enactments applied by the said subsection (1) there were substituted a reference to the Secretary of State :

Provided that no demand for expenses incurred in carrying out the said works shall be made under subsection (3) of the said section fifteen, nor shall any charging order in respect of such expenses be made, until the end of the period of the present emergency ”;

(c) for subsection (3) of section three there shall be substituted the following subsection :—

“ (3) Where the appropriate **Minister** or a housing authority have made a loan under section one of this Act to any person, not being a local authority, it shall be competent for that **Minister** or the housing authority, as the case may be, after the end of the period of the present emergency to make in favour of themselves a charging order charging and burdening the premises in respect of which the loan was made with an annuity to repay the loan in like manner as a local authority may make a charging order in favour of themselves in respect of expenses incurred in the execution of works under section fifteen of the Housing (Scotland) Act, 1930; and the provisions of subsection (1) of section eleven of the Housing (Agricultural Population) (Scotland) Act, 1938, shall apply to a charging order made in pursuance of this



subsection, subject to the following and any other necessary modifications—

(i) the annuity charged shall be such sum and payable for such term of years as the appropriate Minister, with approval of the Treasury, may fix; and

(ii) for any reference to the Department of Health for Scotland in the enactments applied by the said subsection (1) there shall be substituted a reference to the Secretary of State”;

(d) for subsections (4) and (5) of section three there shall be substituted the following subsection—

“(4) Where the appropriate Minister has made a loan under section two of this Act to a person other than a local authority, it shall be competent for the appropriate Minister, after the end of the period of the present emergency, to make in favour of himself a charging order charging and burdening any heritable property in Scotland belonging to the owner of the undertaking and employed by him for the purposes thereof with an annuity to repay the loan in like manner as he may make a charging order in respect of a loan made by him under section one of this Act, and the provisions of subsection (3) of this section shall with any necessary modifications apply accordingly to a charging order made under this subsection”;

and subsection (6) of section three shall not apply;

(e) in subsection (1) of section four, for the definitions of “housing authority”, “local authority” and “owner”, there shall be substituted respectively the following definitions—

“‘housing authority’ means a county or town council;

‘local authority’ means a county or town council or a joint board or joint committee constituted under any enactment to discharge the functions of two or more such councils;

'owner', in relation to a building, includes any person who under the Lands Clauses Acts would be enabled to sell and convey the building to the promoters of an undertaking."

Provision  
as to  
Northern  
Ireland.  
10 & 11  
Geo. 5. c. 67.

**6.** Notwithstanding anything in the Government of Ireland Act, 1920, the Parliament of Northern Ireland shall have power to make laws, in respect of matters exclusively relating to the portion of Ireland within their jurisdiction or any part thereof, for purposes similar to the purposes of this Act.

Short title  
and extent.

**7.—(1)** This Act may be cited as the Essential Buildings and Plant (Repair of War Damage) Act, 1939.

(2) No provision of this Act, except the provisions of the last foregoing section, shall extend to Northern Ireland.

Section 3.

## SCHEDULE.

PROVISIONS AS TO CHARGES TO SECURE LOANS IN  
RESPECT OF PLANT (OTHER THAN LOANS TO LOCAL  
AUTHORITIES AND COMPANIES).

### PART I.

#### CREATION AND EFFECT.

1. The loan shall be secured by a floating charge—

- (a) in the case of a loan to a body corporate, on the assets for the time being of the body corporate;
- (b) in any other case, on the assets for the time being invested or employed in the undertaking in respect of which the loan is made;

and any such charge shall, subject to the provisions of this Act, have the like effect as if it had been created by a duly registered debenture issued by a company.

2. The charge shall be created by an instrument in writing in such form and containing such terms as the appropriate Minister, with the approval of the Treasury, may determine, which shall have effect notwithstanding anything in the Bills of Sale Acts, 1878 and 1882, and shall not be deemed to be a bill of sale within the meaning of those Acts.

3. Upon the happening of any event specified in that behalf in the instrument creating the charge, the charge shall become a fixed charge upon the property comprised therein as existing at the date of its becoming a fixed charge, and thereupon the appropriate Minister and the borrower shall have such rights and duties as may be specified in that instrument.

## PART II.

### REGISTRATION.

The Lord Chancellor may make regulations—

- (a) providing for the registration by the Chief Land Registrar of charges created under this Schedule and the removal of such charges from the register;
- (b) applying to the registration of such charges, with such modifications as appear to be necessary or expedient, any enactment relating to the registration of land charges;
- (c) providing for the furnishing to any person, on payment of such fee as may be prescribed by the regulations, of a copy of any entry in the register certified to be a true copy by such person as may be so prescribed;
- (d) providing for the manner in which the registration of a charge under the regulations may be proved in any legal proceedings.

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## CHAPTER 75.

An Act to provide for compensation in respect of action taken on behalf of His Majesty in the exercise of certain emergency powers; and for purposes connected with the matter aforesaid.

[1st September 1939.]

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

### *Right to, and measure of, compensation.*

**1.**—(1) Where, in the exercise of emergency powers during the period beginning with the twenty-fourth day of August, nineteen hundred and thirty-nine, and ending

Compensation for action taken in the

exercise of  
emergency  
powers.

with such day as His Majesty may by Order in Council declare to be the day on which the emergency came to an end,—

- (a) possession of any land has been taken on behalf of His Majesty, or
- (b) any property other than land has been requisitioned or acquired on behalf of His Majesty, or
- (c) any work has been done on any land on behalf of His Majesty, otherwise than by way of measures taken to avoid the spreading of the consequences of damage caused by war operations,

then, subject to the following provisions of this Act, compensation assessed in accordance with those provisions shall be paid, out of moneys provided by Parliament, in respect of the taking possession of the land, the requisition or acquisition of the property, or the doing of the work, as the case may be.

(2) For the purposes of this section, a requirement that any space or accommodation in a ship or an aircraft be placed at the disposal of any authority shall be deemed to be a requisition of property.

Compensa-  
tion in  
respect of  
taking pos-  
session of  
land.

2.—(1) The compensation payable under this Act in respect of the taking possession of any land shall be the aggregate of the following sums, that is to say,—

- (a) a sum equal to the rent which might reasonably be expected to be payable by a tenant in occupation of the land, during the period for which possession of the land is retained in the exercise of emergency powers, under a lease granted immediately before the beginning of that period, whereby the tenant undertook to pay all usual tenant's rates and taxes and to bear the cost of the repairs and insurance and the other expenses, if any, necessary to maintain the land in a state to command that rent, and
- (b) a sum equal to the cost of making good any damage to the land which may have occurred during the period for which possession thereof is so retained (except in so far as the damage has been made good during that period by a person acting on behalf of His Majesty), no

account being taken of fair wear and tear or of damage caused by war operations, and

- (c) in a case where the land is agricultural land, a sum equal to the amount (if any) which might reasonably have been expected to be payable in addition to rent by an incoming tenant, in respect of things previously done for the purpose of the cultivation of the land, and in respect of seeds, tillages, growing crops and other similar matters, under a lease of the land granted immediately before possession thereof was taken in the exercise of emergency powers, and
- (d) a sum equal to the amount of any expenses reasonably incurred, otherwise than on behalf of His Majesty, for the purpose of compliance with any directions given on behalf of His Majesty in connection with the taking possession of the land :

Provided that—

- (i) in computing for the purposes of paragraph (a) of this subsection the rent which might reasonably be expected to be payable in respect of any land, and in computing for the purposes of paragraph (c) of this subsection any amount which might reasonably have been expected to be payable in addition to rent by an incoming tenant, no account shall be taken of any appreciation of values due to the emergency; and
- (ii) there shall not, by virtue of paragraph (b) of this subsection, be payable in respect of damage to any land a sum greater than the value of the land at the time when possession thereof was taken in the exercise of emergency powers, no account being taken of any appreciation in the value thereof due to the emergency.

(2) Any compensation under paragraph (a) of the preceding subsection shall be considered as accruing due from day to day during the period for which the possession of the land is taken in the exercise of emergency powers, and be apportionable in respect of time accordingly, and shall be paid to the person who for

the time being would be entitled to occupy the land but for the fact that possession thereof is retained in the exercise of such powers; but this subsection shall not operate so as to require the making of payments at intervals of less than three months.

For the purposes of the enactments relating to income tax and the enactments relating to land tax, and in particular for the purposes of such of those enactments as relate to the deduction of tax from rent, any compensation under the said paragraph (a) shall be deemed to be rent payable for the land, the Crown shall be deemed to pay it as tenant occupier, and the person receiving it shall be deemed to receive it as landlord.

(3) Any compensation under paragraph (b) of subsection (1) of this section shall accrue due at the end of the period for which possession of the land is retained in the exercise of emergency powers, and shall be paid to the person who is then the owner of the land.

(4) Any compensation under paragraph (c) of subsection (1) of this section shall accrue due at the time when possession of the land is taken in the exercise of emergency powers, and shall be paid to the person who, immediately before that time, was the occupier of the land.

(5) Any compensation under paragraph (d) of subsection (1) of this section shall accrue due at the time when the expenses in respect of which the compensation is payable are incurred, and shall be paid to the person by whom or on whose behalf those expenses were incurred.

Compensation in respect of the doing of work on land.

**3.**—(1) Compensation under this Act in respect of the doing of any work on any land shall be payable only if the annual value of the land is diminished by reason of the doing of the work.

(2) The compensation payable under this Act in respect of the doing of any work on any land shall, in the first instance, be a sum calculated by reference to the diminution of the annual value of the land ascribable to the doing of the work, and shall be paid in instalments, quarterly in arrear, to the person who for the time being is entitled to occupy the land.

Any compensation under this subsection shall be considered as accruing due from day to day, and shall be apportionable in respect of time accordingly.

(3) If, at any time after compensation under the preceding subsection has become payable by reason of the doing of any work on any land, a person acting on behalf of His Majesty—

- (a) causes the land to be restored, so far as practicable, to the condition in which it would be but for the doing of the work, or
- (b) serves on the person for the time being entitled to occupy the land a written notice of intention to discharge the liability for the compensation by making, not earlier than a date specified in the notice, payment of a lump sum in accordance with the following provisions of this section,

the period in respect of which compensation is payable under the preceding subsection by reason of the doing of the work shall end with the date immediately preceding the date on which the restoration is completed or, as the case may be, the date specified in the notice.

(4) Where, by virtue of the operation of the last preceding subsection in relation to any work done on any land, the period in respect of which compensation under subsection (1) of this section is payable by reason of the doing of the work comes to an end, then if, at the expiration of that period, the value of any estate or interest which a person then has in the land is less than it would be but for the doing of the work, there shall be paid to him, by way of compensation under this Act, a sum equal to the amount of the said depreciation in the value of the estate or interest; and that compensation shall be taken to accrue due at the expiration of the said period.

(5) As soon as may be after effecting any restoration or serving any notice in pursuance of subsection (3) of this section, the person by whom the restoration was effected or the notice was served shall cause the fact of the restoration or the contents of the notice, as the case may be, to be published in such manner as he thinks best adapted for informing persons affected.

(6) In determining for the purposes of this section whether the annual value of any land is diminished by reason of the doing of any work thereon, and in assessing any compensation under this section in respect of the

doing of any work on any land, it shall be assumed that the land cannot be restored to the condition in which it would be but for the doing of the work.

(7) For the purposes of this section, no account shall be taken of any diminution or depreciation in value ascribable only to loss of pleasure or amenity.

(8) No compensation under this section shall, in relation to any land, be payable in respect of any period for which possession of that land is taken on behalf of His Majesty in the exercise of emergency powers.

(9) In this section—

(a) the expression “annual value” means, in relation to any land, the rent at which the land might reasonably be expected to let from year to year, if the tenant undertook to pay all usual tenant’s rates and taxes and to bear the costs of the repairs and insurance and the other expenses, if any, necessary to maintain the land in a state to command that rent; and

(b) the expression “diminution of the annual value” means, in relation to the doing of any work on any land, the amount by which the annual value of the land is less than it would be if the work had not been done.

Compensation in respect of requisition or acquisition of vessels, vehicles and aircraft.

4.—(1) The compensation payable under this Act in respect of the requisition of any vessel, vehicle or aircraft shall be the aggregate of the following sums, that is to say,—

(a) a sum equal to the amount which might reasonably be expected to be payable by a person for the use of the vessel, vehicle or aircraft during the period of the requisition, under a charter or contract of hiring whereby he undertook to bear the cost of insuring, maintaining and running the vessel, vehicle or aircraft, and

(b) if an agreement is made on behalf of His Majesty for the running of the vessel, vehicle or aircraft during the said period by the person who, but for the requisition, would be entitled to possession of the vessel, vehicle or aircraft, or who is the owner thereof, a sum equal to the



amount of any expenses reasonably incurred by that person in connection with the maintenance and running of the vessel, vehicle or aircraft during that period, not being expenses taken into account for the purposes of paragraph (a) of this subsection, and

- (c) a sum equal to the cost of making good any damage to the vessel, vehicle or aircraft not resulting in a total loss thereof, which may have occurred during the said period (except in so far as the damage has been made good during that period by a person acting on behalf of His Majesty), no account being taken of fair wear and tear, and
- (d) in a case where, during the period of the requisition, a total loss of the vessel, vehicle or aircraft occurs, a sum equal to the value of the vessel, vehicle or aircraft immediately before the occurrence of the damage which caused the loss, and
- (e) a sum equal to the amount of any expenses reasonably incurred, otherwise than on behalf of His Majesty, for the purpose of compliance with any directions given on behalf of His Majesty in connection with the requisition :

Provided that—

- (i) in computing for the purposes of paragraph (a) of this subsection the amount which might reasonably be expected to be payable for the use of any vessel, vehicle or aircraft, no account shall be taken of any appreciation in the value thereof due to the emergency; and
- (ii) no compensation shall by virtue of this subsection be payable in respect of any loss of, or damage to, any vehicle or aircraft arising in consequence of war operations, unless it is shown that, at the time when the loss or damage occurred, the risk of the vehicle or aircraft being lost or damaged in consequence of war operations was materially increased by reason of the requisition thereof in the exercise of emergency powers; and
- (iii) no compensation shall by virtue of paragraph (c) of this subsection be payable in respect

of any damage, if compensation in respect of expenses incurred for the purpose of making good that damage has accrued due by virtue of paragraph (b) of this subsection.

(2) Any compensation under paragraph (a) of the preceding subsection shall be considered as accruing due from day to day during the period for which the vessel, vehicle or aircraft is requisitioned in the exercise of emergency powers, and be apportionable in respect of time accordingly, and shall be paid to the person who, at the time when the compensation accrues due, is the owner of the vessel, vehicle or aircraft; but this subsection shall not operate so as to require the making of payments at intervals of less than one month.

(3) Where, on the day on which any compensation accrues due by virtue of paragraph (a) of subsection (1) of this section, a person other than the owner of the vessel, vehicle or aircraft is, by virtue of a subsisting charter or contract of hiring, the person who would be entitled to possession of, or to use, the vessel, vehicle or aircraft but for the requisition, the person to whom the compensation is paid shall be deemed to receive it as a trustee for the first mentioned person.

(4) Any compensation under paragraph (b) or paragraph (e) of subsection (1) of this section shall accrue due at the time when the expenses in respect of which the compensation is payable are incurred, and shall be paid to the person by whom or on whose behalf those expenses were incurred; but this subsection shall not operate so as to require the making of payments at intervals of less than one month.

(5) Any compensation under paragraph (c) or paragraph (d) of subsection (1) of this section shall accrue due at the end of the period of the requisition, and shall, subject to the following provisions of this Act, be paid to the person who is then the owner of the vessel, vehicle or aircraft.

(6) For the purposes of subsection (1) of this section, the expression "total loss" shall have the same meaning as it has for the purposes of the law relating to insurance, and accordingly shall be construed as including constructive total loss; and upon the payment to any person of any compensation which has become payable

by virtue of paragraph (d) of that subsection in respect of any loss, the Crown shall have the same right to take over an interest in whatever remains of the vessel, vehicle or aircraft, and the same rights and remedies in and in respect of the vessel, vehicle or aircraft, as it would have if the payment had been made by the Crown as the insurer under a contract insuring that person against the loss.

(7) The compensation payable under this Act in respect of the acquisition of any vessel, vehicle or aircraft shall be a sum equal to the value of the vessel, vehicle or aircraft immediately before the acquisition, no account being taken of any appreciation due to the emergency, and shall, subject to the following provisions of this Act, be paid to the person who is then the owner of the vessel, vehicle or aircraft.

For the purpose of assessing any compensation under this subsection in respect of the acquisition of any vessel, vehicle or aircraft, no account shall be taken of any compensation under paragraph (a) or paragraph (c) of subsection (1) of this section which may have become payable in respect of the requisition of that vessel, vehicle or aircraft.

(8) Where, at any time during the period for which a vessel, vehicle or aircraft is requisitioned on behalf of His Majesty in the exercise of emergency powers,—

(a) a written notice stating that the vessel, vehicle or aircraft is to be treated as acquired on behalf of His Majesty is served on the owner thereof by a person acting on behalf of His Majesty, or

(b) the vessel, vehicle or aircraft is sold on behalf of His Majesty,

then, for the purposes of this section, the vessel, vehicle or aircraft shall be deemed to have been acquired on behalf of His Majesty in the exercise of emergency powers immediately before the day on which the said notice was served or, as the case may be, the day on which the vessel, vehicle or aircraft was so sold, and the period of requisition shall be deemed to have ended at the time when the acquisition of the vessel, vehicle or aircraft as aforesaid is deemed by virtue of this subsection to have been effected.

(9) Where there is effected such a sale of any vessel, vehicle or aircraft as is referred to in paragraph (b) of the last preceding subsection, the person by whom the sale was effected shall, as soon as may be thereafter, serve a written notice of the sale on the person who for the time being would be the owner of the vessel, vehicle or aircraft but for the sale thereof as aforesaid.

Compensation in respect of taking space or accommodation in ships and aircraft.

**5.**—(1) The compensation payable under this Act in respect of any requirement that any space or accommodation in a ship or an aircraft be placed at the disposal of any authority shall be the aggregate of the following sums, that is to say,—

- (a) a sum equal to the amount which might reasonably be expected to be payable for the use of that space or accommodation during the period for which it is at the disposal of the authority by virtue of that requirement, no account being taken of any appreciation of values due to the emergency, and
- (b) a sum equal to the amount of any expenses reasonably incurred, otherwise than on behalf of His Majesty, for the purpose of compliance with any directions given on behalf of His Majesty in connection with the said requirement.

(2) Any compensation under paragraph (a) of the preceding subsection shall be considered as accruing due from day to day during the period for which the space or accommodation remains at the disposal of the authority at whose disposal it was required to be placed, and be apportionable in respect of time accordingly, and shall be paid to the person who, at the time when the compensation accrues due, is the owner of the ship or aircraft; but this subsection shall not operate so as to require the making of any payment before the end of the said period.

(3) Where, on the day on which any compensation accrues due by virtue of paragraph (a) of subsection (1) of this section, a person other than the owner of the ship or aircraft is, by virtue of a subsisting charter or contract of hiring, entitled to possession of, or to use, the ship or aircraft, or is, by virtue of a subsisting contract, the person who would be entitled to use the space or accommodation

but for the requirement in respect of which the compensation is payable, the person to whom the compensation is paid shall be deemed to receive it as a trustee for the first mentioned person.

(4) Any compensation under paragraph (b) of subsection (1) of this section shall accrue due at the time when the expenses in respect of which the compensation is payable are incurred, and shall be paid to the person by whom or on whose behalf those expenses were incurred.

6.—(1) Subject to the provisions of the next following subsection, the compensation payable under this Act in respect of the requisition or acquisition of any goods shall be a sum equal to the price which the person who, immediately before the requisition or acquisition, was the owner of the goods might reasonably have been expected to obtain upon a sale of the goods then effected by him, regard being had to the condition of the goods at the time and no account being taken of any appreciation in the value of the goods due to the emergency.

Compensation in respect of requisition or acquisition of goods other than vessels, vehicles and aircraft.

(2) Any compensation under the preceding subsection shall not—

(a) in a case where the owner of the goods immediately before the requisition or acquisition, was a person who had produced the goods with a view to the sale thereof, exceed the aggregate of—

(i) the cost reasonably incurred by that person in producing the goods, and

(ii) the profit which he might reasonably have been expected to make on a sale of the goods effected by him immediately before the requisition or acquisition, or

(b) in a case where the owner of the goods, immediately before the requisition or acquisition, was some person other than the producer of the goods, and the goods had been bought by that person with a view to the sale thereof, exceed the aggregate of—

(i) the price which it was reasonable for him to pay for the goods when they were so bought by him, and

(ii) the profit which he might reasonably have been expected to make on a sale of the goods effected by him immediately before the requisition or acquisition;

and, in assessing such compensation in any other case, no account shall be taken of any profit which might be expected to be made on a sale of the goods:

Provided that if, at the time when any goods are requisitioned or acquired on behalf of His Majesty in the exercise of emergency powers, the price or maximum price at which such goods may be sold is fixed by law, this subsection shall not be taken to authorise the assessment, by way of compensation under the preceding subsection in respect of the requisition or acquisition, a sum exceeding that price or maximum price, as the case may be.

In the preceding provisions of this subsection the reference to a person who had produced the goods with a view to the sale thereof, and the reference to the producer of the goods, shall be construed as including a reference to his personal representative or any person carrying on business in succession to him by virtue of any assignment or transmission by operation of law.

(3) The compensation payable under this Act in respect of the requisition or acquisition of any goods shall include a sum equal to the amount of any expenses reasonably incurred, otherwise than on behalf of His Majesty, for the purpose of compliance with any directions given on behalf of His Majesty in connection with the requisition or acquisition.

(4) Any compensation under subsection (1) of this section shall accrue due at the time of the requisition or acquisition of the goods, and shall, subject to the following provisions of this Act, be paid to the person who is then the owner of the goods.

(5) Any compensation under subsection (3) of this section shall accrue due at the time when the expenses in respect of which the compensation is payable are incurred and shall be paid to the person by whom or on whose behalf those expenses were incurred.

*Tribunals for determining disputes.*

7. Any dispute as to whether any compensation is payable under this Act, or as to the amount of any compensation so payable, shall, in default of agreement, be referred to, and determined by, the appropriate tribunal constituted under the following provisions of this Act, and the decision of that tribunal shall be final: Determination of claims by tribunals in default of agreement.

Provided that at any stage in proceedings before it the tribunal may, and, if so directed by the High Court, shall, state in the form of a special case for the opinion of that Court any question of law arising in the course of the proceedings.

8.—(1) For the purpose of determining disputes as to the payment of compensation under this Act in respect of the requisition or acquisition of vessels or the taking of space or accommodation therein, there shall be a Shipping Claims Tribunal (hereinafter referred to as "the Shipping Tribunal"), consisting of a president and two other members appointed by the Lord Chancellor. Constitution of tribunals.

(2) The president and one of the other members of the Shipping Tribunal shall be respectively members of the legal profession who appear to the Lord Chancellor to have a special knowledge of commercial and admiralty law; and the third member of the tribunal shall be a person appearing to the Lord Chancellor to have special qualifications as an average adjuster or accountant.

(3) For the purpose of determining disputes as to the payment of compensation under this Act, other than disputes which by virtue of the preceding provisions of this Act are to be determined by the Shipping Tribunal, there shall be a General Claims Tribunal (hereinafter referred to as "the General Tribunal"), consisting of not less than seven persons appointed by the Lord Chancellor (including a judge of the High Court), together with a judge of the Court of Session appointed by the Lord President of the Court of Session and a judge of the High Court of Justice in Northern Ireland appointed by the Lord Chief Justice of Northern Ireland.

(4) The General Tribunal may sit in several divisions, so, however, that no division shall consist of less than three members of the tribunal.

(5) There shall be paid out of moneys provided by Parliament—

- (a) to any member of a tribunal constituted under this Act such remuneration (if any) as the Lord Chancellor, with the approval of the Treasury, may determine in his case, and
- (b) the amounts necessary to defray such expenses of the tribunals constituted under this Act as the Lord Chancellor and the Treasury may approve.

Incidental  
powers of  
tribunals.

**9.**—(1) Each of the tribunals constituted under this Act shall have the following powers, that is to say:—

- (a) to make, with the concurrence of the Lord Chancellor, rules prescribing the procedure for notifying, presenting and hearing claims and all matters incidental thereto;
- (b) to order persons to attend and give evidence, and to produce and give discovery and inspection of documents, in like manner as in proceedings in the High Court;
- (c) to award and assess, or direct the assessment of, such sums by way of costs as the tribunal in its discretion thinks just, and in particular to award costs to an unsuccessful claimant where such an award appears to the tribunal to be justified on the merits of the case;
- (d) to call in the aid of one or more assessors specially qualified, and hear any claim wholly or partly with their assistance;
- (e) to appoint an expert or experts to report on any matter material to the hearing of any claim;
- (f) to determine, subject to the approval of the Treasury, the remuneration, if any, of such assessors and experts.

(2) Rules made in pursuance of paragraph (a) of the preceding subsection may contain provisions authorising a tribunal to take into consideration any matter which the tribunal considers relevant to the subject of the inquiry before it, notwithstanding that the matter is not admissible in evidence under the law relating to evidence.



(3) The High Court shall have, for the purposes of and in relation to any proceedings under this Act, the same power of making orders in respect of any of the matters specified in paragraph (b) of subsection (1) of this section as it has for the purpose of and in relation to an action or matter in that Court.

*General and Supplementary Provisions.*

**10.** Any compensation under this Act shall carry interest, as from the date on which it accrues due until payment, at such rate not exceeding five per cent. per annum as the Treasury may from time to time by order prescribe.

Interest on compensation.

**11.** No claim for any compensation under this Act shall be entertained unless notice of the claim has, in such form and manner as may be prescribed, been given to the prescribed authority within the period of six months, or such longer period as the Treasury may, either generally or in relation to any particular claim or class of claims, allow, beginning in either case with the date on which the compensation accrues due or the date of the passing of this Act, whichever is the later.

Limitation of time for claiming compensation.

**12.—(1)** No person shall, by virtue of this Act, be entitled to compensation in respect of the acquisition on behalf of His Majesty of any currency, gold or securities, or in respect of the taking control on behalf of His Majesty of any railway undertaking or any undertaking carried on by any person by whom a railway undertaking is carried on, or of any part of such an undertaking as aforesaid.

Exclusion of compensation under Act in certain cases.

(2) No compensation shall, by virtue of this Act, be payable to any person in respect of any loss of, or damage to, property, if and so far as that person has become entitled, apart from the provisions of this Act, to recover any sum by way of damages or indemnity in respect of that loss or damage or is, at the time of the occurrence of the loss or damage, required under any contract with the Crown to be insured in respect thereof.

**13.** In a case where any property in respect of the requisition or acquisition of which compensation is required by the preceding provisions of this Act to be paid to the person who is the owner of the property immediately

Provisions as to property subject to

hire-  
purchase  
agreements.

before the requisition or acquisition, is then in the possession of some other person by virtue of a hire-purchase agreement, that person may, by a notice given in the prescribed form and manner to the prescribed authority, within the period limited by this Act in relation to the making of any claim by the owner for payment of the compensation, make a claim to have apportioned to him such part of the compensation as may be specified in his claim; and, in default of agreement between the parties, the last-mentioned claim shall be referred to the tribunal constituted under this Act which has jurisdiction in the matter of any such claim by the owner, and thereupon that tribunal may apportion the compensation between the owner and the other person in such manner as appears to it to be just.

Provisions  
as to  
property  
subject to  
mortgages,  
pledges, &c.

**14.** Where any sum by way of compensation is paid in accordance with any provisions of this Act requiring compensation to be paid to the owner of any property, then, if at the time when the compensation accrues due, the property is subject to any mortgage, pledge, lien or other similar obligation, the sum so paid shall be deemed to be comprised in that mortgage, pledge, lien or other obligation.

Compensa-  
tion payable  
apart from  
the Act.

**15.** The provisions of this Act shall be without prejudice to any agreement for the making of any payment (whether by way of compensation or otherwise) in respect of the doing of anything on behalf of His Majesty in the exercise of emergency powers; but, where compensation in respect of the doing of anything as aforesaid, would, apart from this section, be payable both under this Act and under some other enactment or rule of law, then, subject to any such agreement as aforesaid, the compensation shall be payable in accordance with this Act and not otherwise.

Service of  
notices.

**16.** Any notice which by this Act is required or authorised to be served on any person may be served by post.

Interpreta-  
tion.

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

“ agricultural land ” means any land used as arable, meadow or pasture land, land used for a plantation or a wood or for the growth of saleable

underwood, or land used for the purpose of poultry farming, market gardens, nursery grounds, orchards or allotments, including allotment gardens within the meaning of the Allotments Act, 1922;

12 & 13  
Geo. 5. c. 51.

“ aircraft ” means any flying machine, glider or airship or any balloon (whether fixed or free);

“ the emergency ” means the emergency that was the occasion of the passing of this Act;

“ emergency powers ” means any power conferred by—

(a) regulations made under the Emergency Powers (Defence) Act, 1939, as part of the law of the United Kingdom, 2 & 3 Geo. 6. c. 62.

(b) section fifty-two of the Telegraph Act, 1863, or 26 & 27 Vict. c. 112.

(c) section seven of the Air Navigation Act, 1920, as amended by any subsequent enactment, 10 & 11 Geo. 5. c. 80.

or any power exercisable by virtue of the prerogative of the Crown;

“ exercise ” includes purported exercise;

“ fair wear and tear,” in relation to any property possession of which is taken on behalf of His Majesty or which is requisitioned on behalf of His Majesty, means such fair wear and tear as might have been expected to occur but for the fact that possession of the property was so taken or that the property was so requisitioned, as the case may be;

“ goods ” means chattels other than vessels, vehicles and aircraft;

“ the High Court ” means the High Court of Justice in England;

“ hire-purchase agreement ” has the same meaning as in the Hire Purchase Act, 1938;

1 & 2 Geo. 6.  
c. 53.

“ land ” includes (without prejudice to any of the provisions of section three of the Interpretation Act, 1889,) land covered with water, and parts of houses or buildings;

52 & 53 Vict.  
c. 63.

“owner” means—

(a) in relation to land, the person who is receiving the rackrent of the land, whether on his own account or as agent or trustee for any other person, or who would so receive the rackrent of the land if it were let at a rackrent, or

(b) in relation to any property other than land, the person entitled to sell the property, it being assumed not to be subject to any mortgage, pledge, lien or other similar obligation;

and in this definition the expression “rackrent” has the same meaning as in the Public Health Act, 1936;

“prescribed” means prescribed by rules made by the Treasury;

“requisition” means, in relation to any property, take possession of the property or require the property to be placed at the disposal of the requisitioning authority;

“ship” and “vessel” have respectively the same meanings as in the Merchant Shipping Act, 1894; and

“war operations” means action taken by an enemy, or action taken in combating an enemy or in repelling an imagined attack by an enemy.

(2) For the purposes of this Act, the doing of work shall, in relation to any land, be deemed to include the demolition, pulling down, destruction or rendering useless of anything placed in, on or over that land the maintenance of any work or thing in, on or over the land, and the removal from the land of anything so placed, demolished or pulled down in the exercise of emergency powers.

Application  
to Scotland  
and  
Northern  
Ireland.  
22 & 23  
Geo. 5. c. 38.

**18.**—(1) For the purpose of the application of this Act to Scotland, the expression “chattels” means corporeal moveables; the expression “hire purchase agreement” means any contract to which the Hire Purchase and Small Debt (Scotland) Act, 1932, applies or would apply if the limitation as to value contained in section one of the said Act were omitted; the reference

in the last preceding section to the Allotments Act, 1922 shall be construed as a reference to the Allotments (Scotland) Act, 1922; and the expression "owner", where used in relation to land, has the like meaning as in the Public Health (Scotland) Act, 1897.

12 & 13  
Geo. 5. c. 52.

60 & 61 Vict.  
c. 38.

(2) Sections seven and nine of this Act shall have effect, in their application to proceedings in Scotland before a tribunal constituted under this Act, as if for references to the Lord Chancellor and to the High Court there were respectively substituted references to the Lord President of the Court of Session and to the Court of Session.

(3) For the purpose of the application of this Act to Northern Ireland, the expression "rackrent," where used in relation to land, has the same meaning as in the Public Health (Ireland) Act, 1878.

41 & 42 Vict.  
c. 62.

**19.**—(1) His Majesty may by Order in Council direct that this Act shall extend to the Isle of Man or any of the Channel Islands, with such exception, adaptations and modifications as may be specified in the Order.

Extension  
of Act to  
Isle of Man  
and Channel  
Islands.

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

**20.**—(1) This Act may be cited as the Compensation (Defence) Act, 1939.

Short title  
and com-  
mencement.

(2) This Act shall be deemed to have come into operation on the twenty-fourth day of August, nineteen hundred and thirty-nine.

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## CHAPTER 76.

An Act to make provision with respect to Regional Commissioners and other persons appointed for the purpose of securing the co-ordination of measures of civil defence. [1st September 1939.]

**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

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

Remuneration, and protection from parliamentary disqualification, of Regional Commissioners, &c.

**1.**—(1) There may be paid out of moneys provided by Parliament—

- (a) to any person appointed by His Majesty to be a Regional Commissioner for the co-ordination of measures of civil defence,
- (b) to any person appointed by His Majesty to be a Deputy Regional Commissioner for the co-ordination of measures of civil defence,
- (c) to any person appointed by the Secretary of State to be a District Commissioner in Scotland for the co-ordination of measures of civil defence, and
- (d) to any person appointed by the Secretary of State to be a Deputy District Commissioner in Scotland for the co-ordination of measures of civil defence,

such salary, and such allowance for expenses, as the Treasury may determine.

(2) No person to whom a salary or allowance is payable under this Act shall, by reason of his being the holder of the office or place in respect of which such a salary or allowance is payable, be rendered incapable of being elected, or of sitting or voting, as a member of the House of Commons.

Short title and duration of Act.

**2.**—(1) This Act may be cited as the Regional Commissioners Act, 1939.

(2) This Act shall continue in force until such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end, and shall then expire except as respects things previously done or omitted to be done.

**CHAPTER 77.**

An Act to make provision with respect to Ministers appointed in connection with the prosecution of war. [1st September 1939.]

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

1.—(1) His Majesty may by Order in Council direct that this Act shall apply to any Minister of the Crown appointed for the purpose of exercising functions connected with the prosecution of any war in which His Majesty may be engaged. Application of Act, and capacity to sit in House of Commons

(2) The office of a Minister to whom this Act applies or of a secretary appointed by such a Minister shall not render the holder thereof incapable of being elected to, or sitting or voting as a member of, the House of Commons, but not more than one secretary in each Ministry shall sit as a member of that House at the same time.

(3) Section two of the Re-election of Ministers Act, 1919 (which enables certain Ministers to sit in the House of Commons) shall not apply to any Minister to whom this Act applies. 9 & 10 Geo. 5. c. 2.

(4) In this Act the expression "the Minister" means any Minister to whom this Act applies, and the expression "Ministry" shall be construed accordingly.

2. The Minister shall take the oath of allegiance and the official oath, and shall be deemed to be included in the First Part of the Schedule to the Promissory Oaths Act, 1868. Minister to take oath of allegiance and official oath.  
31 & 32 Vict. c.72.

3.—(1) The Minister may appoint such secretaries, officers and servants as he may with the consent of the Treasury determine, and there shall be paid out of moneys provided by Parliament to the Minister, and to the secretaries, officers and servants appointed by Officers, remuneration and expenses.

him such salaries or remuneration as the Treasury may determine.

(2) The expenses of the Minister, to such amount as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament.

Seal, style  
and acts of  
Minister.

4.—(1) The Minister may adopt an official seal and describe himself generally by such style and title as may be specified in his appointment, and the seal of the Minister shall be officially and judicially noticed, and shall be authenticated by his signature or that of a secretary or some person authorised by the Minister to act in that behalf.

(2) Every document purporting to be an order or other instrument issued by the Minister, and either to be sealed with the seal of the Minister authenticated in manner provided by this section, or to be signed by the secretary or any person authorised by the Minister to sign it, shall be received in evidence and be deemed to be an order or instrument issued by the Minister without further proof, unless the contrary is shown.

(3) A certificate signed by the Minister that any order or other instrument purporting to be made or issued by him was so made or issued, shall be conclusive evidence of the fact so certified.

31 & 32 Vict.  
c. 37.  
45 & 46 Vict.  
c. 9.

(4) The Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall apply to the Minister in like manner as if he were mentioned in the first column of the Schedule to the first-mentioned Act, and as if he or a secretary of the Ministry, or any person authorised by the Minister to act on his behalf, were mentioned in the second column of that Schedule, and as if the regulations referred to in those Acts included any document issued by the Minister.

Transfer of  
statutory  
functions  
from  
Government  
depart-  
ments.

5.—(1) His Majesty may by Order in Council transfer to the Minister in addition to any other functions assigned to him, any functions exercisable, whether under any enactment or otherwise, by any Government department, or may by such an Order authorise the Minister to exercise any such functions concurrently with the Government department concerned.



(2) Any Order in Council made under the last foregoing subsection may contain such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to the Order, including provisions—

- (a) for the transfer of any property, rights and liabilities held, enjoyed or incurred by any Government department in connection with any powers or duties transferred;
- (b) for the carrying on and completion by or under the authority of the Minister of anything commenced by or under the authority of any Government department before the date when the Order takes effect;
- (c) for such adaptations of the enactments relating to any powers or duties transferred, or to be exercised or performed concurrently, as may be necessary to enable them to be exercised or performed by the Minister and his officers;
- (d) for the substitution of the Minister for any other Government department in any instrument, contract, or legal proceedings made or commenced before the date when the Order takes effect.

(3) A certificate issued by the Minister that any property has been transferred to him by virtue of an Order in Council made under this section shall be conclusive evidence of that fact.

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

**6.** This Act may be cited as the *Ministers of the Crown (Emergency Appointments) Act, 1939.* Short title.

## CHAPTER 78.

An Act to provide for the modification of the law relating to the administration of justice in the event of the outbreak or probability of war, and for purposes connected therewith.

[1st September 1939.]

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

Provisions  
as to the  
Supreme  
Court.

1.—(1) The Lord Chancellor may by order direct, as respects the Court of Appeal, the High Court or any Division of the High Court, that the Court or Division—

- (a) shall sit at a place or places, and on dates or for periods, specified in or to be appointed under the order; or
- (b) shall sit, at places and on dates or for periods so specified or appointed, in such number of local divisions as may be so specified.

(2) Any such order may provide—

- (a) for the removal of the Central Office of the Supreme Court, the office of the Accountant-General, the Principal Probate Registry or any other office or registry of the Supreme Court to such place or places as may be specified in the order; or
- (b) for the distribution of the business of any such office or registry among district registries or among local offices or registries established by or under the order; or
- (c) for the transaction of any part of the business of any such office or registry at a district registry or at a branch office or registry established by or under the order.

(3) Any order made under subsection (1) of this section directing that any Court or Division shall sit in local divisions shall provide—

- (a) for the assignment of judges and officers of the Court or Division to the several local divisions;
- (b) for the distribution among the several local divisions of appeals, causes and matters pending in the Court or Division at the date of the order or thereafter instituted, and for the transfer of any appeal, cause or matter from one local division to another.

(4) The Lord Chancellor may by order suspend the sittings of the High Court or Court of Appeal, and for that purpose the power of regulating the vacations to be observed by the High Court and Court of Appeal and in the offices of the said Courts respectively shall be exercised by the Lord Chancellor by order instead of being exercised in the manner provided in section fifty-three of the Supreme Court of Judicature (Consolidation) Act, 1925.

15 & 16  
Geo. 5. c. 49.

Subsection (2) of the said section fifty-three shall apply to any order of the Lord Chancellor made in pursuance of this subsection as it applies to an Order in Council made in pursuance of that section.

(5) The power of making rules of court under section ninety-nine of the said Act, and of revoking and amending rules made under that section, shall be exercised by the Lord Chancellor, instead of being exercised by the persons mentioned in subsection (4) of that section.

2.—(1) The Lord Chancellor may by order—

- (a) suspend the sittings of any inferior court of civil jurisdiction for a period specified in or to be appointed under the order;
- (b) direct that any such court shall sit at a place or places, and on dates or for periods, specified in or to be appointed under the order.

Provisions  
as to inferior  
courts.

(2) The power of making county court rules under section ninety-nine of the County Courts Act, 1934, shall be exercised by the Lord Chancellor instead of being exercised in the manner provided in that section, and no rules made by the Lord Chancellor in pursuance of this

24 & 25  
Geo. 5. c. 53.

subsection shall be subject to the concurrence of the authority for the time being empowered to make rules of court under the Supreme Court of Judicature (Consolidation) Act, 1925.

Powers of Lord Chancellor as respects circuits and assizes.

- 3.—**(1) The Lord Chancellor may by order provide—
- (a) for the grant on behalf of His Majesty of commissions of assize and other commissions under section seventy of the Supreme Court of Judicature (Consolidation) Act, 1925; and
  - (b) for the appointment on behalf of His Majesty of Commissioners of Assize under that section;

by such persons and in such form and manner as may be specified in the order.

(2) The powers exercisable by His Majesty by Order in Council under section seventy-two of the said Act (which provides for the regulation of circuits) shall be exercisable by the Lord Chancellor by order.

Power to vary sittings of Court of Criminal Appeal.

**4.—**(1) The Lord Chancellor may by order direct that the Court of Criminal Appeal—

- (a) shall sit at a place or places, and on dates or for periods, specified in or to be appointed under the order; or
- (b) shall sit, at places and on dates or for periods so specified or appointed, in such number of local divisions as may be so specified.

(2) Where an order is made under the last foregoing subsection directing that the Court of Criminal Appeal shall sit in local divisions, the order shall provide—

- (a) for the assignment of judges of the Court to the several local divisions;
- (b) for the exercise of the functions of the registrar of the court, as respects any one or more of the local divisions, by a deputy appointed in accordance with the provisions of the order;
- (c) for the distribution among the several local divisions of proceedings pending in the Court at the date of the order or thereafter instituted, and for the transfer of proceedings from one local division to another.

**5.—(1)** The Lord Chancellor may by order direct that the Central Criminal Court shall sit at such place or places, and on such dates or for such periods, as may be specified in, or appointed under, the order.

Power to vary sittings and jurisdiction of certain criminal courts.

**(2)** The Secretary of State may by order direct—

*(a)* that any court of quarter sessions or court of summary jurisdiction shall sit at such place or places, and on such dates or for such periods, and at such times, as may be specified in, or appointed under, the order;

*(b)* that the whole or any part of the jurisdiction of any court of quarter sessions or court of summary jurisdiction shall be transferred to any other court or courts of quarter sessions or of summary jurisdiction, as the case may be.

**6.—(1)** Any order made under the foregoing provisions of this Act may be varied, supplemented or revoked by a subsequent order made in like manner.

General provisions as to orders.

**(2)** Any order made under the foregoing provisions of this Act may contain such provisions as appear to be necessary or expedient for giving effect to the order or to any previous order so made, and may suspend or modify, and shall have effect notwithstanding, any provision of any enactment, Order in Council, order, regulations or rules.

**(3)** For such period and subject to such conditions as may be specified in an authority given by the Lord Chancellor under this subsection, the powers vested in the Lord Chancellor by this Act of varying or supplementing any order made under this Act as respects the Court of Appeal, the High Court or any Division thereof, or the Court of Criminal Appeal, may be exercised, as respects such area or as respects such of those Courts or such Division of the High Court as may be so specified, by any Lord of Appeal in Ordinary or judge of the Supreme Court authorised in writing by the Lord Chancellor for the purpose.

**(4)** For such period and subject to such conditions as may be specified in an authority given by the Lord

Chancellor under this or the last foregoing subsection, the powers vested in the Lord Chancellor by this Act—

- (a) of making orders with respect to commissions of assize and other commissions and the appointment of Commissioners of Assize; and
- (b) of making orders under section seventy-two of the Supreme Court of Judicature (Consolidation) Act, 1925; and
- (c) of making orders as respects the place or places at which, and the dates on or periods for which, any inferior court of civil jurisdiction is to sit; and
- (d) of making orders as respects the place or places at which, and the dates on or periods for which, the Central Criminal Court is to sit;

may be exercised, as respects such area as may be so specified, by any Lord of Appeal in Ordinary or judge of the Supreme Court authorised by the Lord Chancellor in writing for the purpose.

(5) The powers vested in the Lord Chancellor by this Act—

- (a) of making orders under subsection (1) of section one of this Act with respect to the Court of Appeal, the High Court or any Division of the High Court;
- (b) of making rules of court under section ninety-nine of the Supreme Court of Judicature (Consolidation) Act, 1925, and of revoking and amending any rules made under that section;
- (c) of making orders under section seventy-two of the Supreme Court of Judicature (Consolidation) Act, 1925;
- (d) of making orders with respect to the Court of Criminal Appeal or the Central Criminal Court;
- (e) of varying, supplementing or revoking any such order as is mentioned in the foregoing paragraphs of this subsection;

shall not be exercised (otherwise than under the last two foregoing subsections) except with the concurrence of two

other judges of the Supreme Court, unless the Lord Chancellor certifies that, by reason of special circumstances arising out of the existence or imminence of a state of war, it is not practicable to obtain such concurrence within the period within which it is necessary that the order or rules in question should be made.

(6) Where by virtue of the last foregoing subsection any such power as is therein mentioned is exercised without the concurrence of two other judges of the Supreme Court, the Lord Chancellor shall consult two such judges as soon as may be after the exercise of the power.

(7) When the Great Seal is in commission, any power vested in the Lord Chancellor by this Act may be exercised by any Lord Commissioner.

(8) For such period, as respects such area and subject to such conditions as may be specified in an authority given by the Secretary of State under this subsection, the power of the Secretary of State of making any order which he is authorised to make by virtue of this Act may be exercised by any person authorised by him in writing for the purpose.

7.—(1) Notwithstanding anything in any enactment, for the purpose of any trial with a jury or inquiry by a jury in any proceedings, whether civil or criminal, it shall not be necessary for the jury to consist of more than seven persons :

Number and  
qualification  
of jurors.

Provided that the preceding provisions of this subsection shall not apply in relation to the trial of a person on any charge, if the court or a judge thinks fit, by reason of the gravity of the matters in issue, to direct that those provisions shall not apply, and shall not in any case apply in relation to the trial of a person on a charge of treason or murder.

(2) In relation to any case in which, by virtue of the preceding subsection, the jury need not consist of more than seven persons, sections twenty-four and twenty-six of the Juries Act, 1825, (which relate to the selection of a jury) shall have effect as if in those sections for the word " twelve ", wherever that word occurs, there were substituted the word " seven ".

6 Geo. 4.  
c. 50.

(3) Section one of the Juries Act, 1825, (which provides that the liability to serve upon a jury ceases at the age of sixty years) shall have effect as if the words "sixty-five years" were substituted for the words "sixty years".

Limitation  
of proceed-  
ings when  
jury is  
necessary.

**8.**—(1) No question arising in any civil proceedings in the High Court or in any inferior court of civil jurisdiction shall be tried with a jury, and no writ of enquiry for the assessment of damages or other claim by a jury shall issue, unless the court or a judge is of opinion that the question ought to be tried with a jury or, as the case may be, the assessment ought to be made by a jury and makes an order to that effect.

23 & 24  
Geo. 5. c. 36.

(2) Section six of the Administration of Justice (Miscellaneous Provisions) Act, 1933, section ninety-one of the County Courts Act, 1934, and section nineteen of the Administration of Justice Act, 1925, (which relate to trials by jury in the King's Bench Division, the county courts, and other inferior civil courts, respectively) shall not have effect.

15 & 16  
Geo. 5. c. 28.

(3) Subsection (2) of section thirteen of the Coroners (Amendment) Act, 1926, (which specifies the cases in which it is necessary for a coroner to summon a jury) shall have effect as if paragraphs (c), (d) and (e) were omitted therefrom.

16 & 17  
Geo. 5. c. 59

Remanding  
of accused  
persons.  
11 & 12 Vict.  
c. 42.  
4 & 5 Geo. 5.  
c. 58.

**9.**—(1) The period for which an accused person may be remanded shall be extended to twenty-one days; and accordingly section twenty-one of the Indictable Offences Act, 1848, as amended by subsection (2) of section twenty of the Criminal Justice Administration Act, 1914, shall have effect as if for the words "not exceeding, unless the person accused and the prosecutor consent, eight clear days" there were substituted the words "not exceeding twenty-one clear days".

(2) Subsection (1) of section twenty of the Criminal Justice Administration Act, 1914, (which empowers a court of summary jurisdiction to extend the period of remand in a case where the person remanded is, by reason of illness or accident, unable to appear personally) shall have effect as if the reference in that subsection to illness or accident included a reference to circumstances arising out of the existence or imminence of a state of war.



**10.** In the event of the occurrence of a vacancy among the Lords of Appeal in Ordinary or judges of the Supreme Court, it shall not be necessary to fill the vacancy unless the Lord Chancellor advises His Majesty that the state of business requires that the vacancy should be filled.

Filling of vacancies among Lords of Appeal and other judges.

**11.**—(1) This Act shall come into operation on such date as His Majesty may by Order in Council appoint, being a date on which it appears to His Majesty, having regard to the outbreak or probability of war, that it is expedient that this Act should come into operation.

Commencement and duration.

(2) At any time after this Act has come into operation, His Majesty may by Order in Council declare that, subject to any temporary and transitional provisions contained in the Order, it is no longer necessary that this Act should continue in force, and at the end of the day on which such an Order is made this Act shall expire, except as respects things previously done or omitted to be done thereunder and subject to any such provisions.

**12.**—(1) This Act may be cited as the Administration of Justice (Emergency Provisions) Act, 1939.

Short title and extent.

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

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## CHAPTER 79.

An Act to provide for the modification of the law relating to the administration of justice in Scotland in the event of the outbreak or imminence of war and for purposes connected therewith. [1st September 1939.]

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

**1.**—(1) The Lord President of the Court of Session as regards that Court, and any statutory tribunal consisting of judges of that Court and the Lord Justice

Power to vary sittings of Court of Session,

High Court  
of Justiciary  
and Sheriff  
Courts.

General as regards the High Court of Justiciary, may by order direct that the Court or tribunal shall sit at such place or places and on such dates or for such periods as may be specified in or appointed under the order.

(2) Any such order may provide—

(a) for the removal of any offices of or attached to or connected with the Court to which the order relates to such place or places as may be specified in the order; or

(b) for the distribution of the business of any such office among local offices established by or under the order.

(3) The Secretary of State may direct that any sheriff shall sit at such place or places whether within his sherrifdom or not and at such time or times as may be specified in the order, for the purpose of holding civil or criminal courts or both such courts.

General  
provisions  
as to orders.

2.—(1) Any order made under the foregoing section may be varied, supplemented or revoked, by a subsequent order made by the Lord President of the Court of Session, the Lord Justice General, or the Secretary of State, as the case may be.

(2) Any order made under the foregoing provisions of this Act may contain such provisions as appear to the Lord President of the Court of Session, the Lord Justice General, or the Secretary of State, as the case may be, to be necessary or expedient for giving effect to the order or any previous order so made, and may suspend or modify, and shall have effect notwithstanding, any provisions of any enactment, Act of Sederunt, or Act of Adjournal.

(3) For such period, as respects such area and subject to such conditions as may be specified in an authority given by the Lord President of the Court of Session, the Lord Justice General, or the Secretary of State under this subsection—

(a) any power of the Lord President of the Court of Session, or of the Lord Justice General may be exercised by a Lord of Session or a Lord Commissioner of Justiciary authorised in writing by the Lord President or the Lord Justice General for the purpose;

- (b) any power of the Secretary of State under this Act may be exercised by any person authorised in writing by him for the purpose.

3.—(1) Notwithstanding anything in any enactment or in any rule of the common law, the number of jurors for the purpose of any trial or inquiry by a jury in any proceedings, whether civil or criminal, shall consist of seven persons of whom two shall be special jurors :

Number and qualification of jurors.

Provided that the foregoing provisions of this subsection shall not apply in relation to a trial in the High Court of Justiciary, if the Court on application made on behalf of the Lord Advocate or the accused, within ten days after the service of the indictment thinks fit, by reason of the gravity of the matters in issue, to direct that those provisions shall not apply, and shall not in any case apply in relation to the trial of a person on a charge of treason or murder.

(2) A jury, which in pursuance of the last foregoing subsection, consists of seven persons, shall not be entitled to return a verdict by a majority, unless five of their number are in favour of such verdict.

(3) In relation to any case in which subsection (1) of this section requires that the jury shall consist of seven persons—

(a) the Jury Trials (Scotland) Act, 1815, shall have effect as if—

55 Geo. 3.  
c. 42.

(i) in section twenty, for the words “ thirty-six ” and “ fifty ” the words “ twenty ” and “ thirty ” were respectively substituted;

(ii) in section twenty-one, for the word “ four ” the word “ two ” were substituted;

(iii) in section twenty-three, for the word “ twelve ” the word “ seven ” were substituted;

(iv) in sections twenty-six and twenty-seven, for the word “ thirty-six ” the word “ twenty ” were substituted;

(v) in section twenty-nine, for the words “ six ” and “ twelve ” there were respectively substituted the words “ three ” and “ seven ”;

6 Geo. 4.  
c. 22.

(b) the Jurors (Scotland) Act, 1825, shall have effect as if in section sixteen for the word "five" wherever occurring the word "two" were substituted, and for the word "two" the word "one" were substituted;

31 & 32 Vict.  
c. 100.

(c) the Court of Session Act, 1868, shall have effect as if in section forty-four, for the proportion of one to two there were substituted the proportion of two to five;

50 & 51 Vict.  
c. 35.

(d) the Criminal Procedure (Scotland) Act, 1887, shall have effect as if in section thirty-eight, for the proportion of one to two the proportion of two to five were substituted, and for the word "thirty" the word "twenty" were substituted.

(4) Section one of the Juries (Scotland) Act, 1825 (which provides that liability to serve on a jury ceases at the age of sixty) shall have effect as if the words "sixty-five years" were substituted for the words "sixty years", and any enactment relating to the qualification of jurors and the manner of making up any roll or list of persons who are qualified and liable to serve as jurors shall apply accordingly.

Limitation  
of trial by  
jury.7 Edw. 7.  
c. 51.

4.—(1) Notwithstanding anything in any enactment no action in the Court of Session, whether originating in that Court or remitted thereto under section thirty of the Sheriff Courts (Scotland) Act, 1907, shall be tried by a jury unless the Court is of opinion that, in the special circumstances of the case, it ought to be so tried.

(2) The right conferred by section thirty-one of the Sheriff Courts (Scotland) Act, 1907, on a party to such an action in the sheriff court as is specified in the said section, to require the action to be tried before a jury, shall be suspended while this Act is in force, and no such action shall be so tried unless the sheriff is of opinion that it ought to be so tried.

58 & 59 Vict.  
c. 36.  
6 Edw. 7.  
c. 35.

(3) No inquiry under the Fatal Accidents Inquiry (Scotland) Act, 1895, or the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act, 1906, shall be held with a jury unless the sheriff so directs, and the provisions of the said Acts regarding the procedure at such inquiries shall, in their application to any inquiry which

is held without a jury, have effect subject to such modifications as are rendered necessary by the absence of a jury.

5.—(1) Section seven of the Bail (Scotland) Act, 1888 (which entitles a person by whom bail has been found to liberation in certain circumstances in the event of an appeal by the Public Prosecutor), shall have effect as if for any period therein specified there were substituted a period of seven days.

Liberation on bail in event of appeal and adjournment of criminal proceedings for inquiry. 51 & 52 Vict. c. 36. 8 Edw. 7. c. 65.

(2) Section twenty-four of the Summary Jurisdiction (Scotland) Act, 1908, (which empowers a court of summary jurisdiction to continue a criminal case) shall have effect as if for the words "fourteen days" the words "twenty-one days" were substituted, and as if the reference to special cause shown included a reference to circumstances arising out of the existence or imminence of a state of war.

6. In the event of the occurrence of a vacancy among the judges of the Court of Session it shall not be necessary to fill the vacancy unless the Secretary of State after consultation with the Lord President of the Court of Session advises His Majesty that the state of business requires that the vacancy should be filled.

Filling of vacancies in the Court of Session.

7.—(1) This Act shall come into operation on such date as His Majesty may by Order in Council appoint, being a date on which it appears to His Majesty, having regard to the outbreak or probability of war, that it is expedient that this Act should come into operation.

Commencement and duration.

(2) At any time after this Act has come into operation, His Majesty may by Order in Council declare that, subject to any temporary and transitional provisions contained in the Order, it is no longer necessary that this Act should continue in force, and at the end of the day on which such an Order is made this Act shall expire, except as respects things previously done or omitted to be done thereunder and subject to any such provisions.

8. This Act may be cited as the Administration of Justice (Emergency Provisions) (Scotland) Act, 1939, and shall extend to Scotland only.

Short title and extent.

**CHAPTER 80.**

An Act to modify the rights and liabilities of persons interested in land in Scotland damaged by war. [1st September 1939.]

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

Relief from obligation to repair in case of war damage.

1.—(1) Where war damage occurs to any land comprised in a disposition, or in a lease or in a heritable security, nothing in such disposition, lease or heritable security, or in any deed or instrument bearing reference thereto or in the common law, shall be construed as requiring any party having a right or interest under such disposition or the lessor or lessee or the debtor in the heritable security to make good the war damage.

(2) A condition contained in a disposition or lease or in any deed or instrument bearing reference thereto that the disposition or lease or any such deed or instrument shall be void or voidable whenever there shall not be buildings of a certain value or description on the land shall not be operative where the failure to have such buildings on the land is due to war damage.

(3) The provisions of any enactment relating to the repair or maintenance of any building shall not extend to the making good of war damage.

War damage to land comprised in heritable security not to entitle creditor to enter into possession.

2. Where war damage occurs to any land comprised in a heritable security nothing in the provisions of the heritable security or in any deed or instrument bearing reference thereto shall be construed as entitling the creditor to enter into possession of the land or sell the same solely on the ground that his security has been diminished by reason of the war damage.

Obligation to notify war damage in certain cases, &c.

3. Where war damage occurs to any land comprised in a disposition, a lease or a heritable security, it shall be the duty of the disponee or the lessee or the debtor in the heritable security—

(a) forthwith on the damage becoming known to him to serve a notice on any party having a

right or interest under such disposition, or on the lessor or on the creditor in the heritable security stating that the damage has occurred and the general nature thereof so far as known; and

- (b) to permit the person on whom notice shall have been served as aforesaid, or any person authorised by him, at such times as may be reasonable in the circumstances to enter on the land for the purpose of ascertaining the extent of the damage and at his own expense to make good the damage either temporarily or permanently.

4.—(1) Where war damage occurs—

- (a) to any land comprised in a disposition, or in a lease or in a heritable security; or
- (b) to any land the proprietor whereof is under obligation to pay the rents and revenues in whole or in part to any other person or to pay to any other person out of such rents and revenues any sum, periodic or otherwise (not being a sum in respect of a loan secured by a heritable security);

Power to  
modify  
contracts on  
occurrence  
of war  
damage.

it shall be lawful for any person having a right or interest under such disposition, lease or heritable security, or for the proprietor under such obligation, to apply to the court, and on any such application the court may modify or suspend any term (express or implied according to law) of the disposition, lease or heritable security or of the obligation, or of any deed or instrument bearing reference to such disposition, lease, heritable security or obligation, or in the case of a feu or a lease may pronounce a decree of declarator of irritancy thereof, or in the case of a contract of ground annual pronounce a decree of adjudication of the land out of which the ground annual is payable, according as in all the circumstances of the case shall seem just.

(2) Where a decree of declarator of irritancy of the feu is pronounced in pursuance of the foregoing provisions of this section, the recording of an extract of such decree in the appropriate register of sasines shall have the like force and effect as if the decree were one of declarator of irritancy *ob non solutem canonem*; and where a decree of

adjudication is pronounced in pursuance of the said provisions against the proprietor of land out of which a ground annual is payable, the recording of an extract of such decree in the appropriate register of sasines shall have the like force and effect as if the decree were one pronounced under subsection (5) of section twenty-three of the Conveyancing (*Scotland*) Act, 1924.

14 & 15  
Geo. 5. c. 27.

(3) Any decree pronounced by the court in virtue of the provisions of this section (other than a decree of irritancy or of adjudication) shall be open to review by the court from time to time on any application made to it for that purpose by any party interested.

Provisions  
as to war  
damage to  
building  
belonging  
to two or  
more  
owners.

5. Where war damage occurs to any building which comprises two or more separate tenements belonging to two or more owners or in which two or more persons have a common interest, any obligation, express or implied, imposed on any such owner or person by virtue of any deed or instrument or of the common law, to repair or maintain the building or any part thereof shall be construed as not including liability to make good such war damage, and where such owners or persons are unable to agree as to the making good of the war damage the provisions of sections one hundred and ninety-five to one hundred and ninety-nine of the Burgh Police (*Scotland*) Act, 1892, shall apply to such building in like manner as those provisions apply to the houses or buildings therein mentioned where the owners are unable to agree as to sale or rebuilding.

55 & 56 Vict.  
c. 55.

6. The making good of war damage which has occurred to an entailed estate shall be deemed to be an improvement within the meaning of the Entail Acts.

Provision as  
to war  
damage to  
entailed  
estate.

7.—(1) Any notice required or authorised to be served under this Act shall be in writing.

Provision  
as to  
notices.

(2) Any such notice may be served either—

- (a) by delivering it to the person on whom it is to be served or to his known agent; or
- (b) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode; or
- (c) in the case of an incorporated company or body, by delivering it to the secretary or



clerk, manager or other principal officer of the company or body at their registered or principal office or sending it in a prepaid registered letter addressed to the secretary or other officer of the company or body at that office.

A written acknowledgement of receipt by any person to whom a notice has been delivered in pursuance of the foregoing provisions, and a certificate by any person that he posted a registered letter containing a notice in the terms specified in the certificate, accompanied by an acknowledgement or certificate of the delivery of the registered letter issued by the Postmaster-General in pursuance of regulations under the Post Office Act, 1908, shall be sufficient evidence of the service of the notice.

8 Edw 7.  
c. 48.

**8.** The provisions of this Act shall have effect notwithstanding any contract to the contrary.

Prohibition  
of con-  
tracting out.

**9.** This Act binds the Crown and shall apply to any land belonging to His Majesty or to a Government Department, or held in trust for His Majesty for the purposes of a Government Department.

Application  
to the  
Crown.

**10.**—(1) In this Act the expression “the court” means the sheriff court.

Provisions  
as to sheriff  
courts.

(2) Where in any proceedings under this Act the sheriff in pursuance of Rule 60 of the First Schedule to the Sheriff Courts (Scotland) Act, 1907, remits to any person to report, the remuneration of such person shall be defrayed out of moneys provided by Parliament.

7 Edw. 7.  
c. 51.

**11.** In this Act—

Interpre-  
tation.

the expression “disposition” includes any deed or instrument whereby any land or any estate or interest in land is conveyed or created, other than a lease or a heritable security;

the expression “heritable security” has the like meaning as in the Conveyancing (Scotland) Act, 1924, except that it includes a security constituted by *ex facie* absolute disposition but does not include a real burden *ad factum præstandum*;

the expression "war damage" means damage caused by, or in repelling, enemy action, or by measures taken to avoid the spreading of the consequences of damage caused by, or in repelling, enemy action.

Short title  
and extent.

**12.** This Act may be cited as the War Damage to Land (Scotland) Act, 1939, and shall extend to Scotland only.

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## CHAPTER 81.

An Act to make provision for securing and controlling the enlistment of men for service in the armed forces of the Crown; and for purposes connected with the matter aforesaid.

[3rd September 1939.]

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

**1.**—(1) His Majesty may from time to time by proclamation direct that, save as otherwise provided by this Act, every male person who—

- (a) at the date of the proclamation is a British subject; and
- (b) has at that date attained such age not being less than eighteen years of age as may be specified in the proclamation, but has not, at that date, attained such greater age not being more than forty-one years as may be so specified; and
- (c) is at that date within Great Britain, or not having been in Great Britain at that date subsequently enters it,

shall on the date of the proclamation or on the date on which he first enters Great Britain after the date of the proclamation, as the case may be, become liable under this Act to be called up for service in the armed forces of the Crown :

Proclama-  
tions sub-  
jecting  
persons to  
Act.

Provided that a person shall not by virtue of any proclamation become liable under this Act to be called up after he has attained the age of forty-one years.

(2) A person who by virtue of any proclamation under this section becomes liable to be called up for service shall, save as otherwise provided by this Act, remain so liable until he has attained the age of forty-one years and no longer.

2.—(1) The Minister may make regulations requiring persons who become liable under this Act to be called up for service— Registration.

(a) to furnish, at such place and time, in such manner, and to such authority or person, as may be notified in accordance with the regulations, such particulars about himself as may be so notified; and

(b) except in the case of a person not required by the regulations to make such an application, to make at such place and time, in such manner and to such authority or person as may be notified in accordance with the regulations, an application to be registered under this Act.

(2) Such regulations as aforesaid may make different provision in relation to different classes of persons liable under this Act to be called up for service, and may provide for exempting from any requirements of the regulations any class of persons with respect to whom the Minister is satisfied that particulars sufficient for the purposes of this Act can be ascertained by him otherwise than by virtue of those requirements.

(3) If any person fails to comply with any of the requirements of regulations made under subsection (1) of this section, he shall, save as hereinafter provided, be guilty of an offence under this Act.

(4) It shall be the duty of the Minister to secure—

(a) that upon an application being duly made for registration under this Act, the name and address of the applicant (together with particulars of the matters with respect to which information was given by the applicant in

accordance with the regulations), are entered in a register kept for the purposes of this Act (hereinafter referred to as "the military service register"); and

(b) that upon the applicant being registered a certificate of registration is issued to him in the prescribed form.

(5) The Minister may cause a certificate of registration to be issued to any person of a class exempted from any of the requirements of regulations under this section, as if that person had duly made application to be registered under this Act.

(6) If any person liable under this Act to be called up for service notifies the Minister in the prescribed manner that he has a preference for naval or air force service, that fact shall be recorded in the military service register, or, if he is a person of a class exempted from registration, in such other manner as the Minister thinks fit.

(7) A person to whom a certificate of registration has been issued under this section shall, if at any time while he is liable under this Act to be called up for service he is requested so to do by a constable in uniform, produce the certificate to the constable or, if the person to whom the request is made has not the certificate with him, produce it in person within two clear days at such police station as he may notify to the constable making the request.

If any person fails to comply with this subsection, he shall, save as hereinafter provided, be guilty of an offence under this Act.

(8) Regulations of the Minister may provide for the issue, in specified circumstances, of fresh certificates of registration in place of certificates which have been lost, destroyed or defaced.

(9) If, at any time while a person registered under this Act is liable under this Act to be called up for service, any change occurs in his name or address, he shall forthwith notify the change to the Minister in the prescribed manner, and at the same time return to the Minister any certificate of registration held by him,

and if he fails to do so, he shall, save as hereinafter provided, be guilty of an offence under this Act; and the Minister, upon the receipt of the notification, shall cause the necessary corrections to be made in the register and shall either cause the certificate to be corrected and returned to him or cause a fresh certificate to be issued to him.

3.—(1) The Minister may from time to time cause to be served on any person for the time being liable under this Act to be called up for service a written notice in the prescribed form requiring that person to submit himself to medical examination by a medical board at such place and time as may be specified in the notice; and where such a notice has been served on any person the Minister may at any time while that person remains liable to be called up for service cancel the notice or cause to be served on him a further notice varying the original notice by altering the place or time at which he is thereby required to submit himself to medical examination.

Medical  
examina-  
tion.

(2) The Minister may make regulations for determining the constitution of medical boards for the purposes of this section, and for regulating the procedure of such boards, and such regulations may, in particular, provide for enabling a medical board—

- (a) in a case where the board is unable to complete a medical examination on one occasion, to direct the person examined to submit himself to a further medical examination by a medical board at a specified time and place; and
- (b) to direct the person examined to submit himself to examination by a consultant examiner.

(3) The Minister shall by regulations determine the categories in which persons medically examined under this section are to be placed by reference to their physical condition.

(4) If any person fails to comply with the requirements of a notice served on him under this section or of any regulations made or directions given by virtue thereof, he shall, save as hereinafter provided, be guilty of an offence under this Act.

(5) The court by which any person is convicted of an offence under this Act by reason of his failure to comply with the requirements of regulations made under subsection (1) of the last preceding section, with the requirements of subsection (9) of that section or with the requirements of a notice served on him or directions given to him under this section, may, without prejudice to any penalty which may be imposed on him, make such orders (including orders for his arrest and detention) as may be necessary to secure compliance with the requirements or otherwise to secure his attendance before a medical board or consultant examiner, as the case may be.

(6) A notice served on any person under this section shall cease to have effect if, before the date on which he is thereby required to submit himself to medical examination, he ceases to be liable under this Act to be called up for service.

(7) The Minister may pay—

- (a) to members of medical boards constituted for the purposes of this section, and to consultant examiners employed for those purposes, such remuneration and allowances as he may, with the approval of the Treasury, determine, and
- (b) to persons undergoing medical examination under this section such travelling and other allowances, including compensation for loss of remunerative time, in accordance with such scale as he may, with the consent of the Treasury, approve.

**Enlistment in the forces.**

4.—(1) The Minister may cause to be served on any person for the time being liable under this Act to be called up for service who has been medically examined under the last preceding section a written notice (hereinafter referred to as "an enlistment notice") stating that he is called upon for service in such one of His Majesty's armed forces as may be specified in the notice, and requiring him to present himself at such place and time (not earlier than the third day after the date of the service of the notice), and to such authority, as may be so specified; and, subject to the following provisions of this Act, the person upon whom the notice is served shall be deemed, as from the day so specified,

to have been duly entered or enlisted for service in the force so specified, and the term or period for which he is so entered or enlisted shall, notwithstanding anything in any Act or regulations, be deemed to be from the beginning of the said day until the end of the present emergency.

(2) Where an enlistment notice has been duly served on any person, the Minister may, at any time while that person remains liable under this Act to be called up for service, cancel the notice or cause to be served on him a further enlistment notice varying the original notice by altering the place or time at which he is thereby required to present himself.

(3) An enlistment notice served on any person shall cease to have effect if before the date on which he is thereby required to present himself he ceases to be liable under this Act to be called up for service.

(4) The Minister may pay to persons required to present themselves in accordance with enlistment notices served upon them such travelling and other allowances as he may, with the approval of the Treasury, determine.

5.—(1) If any person liable under this Act to be called up for service claims that he conscientiously objects—

Conscientious objectors.

- (a) to being registered in the military service register, or
- (b) to performing military service, or
- (c) to performing combatant duties,

he may, on furnishing the prescribed particulars about himself, apply in the prescribed manner to be registered as a conscientious objector in a special register to be kept by the Minister (hereinafter referred to as "the register of conscientious objectors"):

Provided that where, in the case of a person who has been medically examined under this Act, such an application as aforesaid is made more than two days after the completion of his medical examination, the Minister shall dismiss the application unless he is satisfied, having regard to the grounds on which the application is made, that the making thereof has not been unreasonably delayed.

(2) Where any person duly makes application to be registered in the register of conscientious objectors, he shall, unless his application is dismissed in accordance with the proviso to the last foregoing subsection, be provisionally registered in that register.

(3) A person who has been provisionally registered in the register of conscientious objectors shall, within the prescribed period and in the prescribed manner, make to a local tribunal constituted under Part I of the Schedule to this Act an application stating to which of the matters mentioned in paragraphs (a) to (c) of subsection (1) of this section he conscientiously objects, and, if he fails to do so, the Minister shall remove his name from the register of conscientious objectors.

(4) An applicant for registration as a conscientious objector who is aggrieved by any order of a local tribunal, and the Minister, if he considers it necessary, may, within the prescribed time and in the prescribed manner, appeal to the appellate tribunal constituted under Part I of the Schedule to this Act, and the decision of the appellate tribunal shall be final.

(5) The Minister or any person authorised by him shall be entitled to be heard on any application or appeal to a tribunal under this section.

(6) A local tribunal, if satisfied, upon an application duly made to it under this section, or the appellate tribunal, if satisfied on appeal, that the ground upon which the application was made is established, shall by order direct either—

- (a) that the applicant shall, without conditions, be registered in the register of conscientious objectors; or
- (b) that he shall be conditionally registered in that register until the end of the present emergency, the condition being that he must until that event undertake work specified by the tribunal, of a civil character and under civilian control and, if directed by the Minister, undergo training provided or approved by the Minister to fit him for such work; or



- (c) that his name shall be removed from the register of conscientious objectors and that he shall be registered as a person liable under this Act to be called up for service but to be employed only in non-combatant duties;

but, if not so satisfied, shall by order direct that his name shall, without qualification, be removed from the register of conscientious objectors.

(7) The Minister may provisionally register in the register of conscientious objectors any person liable under this Act to be called up for service, notwithstanding that he has refused or failed to make any application in that behalf, if in the Minister's opinion there are reasonable grounds for thinking that he is a conscientious objector, and the Minister may refer the case of that person to a local tribunal; and thereupon the provisions of this section shall have effect in relation to that person as if the necessary applications had been made by him, and references in this section to the "applicant" shall be deemed to include references to him.

(8) If on the information of any person, a local tribunal is satisfied that any person who is conditionally registered in the register of conscientious objectors by virtue of a direction given under paragraph (b) of subsection (6) of this section has failed to observe that condition, the local tribunal shall report the fact to the Minister, who shall require him to make a fresh application to a local tribunal, and upon any such application that tribunal may deal with him in like manner as after being satisfied that the ground of his application was established, they had power to deal with him on his original application, but if he fails to make such a fresh application when required by the Minister, the Minister shall forthwith remove his name from the register of conscientious objectors and register him as a person liable under this Act to be called up for service but to be employed only in non-combatant duties.

(9) If, while a person is conditionally registered in the register of conscientious objectors, any change occurs in the particulars about him entered in that register, he shall forthwith notify the change to the Minister in the prescribed manner, and if he fails to do so shall be liable on summary conviction to a fine not exceeding five pounds; and the Minister may remove his name from

the register of conscientious objectors and register him as a person liable under this Act to be called up for service but to be employed only in non-combatant duties.

(10) A person shall not be liable under this Act to be called up for service so long as he is registered in the register of conscientious objectors; and the Admiralty, Army Council, and Air Council, shall make arrangements for securing that, where a person registered as a person liable under this Act to be called up for service, but to be employed only in non-combatant duties is called up under this Act for service, he shall, during the period for which he serves by virtue of being so called up, be employed only in such duties.

(11) The regulations made under this Act regulating the procedure of such tribunals as aforesaid shall make provision for the appellate tribunal to sit in two divisions, of which one shall sit for Scotland, and shall empower the tribunals to take evidence on oath, and shall make provision as to the representation of parties to proceedings before the tribunals which shall include the right to appear either in person or by counsel or a solicitor or by a representative of any trade union to which they belong or by any person who satisfies such a tribunal that he is a relative or personal friend of the party he proposes to represent.

(12) No determination of a local tribunal or the appellate tribunal made for the purposes of this Act shall be called in question in any court of law.

(13) The Minister may pay—

- (a) to members of tribunals constituted under this section such remuneration and allowances as he may, with the approval of the Treasury, determine; and
- (b) to applicants appearing before such tribunals, and to any witnesses whose attendance is certified by any such tribunal to have been necessary, travelling and subsistence allowances in accordance with such scale as the Minister may, with the consent of the Treasury, approve; and
- (c) to persons undergoing training in accordance with directions given by the Minister under

paragraph (b) of subsection (6) of this section training allowances in accordance with such scale as he may, with the consent of the Treasury, approve.

**6.**—(1) Subject to the provisions of this section, any person for the time being liable under this Act to be called up for service who has been medically examined thereunder, or is permitted under this section so to apply without having been medically examined, may apply in the prescribed manner to the Minister for a certificate of postponement of liability to be so called up (hereinafter referred to as “a postponement certificate”), on the ground that exceptional hardship would ensue if he were called up for service, and may, on that ground, apply in the prescribed manner to the Minister for the renewal of any postponement certificate granted to him.

Postpone-  
ment of  
liability to  
serve in  
the forces.

(2) Where application for a postponement certificate or for the renewal of a postponement certificate is made, the Minister shall, unless he grants the certificate or renewal, refer the application to a Military Service (Hardship) Committee constituted under Part II of the Schedule to this Act.

(3) An applicant for such a certificate as aforesaid who is aggrieved by the determination of a Military Service (Hardship) Committee, and the Minister, if he considers it necessary, may, within the prescribed time and in the prescribed manner, appeal to the umpire or any deputy umpire appointed by His Majesty for the purposes of the Unemployment Insurance Act, 1935, whose decision shall be final; and the umpire or any deputy umpire shall, when considering any such appeal, sit with two assessors appointed by the Minister :

25 & 26  
Geo. 5 c. 8.

Provided that, if the determination of the Committee with respect to any application was unanimous, the applicant shall not be entitled to appeal to the umpire or any deputy umpire except with the leave of the Committee.

(4) The Minister or any person authorised by him shall be entitled to be heard on any reference or appeal under this section.

(5) If, with respect to any person liable under this Act to be called up for service who has not been medically examined thereunder, the Minister is satisfied that, by reason of special circumstances, it is desirable that he

should be able to apply for a postponement certificate without having been medically examined under this Act, the Minister may permit him to apply for such a certificate.

(6) An application for the grant of a postponement certificate may be made at any time when an enlistment notice has not yet been served on the applicant, or, if such a notice has been served on him, be made at any time before the day specified in the notice as the day on which he is thereby required to present himself; and an application for the renewal of a postponement certificate may be made within the prescribed time before the expiration of the period for which that certificate was granted or last renewed :

Provided that, where, in the case of a person who has been medically examined under this Act, an application for the grant of a postponement certificate is made more than two days after the completion of his medical examination, the Minister shall dismiss it unless he is satisfied, having regard to the grounds on which the application is made, that the making thereof has not been unreasonably delayed.

(7) The Minister may make regulations as to the principles to be applied, and the circumstances to which regard is and is not to be had, on the hearing of any application for the grant or renewal of a postponement certificate, and as to the period for which a postponement certificate may be granted or renewed.

(8) If, at any time while a postponement certificate is in force, it appears to the Minister that, by reason of any change in the circumstances of the person to whom the certificate was granted, the certificate ought to be revoked or the period for which it was granted or last renewed ought to be shortened, the Minister may apply to a Military Service (Hardship) Committee, and that Committee may either refuse the application or cancel the certificate or vary it by shortening the said period.

The person to whom the certificate in question on any such application was granted shall be entitled to be heard on the application; and the provisions as to appeals contained in subsection (3) of this section shall apply in relation to the application as if it were an application for the grant of a postponement certificate made by the person to whom the certificate in question was granted.

(9) No determination of the Minister, of a Military Service (Hardship) Committee, of the umpire or of any deputy umpire made for the purposes of this section shall be called in question in any court of law.

(10) The Minister may pay—

- (a) to members of Military Service (Hardship) Committees, and to persons appointed to sit as assessors with the umpire or any deputy umpire such remuneration and allowances as the Minister may, with the approval of the Treasury, determine; and
- (b) to persons whose applications are referred to such Committees or who appeal from the decisions of such Committees, and to any witnesses whose attendance is certified by any such Committee or by the umpire or any deputy umpire, as the case may be, to have been necessary, travelling and subsistence allowances in accordance with such scale as the Minister may, with the approval of the Treasury, determine.

7. Where, at the beginning of the day specified in any enlistment notice as the day on which the person to whom the notice relates is thereby required to present himself, any of the following conditions is fulfilled, that is to say:—

Suspension of enlistment pending appeals, &c.

- (a) that a postponement certificate relating to him is in force,
- (b) that any application or appeal by him under either of the last two foregoing sections is pending, and
- (c) if any such application or appeal has been determined, that the time for bringing any appeal by him from that determination has not expired,

the enlistment notice served on him shall be of no effect.

8.—(1) The Minister, if satisfied at any time that by reason of the gravity of the situation it is necessary so to do, may by order—

Suspension of right to postponement of liability to serve in the forces.

- (a) cancel, either generally or in relation to a specified class of persons, all postponement certificates in force at the date of the order, and

(b) abrogate, either generally or in relation to a specified class of persons, any right to apply for the grant of a postponement certificate, and any right to appeal from the refusal of a tribunal to grant such a certificate;

and the Minister may by order vary or revoke any order in force under this section, without prejudice, however, to the previous effect of that order.

(2) Where, on the day on which an order comes into force under this section abrogating any right to appeal from the refusal of a tribunal to grant a postponement certificate, such an appeal is pending on the part of a person to whom the order applies or the time for bringing such an appeal by such a person has not expired, the appeal shall be deemed to be dismissed or the time to expire, as the case may be, in the course of that day.

Provisions with respect to apprentices.

**9.** Section ninety-six of the Army Act and section ninety-six of the Air Force Act (which enable masters of apprentices who have been attested as soldiers of the regular forces or as airmen of the regular air force to claim them while they are under the age of twenty-one years) shall not apply in relation to apprentices who are to be deemed, by virtue of this Act, to have been duly enlisted in any of His Majesty's forces.

Arrangements as to civil servants.

**10.**—(1) In relation to persons employed in the civil service of the State, the powers of the Minister under this Act shall be exercised in accordance with arrangements approved by the Treasury.

(2) The validity of any notice served, certificate granted, order made, or thing done, in pursuance of this Act shall not be called in question in any court of law on the ground that the powers of the Minister have not been so exercised as aforesaid.

Classes of persons not subject to Act.

**11.**—(1) No person shall be liable under this Act to be called up for service who—

(a) is a person not ordinarily resident in Great Britain who is, under the provisions of any Act in force in any part of His Majesty's dominions outside Great Britain, a national or a citizen of that part within the meaning of that Act, or is a person born or domiciled in any such part

- of His Majesty's dominions or in a British protectorate, a mandated territory, or any other country or territory being a country or territory under His Majesty's protection or suzerainty ; or
- (b) is a person employed in the service of the Government of a part of His Majesty's dominions outside Great Britain, or in the service of the Government of a British protectorate, a mandated territory or some other country or territory which is under His Majesty's protection or suzerainty, being a person whose presence in Great Britain is occasioned solely by his employment in that service, or
- (c) is a member of any of the armed forces of the Crown, or
- (d) is undergoing training as a cadet at the Royal Military Academy, the Royal Military College, or the Royal Air Force College, or
- (e) is a man in holy orders or a regular minister of any religious denomination, or
- (f) is the subject of an order or inquisition under the Lunacy and Mental Treatment Acts, 1890 to 1930, or is being detained in pursuance of section twenty-five of the Lunacy Act, 1890, or as a criminal lunatic or in pursuance of an order made under the Criminal Lunatics Act, 1884, or is undergoing treatment as a temporary patient under section five of the Mental Treatment Act, 1930, or is a person placed in an institution or a certified house, or under guardianship, under section three of the Mental Deficiency Act, 1913, or is the subject of an order under section six, eight, or nine of that Act, or is under supervision provided under paragraph (b) of section thirty of that Act, or is an inmate of a home approved under section fifty of that Act, or is the subject of a notification under subsection (2) of section fifty-one of that Act, or
- (g) is certified by a local authority, as defined by the Blind Persons Acts, 1920 and 1938, to be registered as a blind person under arrangements made by the authority under those Acts.

53 & 54 Vict.  
c. 5.47 & 48 Vict.  
c. 64.20 & 21  
Geo. 5. c. 23.3 & 4 Geo. 5.  
c. 28.

(2) For the purposes of paragraph (a) of the last foregoing subsection, a person who is resident in Great Britain shall be deemed to be ordinarily resident there unless he has been resident in Great Britain for less than two years or is residing there only for the purpose of attending a course of education, or the circumstances of his residence in Great Britain are otherwise such as to show that he is residing there for a temporary purpose only.

(3) Where any person upon whom there is duly served a notice under this Act requiring him to do something on a future date is, at that date, not subject to this Act, he shall, for the purposes of that notice, be deemed not to have been subject to this Act at the date of the service of the notice.

Operation of  
Military  
Training  
Act, 1939.  
2 & 3 Geo. 6.  
c. 25.

**12.**—(1) Until the end of the present emergency, the provisions of the Military Training Act, 1939, requiring persons to register under that Act shall cease to have effect, and no person shall be liable to be called up for military training under that Act.

(2) Any person who at the commencement of this Act was registered under the Military Training Act, 1939, or who was required to be so registered at any time before the commencement of this Act, shall be liable to be called up for service under this Act notwithstanding that he may not be so liable by virtue of any proclamation made under this Act.

(3) Any person who at the commencement of this Act is registered under the Military Training Act, 1939, shall be deemed, in the case of a person registered in the military training register under that Act, to be registered in the military service register under this Act, and in the case of a person registered in the register of conscientious objectors under that Act, to be registered in the register of conscientious objectors under this Act; and any order of the local tribunal or of the appellate tribunal made under paragraph (b) or paragraph (c) of subsection (7) of section three of that Act shall have effect as if it had been made under paragraph (b) or paragraph (c) of subsection (6) of section five of this Act, as the case may be, so, however, that where the work to be performed in accordance with paragraph (b) of the said section five has not been specified by the tribunal, the tribunal shall on the application of the Minister specify such work.



(4) Any action taken before the commencement of this Act under section four of the Military Training Act, 1939, (which relates to medical examination) shall be deemed to have been taken under section three of this Act and may be proceeded with accordingly.

(5) A military training notice served on any person before the commencement of this Act shall have effect as if it were an enlistment notice served under this Act, so however that no such notice shall require any person to present himself for service at a date earlier than that specified in the military training notice.

(6) Nothing in this section shall apply to any person who under the Military Training Act, 1939, is deemed to have been, before the commencement of this Act, duly enlisted as a militiaman under section thirty of the Territorial and Reserve Forces Act, 1907.

7 Edw. 7.  
c. 9.

**13.**—(1) If any person, being a person who has made application for registration as a conscientious objector but who has nevertheless been called up under this Act for service, is undergoing a sentence of penal servitude or of imprisonment for a term of three months or more imposed on him by a court martial in respect of an offence committed by him while in Great Britain, then if he claims that the offence was committed by reason of his conscientiously objecting to performing military service or to obeying any order in respect of which the offence was committed he may apply in the prescribed manner to have his case considered by the appellate tribunal constituted under Part I of the Schedule to this Act, and that tribunal shall, if it finds that the offence for which he was sentenced was committed by reason of such conscientious objection as aforesaid have power to recommend to the Admiralty or to the Secretary of State that he be discharged from service in the armed forces of the Crown as soon as may be after serving the sentence imposed upon him.

Provisions  
as to certain  
persons  
sentenced  
by court  
martial.

(2) Upon receiving from the appellate tribunal a recommendation made under this section that a person be discharged from the armed forces of the Crown it shall be the duty of the Admiralty or of the Secretary of State as the case may be to arrange for his discharge accordingly.

(3) Where the appellate tribunal recommend under this section that a person be discharged from the armed forces of the Crown the tribunal shall have power to make any order with respect to his registration as a conscientious objector or as a person liable to be employed on non-combatant duties only which they would have had power to make on an appeal under section five of this Act, and any such order shall have effect immediately upon his discharge.

Reinstatement in civil employment.

**14.**—(1) It shall be the duty of any employer by whom a person called up under this Act for service or by whom a member of His Majesty's reserve and auxiliary forces called out for service under the permanent enactments relating to those forces, whether before or after the commencement of this Act was employed when he was called from his civil employment for service connected with the present emergency, to reinstate him in his employment at the termination of that service in an occupation and under conditions not less favourable to him than those which would have been applicable to him had he not been so called as aforesaid, and if he fails to do so, the employer shall, subject as hereinafter provided, be liable on summary conviction to a fine not exceeding fifty pounds; and the court by which any employer is found guilty of an offence under this subsection may order him to pay to the person whom he has failed to reinstate a sum not exceeding an amount equal to twelve weeks' remuneration at the rate at which his remuneration was last payable to him by the employer :

Provided that in any proceedings under this subsection it shall be a defence for the employer to prove that the person formerly employed by him did not, before the expiration of one month after the termination of such service as aforesaid, apply to the employer for reinstatement, or that, having been offered reinstatement by him, he failed, without reasonable excuse, to present himself for employment at the time and place notified to him by the employer, or that by reason of a change of circumstances (other than the engagement of some other person to replace him)—

- (a) it was not reasonably practicable to reinstate him; or
- (b) his reinstatement in an occupation and under conditions not less favourable to him than those

which would have been applicable to him had he not been called from his civil employment for service connected with the present emergency, was impracticable, and that the employer has offered to reinstate him in the most favourable occupation and under the most favourable conditions reasonably practicable.

(2) For the purpose of securing the fair adjustment of contracts of service or apprenticeship in force between employers and employees when the employees are or were called from their civil employment for service connected with the present emergency, the Minister may make regulations relieving the parties to such contracts of all or any of their obligations thereunder in respect of the period of that service, and may also make regulations modifying such contracts by extending the period of service or apprenticeship thereunder by a period not exceeding the period of the said service, and adapting the terms of the contracts in relation to any such extension.

(3) In relation to any person called from his civil employment for service connected with the present emergency, references in this section to an employer shall be construed as including references to any person for the time being carrying on the undertaking or service in which he was employed when so called as aforesaid, or carrying on any undertaking or service with which that undertaking or service has been amalgamated or in which it was comprised on the date on which he was so called as aforesaid.

(4) If the Minister is satisfied that it is necessary to restrain employers from terminating the employment of their employees by reason of any duties or liabilities which they are or may become liable to perform or discharge by reason of their having been called from their civil employment for service connected with the present emergency, or to make provision for the prevention of evasion of the provisions of this section, he may make regulations for those purposes, and such regulations may make provision for the punishment of breaches of the regulations, and may in particular apply with respect to persons found guilty of such breaches any of the provisions of this section relating to persons found guilty of offences under this section, with or without modifications.

2 & 3 Geo. 6.  
c. 24.

(5) In this section the expression "His Majesty's reserve and auxiliary forces" has the same meaning as in the Reserve and Auxiliary Forces Act, 1939, and the expression "permanent enactments relating to His Majesty's reserve and auxiliary forces" means the enactments (including any proclamation, Order in Council, regulations, warrant, or other instrument) mentioned in subsection (3) of section one of that Act; and "the employer by whom a person called from his civil employment for service connected with the present emergency" means the employer by whom a person was employed when that person was called up under the Military Training Act, 1939, called out under the Reserve and Auxiliary Forces Act, 1939, called up under this Act, or called into actual service, ordered to join the royal navy, ordered to serve in the royal marine forces, called out on permanent service, embodied or called out for service, under the permanent enactments relating to His Majesty's reserve and auxiliary forces.

Power to  
provide for  
consequen-  
tial matters.

**15.**—(1) Subject to the provisions of this section, His Majesty may by Order in Council make provision for such consequential matters as it appears to Him expedient to provide for by reason of the passing of this Act, and may by any such Order modify any enactment relating to such matters.

(2) Any Order in Council made under this section may provide for the continuance of any provisions contained therein after the expiry of this Act; and any such Order may, while this Act is in force, be varied or revoked by any subsequent Order made in like manner as the original Order.

(3) The draft of any Order in Council proposed to be made under this section shall not be submitted to His Majesty unless it has been approved by resolutions passed by each House of Parliament:

Provided that if, at any time when Parliament is dissolved or prorogued, or when both Houses of Parliament are adjourned for more than fourteen days, it is shown to the satisfaction of a Secretary of State that the making of an Order in Council under this section is urgently necessary, a draft of the Order need not be laid before Parliament, but the Order shall, except as

respects things previously done or omitted to be done, cease to have effect at the expiration of the period of twenty-eight days beginning with the date on which the Commons House first sits after the making of the Order, unless within that period resolutions approving the making of the Order are passed by both Houses of Parliament.

**16.** Any person who—

(a) in giving any information for the purposes of this Act knowingly or recklessly makes any statement which is false in a material particular, or

False  
state-  
ments and  
forgery.

(b) with intent to deceive—

(i) forges or uses, or lends to or allows to be used by any other person, any certificate under this Act, or

(ii) makes, or has in his possession, any document so closely resembling any certificate under this Act as to be calculated to deceive,

shall be guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine.

**17.—(1)** Any person guilty of an offence under this Act, not being an offence for which a penalty is thereby expressly provided, by reason of non-compliance with any of the provisions of this Act shall be liable on summary conviction to a fine not exceeding five pounds :

General  
provisions  
as to  
offences.

Provided that in any proceedings for an offence punishable under this section it shall be a defence for the defendant to prove that he was prevented from complying with the relevant provisions of this Act by circumstances beyond his control.

(2) Proceedings for an offence under this Act may be taken against any person at any place at which he is for the time being.

(3) Notwithstanding any limitation imposed by law as respects the time within which proceedings under the Summary Jurisdiction Acts may be commenced, proceedings against any person for an offence under this Act alleged to have been committed by him while outside Great Britain, may be commenced at any time after the

date on which he is alleged to have committed that offence; and proceedings for any other offence under this Act may be commenced at any time within the period of six months from the date on which evidence sufficient in the opinion of the Minister to justify a prosecution for the offence, comes to his knowledge, or within the period of twelve months after the commission of the offence, whichever period last expires.

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

Service of  
notices.

**18.** Any notice to be served on any person for the purposes of any of the provisions of this Act may be sent by post addressed to that person at his last known address.

Regulations  
and orders.

**19.**—(1) The Minister may make regulations regulating any matter of procedure under this Act, and such regulations may, in particular, make provision as to the quorum necessary to constitute a meeting of any tribunal or committee appointed for the purposes of this Act.

(2) Any regulations made under this Act by the Minister shall, as soon as may be after they are made, be laid before Parliament.

(3) If either House of Parliament, within the period of forty days beginning with the day on which any such regulations as aforesaid are laid before it, resolves that the regulations be annulled, they shall thereupon become void, without prejudice, however, to the validity of anything previously done thereunder or to the making of new regulations.

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.

56 & 57 Vict.  
c. 66.

(4) Section one of the Rules Publication Act, 1893, shall not apply to any Order in Council or regulations made under this Act.

Expenses.

**20.** Any expenses incurred by the Minister or by any Secretary of State or other Minister of the Crown, in consequence of the passing of this Act or the making of

any Order in Council thereunder, shall be defrayed out of moneys provided by Parliament.

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

Interpretation.

“ mandated territory ” means a territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by the Government of any part of His Majesty’s dominions ;

“ the Minister ” means the Minister of Labour ;

“ prescribed ” means prescribed by regulations made by the Minister under this Act ;

(2) For the purposes of this Act, the present emergency shall be deemed to end or to have ended as the case may be on such date as His Majesty may by Order in Council appoint.

(3) For the purposes of this Act and of any proclamation made thereunder, the time at which a person attains a relevant age shall be deemed to be, according to law in force elsewhere than Scotland as well as according to the law in force in Scotland, the commencement of the relevant anniversary of the date of his birth.

**22.** In the application of this Act to Scotland subsection (1) of section eleven of this Act shall have effect as if for paragraph (f) thereof the following paragraph were substituted :—

Application to Scotland.

“ (f) is the subject of an order or warrant for his detention or custody under the Lunacy (Scotland) Acts, 1857 to 1919, or is being entertained and kept in an asylum in pursuance of section fifteen of the Lunacy (Scotland) Act, 1866, or is a person for whose safe custody during His Majesty’s pleasure His Majesty is authorised to give order or is a prisoner whom the Secretary of State or the Prisons Department for Scotland has, in pursuance of any Act, directed to be removed to a criminal lunatic asylum or to the criminal lunatic department of Perth prison or to an asylum, or is a person placed in an institution or a certified house or under guardianship under section four of the Mental Deficiency and Lunacy (Scotland) Act, 1913, or is the subject of an order under section seven, nine, or ten of that Act.”

29 & 30 Vict.  
c. 51.

3 & 4 Geo. 5.  
c. 38.

Power to  
extend to  
Isle of Man.

**23.** His Majesty may by Order in Council direct that this Act shall extend to the Isle of Man, subject to such modifications and adaptations as may be specified in the Order, and upon this Act being so extended, references in this Act and in any instrument made thereunder to Great Britain shall be construed as including references to the Isle of Man; and as from the date on which such an Order comes into operation any proclamation made under this Act shall, in relation to the Isle of Man, have effect as if the said date were the date of the proclamation.

Short title.

**24.** This Act may be cited as the National Service (Armed Forces) Act, 1939.

## SCHEDULE.

Section 5.

### PART I.

#### LOCAL AND APPELLATE TRIBUNALS.

##### *Local Tribunals.*

Local tribunals shall be appointed for such districts as the Minister may determine, and shall consist of a chairman and four other members appointed by the Minister. In appointing members of such tribunals the Minister shall have regard to the necessity of selecting impartial persons, and of the four members not less than one shall be appointed by the Minister after consultation with organisations representative of workers.

The chairman shall be a county court judge or, in the case of a local tribunal for a district in Scotland, a sheriff or sheriff-substitute.

##### *The Appellate Tribunal.*

Each division of the appellate tribunal shall consist of a chairman and two other members appointed by the Minister. In appointing members of the appellate tribunal the Minister shall have regard to the necessity of selecting impartial persons, and of the two members one shall be appointed by the Minister after consultation with organisations representative of workers.

The chairman shall be a person nominated in the case of the division for England by the Lord Chancellor and in the case of the division for Scotland by the Lord President of the Court of Session.



## PART II.

Section 6.

## MILITARY SERVICE (HARDSHIP) COMMITTEES.

Military service (Hardship) Committees shall be appointed for such districts as the Minister may determine, and shall consist of a chairman appointed by the Minister and of two other persons selected by the Minister from a panel constituted by him for the purposes of this Act, which shall, so far as practicable, include all persons being members of one or other of the panels constituted under section forty-one of the Unemployment Insurance Act, 1935.

The chairman shall be a person holding the office of chairman of a court of referees under the said section forty-one, or having such other qualifications as the Minister considers suitable.

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**CHAPTER 82.**

An Act to make provision as respects certain personal injuries sustained during the period of the present emergency.

[3rd September 1939.]

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

1.—(1) The Minister may make a scheme, with the approval of the Treasury and in accordance with the provisions of this Act, providing for the making of payments in respect of the following injuries sustained during the period of the present emergency, namely—

- (a) war injuries sustained by gainfully occupied persons (with such exceptions, if any, as may be specified in the scheme) and by persons of such other classes as may be so specified; and
- (b) war service injuries sustained by civil defence volunteers.

(2) In respect of any such injury, a scheme may authorise the Minister, in such circumstances and subject to such conditions as may be specified in the scheme, to

Allowances and pensions in respect of certain war injuries and war service injuries.

make the following payments to or in respect of the person injured, namely—

- (a) payments by way of allowance (hereafter in this Act referred to as “injury allowances”), which shall be payable only so long as the person injured is incapacitated for work by the injury and has not received any such payment as is mentioned in the next following paragraph; and
- (b) payments by way of pension or grant, which shall be payable only where the injury causes serious and prolonged disablement or death.

(3) A scheme may empower the Minister to make regulations for giving effect to the purposes of the scheme.

(4) Any decision of the Minister as to the making, refusal or amount, or as to the continuance or discontinuance, of a payment under a scheme may be varied by a subsequent decision of the Minister, but save in so far as it is so varied shall be final and conclusive.

(5) All expenses incurred by the Minister in giving effect to a scheme shall be defrayed out of moneys provided by Parliament.

Procedure  
as to  
schemes.

2.—(1) A scheme may provide that it shall come into operation, or shall be deemed to have come into operation, on such date as may be specified therein.

(2) A scheme may be amended or revoked by a subsequent scheme or by an order made by the Minister with the consent of the Treasury.

(3) Every scheme, and every order made under the last preceding subsection, shall be laid before both Houses of Parliament as soon as may be after it is made, and if either House, within the period of forty days beginning with the day on which a scheme or such an order is laid before it, resolves that the scheme or order be annulled, it shall thenceforth become void, but without prejudice to the validity of anything previously done thereunder or to the making of a new scheme or order.

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.

(4) A scheme and any regulations made thereunder, and any order made under this Act, shall, for the purpose of section three of the Rules Publication Act, 1893 (which relates to the printing of statutory rules), be deemed to be statutory rules within the meaning of that Act, but shall not be deemed to be or to contain such statutory rules for the purpose of any other provision of that Act. 56 & 57 Vict.  
c. 66.

3.—(1) In respect of a war injury sustained during the period of the present emergency by any person, and in respect of a war service injury sustained during that period by a civil defence volunteer, no such compensation or damages shall be payable, whether to the person injured or to any other person, as apart from the provisions of this subsection— Relief from  
liability to  
pay com-  
pensation  
or damages.

(a) would be payable under the Workmen's Compensation Acts, 1925 to 1938, or the Employers' Liability Act, 1880, or any corresponding enactment of the Parliament of Northern Ireland; or 43 & 44 Vict.  
c. 42.

(b) would, whether by virtue of any enactment, by virtue of any contract, or at common law, be payable—

(i) in the case of a war injury, by any person; or

(ii) in the case of a war service injury sustained by a civil defence volunteer, by the employer of the volunteer, by any person who has any responsibility in connection with his duties as a volunteer or by any other civil defence volunteer;

on the ground that the injury in question was attributable to some negligence, nuisance or breach of duty for which the person by whom the compensation or damages would be payable is responsible.

(2) The failure to give a notice or make a claim or commence proceedings within the time required by any enactment shall not be a bar to the maintenance of proceedings in respect of any personal injury, if—

(a) an application for a payment under a scheme, or under any other enactment or instrument, has

been duly made to the Minister in respect of the injury; and

- (b) the court before which the proceedings are brought is satisfied that the said application was made in the reasonable belief that the injury was such that a payment could be made under the scheme or that other enactment or instrument, as the case may be; and
- (c) the Minister certifies that the application was rejected, or that payments made in pursuance of the application were discontinued, on the ground that the injury was not such an injury; and
- (d) the proceedings are commenced within one month from the date of the said certificate of the Minister.

Reduction  
of sick pay  
by amount  
of allow-  
ances.

**4. Where an employee—**

- (a) is in receipt of an injury allowance under a scheme during a period for which he is incapacitated for work; and
- (b) would, but for the provisions of this section, be entitled to receive a sum from his employer by way of wages or other emoluments in respect of that period;

the employer shall be under no obligation to pay to him in respect of that period an amount greater than the amount by which the said sum exceeds that allowance.

Information  
as to  
earnings.

**5.—(1)** Where it is necessary, in order to determine the amount of any payment to be awarded under a scheme in respect of any injury, to ascertain the earnings of the person injured in respect of any period before he sustained the injury, the Minister may by notice in writing require—

- (a) any person who was an employer of the injured person during that period; and
- (b) any other person having any knowledge with respect to the financial circumstances of the injured person during that period;

to furnish in accordance with the notice any information in his possession relating to those earnings or circumstances, and to produce to any person specified in the

notice any wage books, records or other documents in his possession containing any entries with respect to those earnings.

(2) If any person—

(a) fails to comply with the requirements of any such notice; or

(b) in purported compliance with any such notice, knowingly or recklessly makes any untrue statement or untrue representation, or produces any document which is false in a material particular or calculated to deceive;

he shall be liable on summary conviction to a fine not exceeding twenty pounds.

**6.** Any person who, for the purpose of obtaining a payment under a scheme, either for himself or for any other person, knowingly makes any untrue statement or untrue representation, shall be liable on summary conviction to imprisonment for a term not exceeding three months. Penalty for false statements.

**7.** Any assignment of, or charge on, and any agreement to assign or charge, any payment awarded or to be awarded under a scheme shall be void, and, on the bankruptcy of any person to whom such a payment has been awarded, the payment shall not pass to any trustee or other person acting on behalf of the creditors. Assignments, &c., to be void.

**8.**—(1) In this Act, unless the context otherwise requires,— Interpretation.

“civil defence organisation” means any organisation established for civil defence purposes which is declared by a scheme to be a civil defence organisation for the purpose of this Act and the scheme;

“civil defence volunteer,” in relation to an injury, means a person certified by a responsible officer of a civil defence organisation to have been a member of that organisation at the time when the injury was sustained;

“enactment” includes any enactment of the Parliament of Northern Ireland;

“gainfully occupied person” means a person who is engaged in any trade, business, profession,

office, employment or vocation and is wholly or substantially dependent thereon for a livelihood, or a person who, though temporarily unemployed, is normally so engaged and dependent;

“the Minister” means the Minister of Pensions;

“period of the present emergency” means the period beginning with the commencement of this Act, and ending with such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end;

“scheme” means a scheme made under this Act;

“war injuries” means physical injuries—

(a) caused by—

(i) the discharge of any missile (including liquids and gas); or

(ii) the use of any weapon, explosive or other noxious thing; or

(iii) the doing of any other injurious act;

either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy; or

(b) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to, or held by any person on behalf of or for the benefit of, His Majesty or any allied power, or any part of, or anything dropped from, any such aircraft;

“war service injury” in relation to a civil defence volunteer, means any physical injury which the Minister certifies to have been shown to his satisfaction to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time when the injury was sustained, and (except in the case of a war injury) not to have arisen out of and in the course of his employment in any other capacity.

(2) No certificate shall be given by the Minister in relation to the definition of "war service injury" in the foregoing subsection, unless he has been furnished with a report about the injury in question by a responsible officer of the civil defence organisation of which the volunteer concerned was a member at the time when the injury was sustained and any such certificate may be revoked by the Minister at any time on new facts being brought to his notice.

9.—(1) This Act may be cited as the Personal Injuries (Emergency Provisions) Act, 1939.

Short title,  
extent and  
commence-  
ment.

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

(3) This Act shall come into operation, or shall be deemed to have come into operation, on such date as His Majesty may by Order in Council appoint.

## CHAPTER 83.

An Act to make provision for the transfer to the Minister of Pensions of powers and duties with respect to pensions and grants vested in certain Naval, Military and Air Force authorities, to amend section nine of the War Pensions (Administrative Provisions) Act, 1918, to make provision for awards in respect of war injuries to, and the detention of, mariners and other seafaring persons and war damage to their effects, and for purposes connected with the matters aforesaid.

[3rd September 1939.]

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

1.—(1) His Majesty may by Order in Council transfer to the Minister of Pensions (in this Act referred to as "the Minister") all or any of the powers and duties

Transfer of  
powers and  
duties as

respects  
naval,  
military  
and air force  
pensions.

of any appropriate authority with respect to pensions and grants payable out of moneys provided by Parliament, on account of disablement or death arising out of service after such date (whether before or after the commencement of this Act) as may be specified in the Order, to the following persons, namely—

- (a) persons who have served as officers or men of any of His Majesty's naval, military or air forces ;
- (b) persons who have been employed in the nursing service or other auxiliary service of any of His Majesty's said forces ;
- (c) dependants of such persons as aforesaid.

(2) In the preceding subsection the expression "appropriate authority" means, in relation to any of His Majesty's naval forces, the Admiralty, in relation to any of His Majesty's military forces, the Army Council, the Secretary of State and the Commissioners of the Royal Hospital for soldiers at Chelsea and, in relation to any of His Majesty's Air Forces, the Air Council and the Secretary of State.

(3) His Majesty may by Order in Council re-transfer all or any of the powers and duties transferred to the Minister pursuant to this section to the authority from which they were so transferred.

(4) A transfer or re-transfer pursuant to this section shall take effect on such date as His Majesty may by Order in Council fix, and different dates may be fixed for different powers and duties.

(5) An Order in Council under this section may make such adaptations in the enactments relating to any powers and duties transferred to the Minister pursuant to this section as may be necessary or expedient for enabling those powers and duties to be exercised or performed by the Minister and his officers, and may contain such supplementary and consequential provisions as may be necessary or expedient for giving effect to the purposes of the Order.

2. The children for the care of whom it shall be the duty of the Minister to make provision after the commencement of this Act under section nine of the War Pensions (Administrative Provisions) Act, 1918, as

Amendment  
as to care of  
children.  
8 & 9 Geo. 5.  
c. 57.



amended by any subsequent enactment, shall be children—

- (a) to or in respect of whom a pension or grant has been awarded by the Minister on account of the death of a parent under any powers or duties transferred to him pursuant to the last preceding section; and
- (b) who, by reason of their mother being dead or for any other reason, are suffering from neglect or want of proper care;

and no other children, except children for whose care provision is being made under that section at the commencement of this Act.

**3.**—(1) The Minister may with the consent of the Treasury make a scheme for—

Awards to mariners in respect of war injuries and detention.

- (a) applying the provisions of any Naval War Pensions Order to mariners in cases where their death or disablement is directly attributable to war injuries sustained by reason of their service in British ships, or to detention caused by reason of such service; and
- (b) the payment of allowances to or for the benefit of mariners detained as aforesaid, or to or for the benefit of the dependants of mariners so detained.

(2) For the purpose of this section a mariner shall be deemed to have sustained a war injury, or to have been detained, by reason of his service in a British ship, if he sustained the injury, or if the capture in consequence of which the detention occurs is effected—

- (a) while he is in the service of a British ship; or
- (b) while he is proceeding by sea, or by land or air outside the British Islands, to a British ship for the purpose of being in the service thereof; or
- (c) while he is returning by sea, or by land or air outside the British Islands, to the British Islands or to the country to which he belongs from a British ship after being in the service thereof; or
- (d) while he is outside the British Islands on leave from a British ship which for the time being is in a port outside the British Islands.

(3) If it appears to the Minister that the awards that could be authorised by the provisions of a scheme made by virtue of paragraph (a) of subsection (1) of this section would, in the case of mariners of any particular class, be inappropriate to the conditions of their employment or engagement, he may, with the consent of the Treasury, in lieu of making provision for the application in their case of a Naval War Pensions Order, make a scheme authorising in their case awards on account of the like matters as if the scheme were made under those provisions, but of such amount and character as may be specified in the scheme.

Awards to  
pilots, &c.

4.—(1) The Minister with the consent of the Treasury make a scheme for—

- (a) applying the provisions of any Naval War Pensions Order to persons to whom this section applies in cases where their death or disablement is directly attributable to war injuries sustained by reason of their service, or to detention caused by reason of their service; and
- (b) the payment of allowances to or for the benefit of any such persons detained as aforesaid, or to or for the benefit of the dependants of such persons so detained.

(2) This section applies to the following persons, namely—

- (a) pilots and apprentice pilots; and
- (b) masters and members of the crew of pilot boats, lightships, lighthouse tenders and lightship tenders.

(3) For the purpose of this section, a person to whom this section applies shall be deemed to have sustained a war injury, or to have been detained, by reason of his service, if he sustained the injury, or if the capture in consequence of which the detention occurs is effected—

- (a) in the case of a pilot or apprentice pilot—
  - (i) while he is on board any ship for the purpose of taking her, or assisting to take her, into or out of a port in the British Islands; or
  - (ii) while he is proceeding by sea, or by land or air outside the British Islands, to a ship for

the purpose of taking her, or assisting to take her, into any such port; or

(iii) while he is returning to the British Islands after having taken, or assisted to take, a ship out of any such port; or

(iv) while he is at a place outside the British Islands for the purpose of proceeding or returning as aforesaid; or

(v) while he is on board any pilot boat;

(b) in the case of a master or member of the crew of a pilot boat, lighthouse tender or lightship tender, while he is in the service of the boat or tender;

(c) in the case of a master or member of the crew of a lightship, while he is in the service of the lightship or is proceeding by sea or air to the lightship for the purpose of being in the service thereof or from the lightship after being in the service thereof.

(4) In this section the following expressions have the meanings hereby respectively assigned to them:—

“Lightship” means a lightship belonging to a local or general lighthouse authority within the meaning of the Merchant Shipping Act, 1894;

57 & 58 Vict.  
c. 60.

“Lighthouse tender” means a tender to a lighthouse belonging to any such authority;

“Lightship tender” means a tender to a lightship;

“Pilot boat” has the meaning assigned to it by section thirty-eight of the Pilotage Act, 1913.

2 & 3 Geo. 5  
c. 31.

5.—(1) The Minister may, with the consent of the Treasury, make a scheme for—

(a) applying the provisions of any Naval War Pensions Order to persons employed or engaged on ships forming part of His Majesty's Navy (being persons to whom the provisions of the Order would not otherwise apply) in cases where their death or disablement is directly attributable to war injuries sustained in such circumstances as may be specified in the scheme, or to detention caused by reason of their service in such ships; and

Awards to certain persons serving on naval ships.

(b) the payment of allowances to or for the benefit of any such persons detained as aforesaid, or to or for the benefit of the dependants of such persons so detained.

(2) If it appears to the Minister that the awards that could be authorised by the provisions of a scheme made by virtue of paragraph (a) of the foregoing subsection would, in the case of any such persons of any particular class, be inappropriate to the conditions of their employment or engagement, he may, with the consent of the Treasury, in lieu of making provision for the application in their case of a Naval War Pensions Order, make a scheme authorising in their case awards on account of the like matters as if the scheme were made under those provisions, but of such amount and character as may be specified in the scheme.

Compensation for war damage to effects.

**6.**—(1) The Board of Trade may with the consent of the Treasury make a scheme for compensating—

- (a) mariners, for war damage to their effects sustained in the circumstances mentioned in subsection (2) of section three of this Act; and
- (b) a person to whom section four of this Act applies, for war damage to his effects sustained in such of the circumstances mentioned in subsection (3) of that section as are applicable in his case; and
- (c) persons to whom section five of this Act applies, for war damage to their effects sustained in such circumstances as may be specified in the scheme.

(2) A scheme made by virtue of this section may fix the maximum amount that shall be payable thereunder in different circumstances specified in the scheme.

(3) In the event of the death of any person to whom compensation would be payable under a scheme made by virtue of this section, section one hundred and seventy-six of the Merchant Shipping Act, 1894 (which provides for the distribution of the property of deceased seamen) shall apply to the compensation payable as it applies to the property of a deceased seaman in the hands of the Board of Trade.

(4) In this section the expression “effects”, in relation to any person, means any property carried on

his person or in the ship in which he is serving or in the ship or other conveyance in which he is travelling, or otherwise accompanying him, at the time when the war damage in question occurs.

7.—(1) A scheme made by the Minister or the Board of Trade under this Act (hereafter in this Act referred to as “ a scheme ”) may contain any such provisions as appear to him or them to be necessary or expedient for giving effect to the purpose of the scheme, and, without prejudice to the generality of the foregoing words, may make provision—

General provisions as to schemes.

- (a) for the determination of questions with respect to the effect or operation of the scheme, and
- (b) for empowering the Minister or the Board of Trade, as the case may be, to make regulations for giving effect to the purposes of the scheme.

(2) A scheme may provide that it shall come into operation, or shall be deemed to have come into operation, on such date as may be specified therein, whether before or after the commencement of this Act.

(3) A scheme may be amended or revoked by a subsequent scheme or by an order made by the Minister or the Board of Trade, as the case may be.

(4) A scheme and any regulations made thereunder, and any order made under this Act, shall, for the purpose of section three of the Rules Publication Act, 1893 (which relates to the printing of statutory rules), be deemed to be statutory rules within the meaning of that Act. 56 & 57 Vict. c. 66.

(5) A scheme applying the provisions of a Naval War Pensions Order to mariners or other persons in the cases mentioned in this Act may apply the Order subject to—

- (a) such modifications as appear to the Minister to be appropriate, having regard to the differences in the conditions of service of mariners and other persons and of officers and men of His Majesty's naval forces respectively or to other circumstances; and
- (b) such conditions, limitations and exceptions as appear to the Minister to be expedient.

(6) All sums to be paid in respect of a pension or other payment awarded by virtue of a scheme shall be paid out of moneys provided by Parliament.

Penalty for false statements.

8. Any person who, for the purpose of obtaining a payment under a scheme, either for himself or for any other person, knowingly makes any false statement or false representation, shall be liable on summary conviction to imprisonment for a term not exceeding three months.

Exercise of powers of Board of Trade.

9. 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 of Trade, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President.

Interpretation.

10. In this Act the following expressions have the meanings hereby respectively assigned to them :—

“ British Islands ” means Great Britain, Northern Ireland, the Channel Islands and the Isle of Man;

“ British ship ” has the same meaning as in the Merchant Shipping Act, 1894, except that it includes a ship within the meaning of that Act not forming part of His Majesty's Navy which belongs to His Majesty or is held by any person on behalf of or for the benefit of the Crown;

“ Capture ” includes seizure, arrest or other restraint;

“ Detention,” in relation to a mariner or other person, means detention consequent on the capture of the mariner or other person or of his ship effected by reason of the existence of a state of war;

“ Mariner,” in relation to a British ship, means the master or a member of the crew of the ship, being a person employed or engaged in seagoing service and not being a member of His Majesty's naval forces or a person to whom the provisions of section four or section five of this Act apply;

“ Naval War Pensions Order ” means an Order in Council whereby provision is made as respects officers and men of His Majesty’s naval forces for the award of pensions or other payments on account of death or disablement attributable to service in those forces during war ;

“ Port ” includes place ;

“ War injuries ” means physical injuries—

(a) caused by—

(i) the discharge of any missile (including liquids and gas) ; or

(ii) the use of any weapon, explosive or other noxious thing ; or

(iii) the doing of any other injurious act ; either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy ; or

(b) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to, or held by any person on behalf of or for the benefit of, His Majesty or any allied power, or any part of, or anything dropped from, any such aircraft ;

and the expression “ war damage ”, in relation to the effects of any person, means loss of or damage to his effects caused as aforesaid or caused by or in consequence of his capture or the capture of the effects.

**11.**—(1) This Act may be cited as the Pensions Short title  
(Navy, Army, Air Force and Mercantile Marine) Act, and extent.  
1939.

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

## CHAPTER 84.

An Act to amend the law relating to national health insurance as respects the period of the present emergency, and to amend the law relating to widows', orphans' and old age contributory pensions as respects that period and as respects provisions against double pensions.

[3rd September 1939.]

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

### PART I.

#### PERSONS ENGAGED IN WAR OCCUPATIONS.

War occupa-  
tions outside  
the United  
Kingdom.

1.—(1) A person employed during the period of the present emergency in employment to which this section applies who, immediately before he became so employed, was insured or treated as insured under the Insurance Acts, or was to any extent insured within the meaning of the Pensions Acts, shall be treated as if he were employed within the meaning of the Insurance Acts.

(2) Notwithstanding anything in the Insurance Acts, so long as a person is treated as an employed contributor by virtue of this section—

- (a) the employer's contribution payable under those Acts in respect of that person shall be at the weekly rate of threepence in the case of a man and twopence-halfpenny in the case of a woman, and shall be payable at such times and in such manner as may be prescribed; and
- (b) no contribution shall be payable under those Acts by the person so treated as an employed contributor.

(3) The employment to which this section applies is employment outside the United Kingdom, Eire and the



Isle of Man, by a person resident or having his principal place of business in the United Kingdom, in any war occupation prescribed for the purposes of this section, being employment which, if it were employment in the United Kingdom, would be employment within the meaning of the Insurance Acts.

PART I.  
—cont.

2.—(1) Where a person engaged in a war occupation prescribed for the purposes of this section, not being employment to which the foregoing section applies—

Extension of free and extended insurance periods.

(a) on becoming so engaged—

(i) became entitled to a free insurance period by virtue of section six of the Insurance Act or by virtue of that section as applied by regulations made under any provision of the Insurance Acts, or was so entitled to the remainder of a free insurance period then current; or

(ii) was entitled by virtue of section seven of the Insurance Act, or by virtue of that section as so applied, to the remainder of an extended insurance period then current; and

(b) is engaged in any such war occupation at, or within such period as may be prescribed before, the time when the free insurance period or extended insurance period would but for this section expire; and

(c) pays, at such times and in such manner as may be prescribed, in respect of the period for which he is engaged in any such war occupation—

(i) contributions for the purpose of the Insurance Acts at the weekly rate of three-pence in the case of a man and twopence half-penny in the case of a woman; and

(ii) except in the case of a person insured separately as a voluntary contributor for purposes relating to health (whether or not he is also so insured for purposes relating to pensions), the contributions

PART I.  
—cont.

which would have been payable for the purpose of the Pensions Acts by his employer and by himself if he had been employed within the meaning of the Insurance Acts for the period for which he is so engaged;

the free insurance period or extended insurance period shall, subject to such modifications of the Insurance Acts as may be prescribed, be extended until the expiration of such period from the date when he ceases to be so engaged as may be prescribed.

(2) The Minister may by regulations modify the provisions of subsection (2) of section seven of the Insurance Act in their application to persons who during an extended insurance period become engaged in any war occupation prescribed for the purposes of this section, so as to enable them to become entitled to sickness or disablement benefit in such circumstances and subject to such conditions as may be prescribed.

Grants to approved societies.

3. Where contributions for the purpose of the Insurance Acts are paid in accordance with the provisions of the two foregoing sections by or in respect of a member of an approved society, there shall be credited to his society a sum equal to sixpence for each weekly contribution paid, and an equal sum shall be treated for the purpose of section twelve of the Insurance Act as having been expended on benefits.

Prolongation of pensions insurance of certain contributors.

4. Subject to such conditions (including conditions as to the payment of contributions) as may be prescribed, any person who—

- (a) becomes engaged, during the period of the present emergency, in any war occupation prescribed by the Minister for the purpose of section two of this Act or of this section; and
- (b) was, immediately before he became so engaged, insured within the meaning of the Pensions Acts, otherwise than as a person insured, or treated as insured, under the Insurance Acts; and

(c) is not, while so engaged, insured within the meaning of the Pensions Acts as a person insured, or treated as insured, under the Insurance Acts;

PART I.  
—cont.

shall remain insured within the meaning of the Pensions Acts to the extent to which he was insured immediately before he became so engaged until the expiration of whichever of the following periods last expires, namely,—

- (i) such period from the date on which he ceases to be so engaged as may be prescribed; or
- (ii) the period at the end of which he would, but for this section, have ceased to be insured within the meaning of the Pensions Acts.

5. The Pensions Acts shall have effect, in their application to persons insured thereunder by virtue of the foregoing provisions of this Part of this Act, subject to such modifications as may be prescribed.

Modifica-  
tion of  
Pensions  
Acts.

## PART II.

### NATIONAL HEALTH INSURANCE.

6.—(1) Where an insured person is rendered incapable of work by reason of—

- (a) an injury in respect of which payment may be made under a scheme made by virtue of the Personal Injuries (Emergency Provisions) Act, 1939, or the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939; or
- (b) an injury in respect of which payment might be made under such a scheme but for a provision of the scheme precluding the making of payments in cases where the incapacity caused by the injury lasts for less than a period specified in the scheme; or
- (c) an injury sustained in the course of, or aggravated by, service in the naval, military or air forces of the Crown or in the nursing service or other auxiliary service of any of the said forces, being an injury in respect of which the insured person

Postpone-  
ment of  
sickness and  
disablement  
benefit in  
cases of war  
injury.  
2 & 3 Geo. 6.  
c. 82.  
2 & 3 Geo. 6.  
c. 83.

**PART II.**  
—*cont.*

is in receipt of a pension or grant under any Order in Council or other instrument; or

- (d) a disease attributable to or aggravated by such service as is mentioned in the last foregoing paragraph, being a disease in respect of which the insured person is in receipt of any such pension or grant as aforesaid;

no sickness or disablement benefit shall be payable to the insured person in respect of that injury or disease for any period before the expiration of twenty-six weeks beginning—

- (i) in the case of an injury, with the Monday next before the date on which he sustained the injury; or
- (ii) in the case of a disease, with the Monday next before the date of his first removal from duty by reason of the disease.

(2) Where, for the purpose of any such scheme as is mentioned in paragraph (a) of the last foregoing subsection, a decision has been made by the Minister of Pensions that any injury is or is not an injury in respect of which a payment may be made under the scheme—

- (a) that decision shall be final and conclusive for the purposes of the Insurance Acts and of this section; and
- (b) notwithstanding anything in section one hundred and sixty-three of the Insurance Act, any decision of an approved society or branch thereof, an arbitrator, an insurance committee, the Minister or a referee, relating to the right of the injured person to receive sickness or disablement benefit which is inconsistent with the decision of the Minister of Pensions shall be revised so as to accord therewith, and shall have effect as revised as from the date on which the original decision took effect:

Provided that—

- (i) where the Minister of Pensions has during any period made an allowance or other payment to any person on the footing that that person

was rendered incapable of work during that period by reason of an injury in respect of which a payment may be made under any such scheme, that person shall, notwithstanding any subsequent decision of the said Minister, be treated for the purposes of the Insurance Acts and this section as having been so rendered incapable during that period; and

PART II.  
—cont.

- (ii) where sickness or disablement benefit has been paid to any person during any period on the footing that he was rendered incapable of work otherwise than by reason of such an injury as aforesaid, he shall, notwithstanding any subsequent decision of the Minister of Pensions, be deemed, for the purpose of section seventy-one of the Insurance Act (which relates to the repayment of benefits improperly paid), to have been lawfully entitled thereto.

**7.—(1) Subject to the provisions of this section—**

- (a) for any period after the expiration of the twenty-six weeks mentioned in subsection (1) of the last foregoing section in respect of which a person is in receipt of a pension in respect of disablement in the highest degree or an injury allowance, the rate of any sickness benefit to which he would otherwise be entitled in respect of his insurance under the Insurance Acts shall be reduced by one-half, and no disablement benefit shall be payable to him; and
- (b) for any period after the expiration of the said twenty-six weeks in respect of which a person is in receipt of a pension in respect of disablement in a lesser degree, the rate of any sickness or disablement benefit to which he would otherwise be so entitled shall be reduced by the amount, if any, by which—

Modification  
of rights to  
benefit of  
persons in  
receipt of  
disability  
pensions  
and injury  
allowances.

(i) the aggregate amount of the benefit to which he would be so entitled and of the pension for that period exceeds

PART II.  
—cont.

(ii) the aggregate amount of the pension and benefit which he would have received for that period if his disablement had been in the highest degree.

(2) A person shall not be subject or shall cease to be subject to the provisions of the foregoing subsection—

(a) as respects sickness benefit, if he proves that since the appropriate date he has been employed within the meaning of the Insurance Acts or been engaged in some regular occupation during twenty-six weeks, whether consecutive or not, and that twenty-six weekly contributions have been paid in respect of him; or

(b) as respects disablement benefit, if he proves that since the appropriate date he has been so employed or engaged during one hundred and four weeks, whether consecutive or not, and that one hundred and four weekly contributions have been paid in respect of him :

Provided that, for the purpose of this subsection, a person shall not be deemed to have been employed or engaged as aforesaid in any week unless he proves that the remuneration received in respect of the employment or regular occupation was such as to provide a substantial contribution towards his means of livelihood in that week.

(3) Where sickness or disablement benefit is paid to any person for any period and he subsequently receives a pension or injury allowance in respect of that period—

(a) the society, committee or other body by which the benefit was paid shall be deemed to have advanced to him—

(i) in a case where, by virtue of this section, the benefit would not have been payable if he had been in receipt of the pension or allowance at the commencement of that period, the amount of the benefit paid;

(ii) in any other case, the amount of the difference between the benefit paid and the benefit which would have been payable as aforesaid; and

(b) the amount so deemed to be advanced, without prejudice to any other method of recovery—

(i) shall be recovered by deductions from or suspension of any sickness or disablement benefit which may subsequently become payable to him; or

(ii) if the authority or department by whom the pension or injury allowance is administered think fit, may be repaid by that authority or department out of any arrears in their hands of the pension or injury allowance.

(4) In calculating for the purposes of the Insurance Acts arrears of contributions payable in respect of any person, no account shall be taken of any arrears accruing during any period for which he has been subject to the provisions of paragraph (a) of subsection (1) of this section.

(5) For the purposes of this section—

(a) the expression “pension” means—

(i) a pension paid under a scheme made by virtue of the Personal Injuries (Emergency Provisions) Act, 1939, or the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939; or

(ii) a pension or retired pay paid under any Order in Council or other instrument either in respect of an injury sustained or aggravated during the period of the present emergency in the course of, or by, service in the naval, military or air forces of the Crown or in the nursing service or other auxiliary service of any of the said forces, or in respect of a disease attributable to or aggravated by such service;

(b) the expression “injury allowance” has the same meaning as in the Personal Injuries (Emergency Provisions) Act, 1939;

(c) an allowance in lieu of pension to a person undergoing a special course of medical treatment, or undergoing treatment in an institution, or receiving training in a technical institution or otherwise, shall be treated as

PART II.  
 —cont.

if the allowance were a pension in respect of disablement in the highest degree;

- (d) in calculating the amount of a pension or injury allowance, no account shall be taken of any sum payable in respect of any dependant of the person in receipt thereof;
- (e) the expression "appropriate date" means—

(i) in relation to a person in receipt of a pension or retired pay under any such Order in Council or other instrument as is mentioned in sub-paragraph (ii) of paragraph (a) of this subsection, the date on which he ceased to serve on full pay in the service in the course of which he was disabled; and

(ii) in relation to any other person, the date on which he sustained the injury in respect of which the pension or injury allowance in question was awarded.

Extension  
 of s. 134 of  
 principal  
 Act.

8.—(1) Section one hundred and thirty-four of the Insurance Act (which applies the provisions of that Act relating to men of the forces to men of the reserve and other forces mentioned in paragraph (a) thereof) shall have effect as if the following paragraph were inserted immediately after the said paragraph (a)—

"(aa) subject to such adaptations, modifications or conditions as may be prescribed, apply to men serving during the period of the present emergency in such other naval, military or air forces of the Crown as may be prescribed, and to persons employed during that period in such nursing or other auxiliary service of any of the naval, military or air forces of the Crown as may be prescribed."

(2) A person insured by virtue of the provisions of the Insurance Act which are applied by the said section one hundred and thirty-four as amended by this section shall not be insured by virtue of any other provision of the Insurance Acts.

Provision as  
 to married  
 women

9. In reckoning for the purpose of section one hundred and twenty-six of the Insurance Act (which relates to married women ceasing to be persons whose



normal occupation is employment within the meaning of the Act)—

- (a) the period of twelve months first mentioned in subsection (1) of that section; or
- (b) the period of eight consecutive weeks mentioned in subsection (2) of that section;

no account shall be taken of any period during which a woman is engaged—

- (i) in a war occupation prescribed for the purposes of section one or section two of this Act; or
- (ii) in any nursing or other auxiliary service of any of the naval, military or air forces of the Crown prescribed under paragraph (aa) of subsection (1) of section one hundred and thirty-four of the Insurance Act as amended by the last foregoing section.

**10.** Regulations of the Minister may authorise the payment, during the period of the present emergency and subject to such conditions as may be prescribed, of any benefit under the Insurance Acts without the question being determined whether the statutory conditions governing the right to that benefit have been complied with, in cases where it is impracticable to determine that question by reason of circumstances arising out of the existence of a state of war.

**11.** During the period of the present emergency no certificate of exemption shall be granted under section five of the Insurance Act otherwise than by way of renewal of a certificate granted before the commencement of that period.

**12.—(1)** The committee of management of any approved society may dispense with the holding of any meeting of members or delegates required by the rules of the society to be held during the period of the present emergency, if satisfied that it is inexpedient to hold the meeting having regard to the number of persons likely to assemble thereat.

(2) Where a meeting is so dispensed with by a committee of management—

- (a) any officers or members of the committee who would otherwise have gone out of office shall

PART II.  
—cont.  
engaged in war occupations.

Payment of benefit without proof of compliance with statutory conditions.

Suspension of right to certificates of exemption.

Meetings of approved societies.

PART II.  
 --cont.

continue in office until the next meeting at which they can be appointed or reappointed is held, as if they had been duly appointed or reappointed in accordance with the rules of the society; and

- (b) the committee may, until such a meeting is held, exercise and perform any of the powers and duties which might have been exercised and performed by the meeting the holding of which was dispensed with.

(3) In this section the expression "committee of management" includes any other governing body of an approved society.

Suspension of right to terminate membership of approved society.

**13.** During the period of the present emergency, notwithstanding anything in section eighty-nine of the Insurance Act, no person shall be entitled to terminate his membership of any approved society or branch thereof.

PART III.

CONTRIBUTORY PENSIONS.

Provision against double pensions.

**14.**—(1) In relation to persons to or in respect of whom any dependants war pension is payable, the provisions of the Pensions Acts shall have effect subject to the following modifications.

(2) Where, apart from the provisions of this subsection, both a dependants war pension and a widow's pension, additional allowance or orphan's pension under the Pensions Acts would be payable in respect of the death of the same person—

- (a) the widow's pension, additional allowance or orphan's pension shall not be payable; and
- (b) where the amount of the dependants war pension is less than the amount of the pension, including additional allowance (if any), which would but for the provisions of this subsection have been payable under the Pensions Acts, there shall be payable out of the Pensions Account or Special Pensions Account to the dependants war pension

authority a sum equal to the difference between the last-mentioned and the first-mentioned amount, and thereupon the dependants war pension shall be increased by that sum.

PART III.  
—cont.

For the purposes of this subsection, where dependants war pensions are payable to or in respect of a widow and her children, the amount of the dependants war pension payable to the widow shall be treated as including the pensions payable in respect of her children.

(3) Where a person to or in respect of whom a dependants war pension (not being a pension in respect of the service of the pensioner's son or stepson) is payable becomes entitled to an old age pension under the Pensions Acts, the old age pension shall, notwithstanding the provisions of subsection (4) of section twenty-five of the Pensions Act, be payable at the following rate, that is to say—

- (a) at the rate of two shillings per week, together with an additional amount of one shilling per week for each complete period of five years which, on the date on which the person by virtue of whose insurance the pension is payable attained the age of sixty-five years, has elapsed since the thirty-first day of December, nineteen hundred and thirty-four, so however that the additional amount shall not in any case exceed eight shillings; or
- (b) at such rate, if any, as may be necessary to ensure that the aggregate of the weekly rate of the dependants war pension and the old age pension shall not be less than the rate of old age pension which would have been payable but for the provisions of this section;

whichever is the greater.

For the purposes of this subsection, where a dependants war pension is payable to or in respect of a person being one of a married couple living together in the same house, the husband and wife shall each be treated as in receipt of a pension of half the amount of the dependants war pension.

(4) Subsections (2) and (3) of section five of the Widows', Orphans' and Old Age Contributory Pensions

1 Edw. 8. &  
1 Geo. 6.  
c. 39.

PART III.  
 —cont.

(Voluntary Contributors) Act, 1937, and the Third and Fourth Schedules thereto, and those subsections and Schedules as modified under subsection (2) of section ten of that Act, shall have effect, in relation to pensions payable in accordance with the provisions of the last foregoing subsection, subject to such modifications as may be prescribed.

(5) Regulations may be made by the Minister and the dependants war pension authority concerned for excluding from the foregoing provisions of this section such dependants war pensions as may be prescribed, being pensions calculated with reference to the necessities of the pensioner, and such regulations may make special provision with reference to the administration of pensions under the Pensions Acts payable in the case of persons entitled to such excluded pensions.

(6) In this section the expression “ dependants war pension ” means any pension or allowance payable out of moneys provided by Parliament at weekly or other periodical intervals to any person—

- (a) in respect of the death of some other person attributable to or connected with the service of that other person in the naval, military or air forces of the Crown; or
- (b) after the death of some other person in continuation of any payments made during the lifetime of that person in respect of his service in any of the said forces; or
- (c) in respect of the death of some other person attributable to or connected with the service of that other person during the late war; or
- (d) in respect of the death of some other person, under a scheme made by virtue of the Injuries in War (Compensation) Act, 1914, the Injuries in War Compensation Act, 1914 (Session 2), the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939, or the Personal Injuries (Emergency Provisions) Act, 1939;

4 & 5 Geo. 5.  
 c. 30.  
 5 & 6 Geo. 5.  
 c. 18.

and the expression “ dependants war pension authority ” means, in relation to a dependants war pension, the authority or department by whom the pension is administered.

(7) The provisions of this section shall have effect in substitution for the provisions of subsection (1) of section twenty-five of the Pensions Act, and accordingly—

PART III.  
—cont.

- (a) that subsection and the expressions “service dependants pension” and “service pension authority” in subsection (1) of section forty-two of the Pensions Act are hereby repealed; and
- (b) any reference in any enactment to section twenty-five of that Act or to the provisions of that Act relating to service dependants pensions shall be construed as including a reference to this section; and
- (c) any reference in any enactment to a service dependants pension within the meaning of that Act shall be construed as a reference to a dependants war pension within the meaning of this section.

**15.**—(1) Where a claim for a pension is made under the Pensions Acts, and it appears to the Minister that, by reason of circumstances arising out of the existence of a state of war, it is impracticable to determine the question whether the statutory conditions have been complied with in relation to the claim, the Minister may make a provisional award of a pension without determining that question. Provisional awards of pensions.

(2) Where, after a provisional award has been made under this section, new facts are brought to the notice of the Minister which in his opinion render it practicable to determine the question aforesaid, the Minister shall determine that question and may revise the provisional award accordingly.

(3) Where a provisional award is revised under this section the revised award shall take effect as from the date on which the provisional award took effect.

## PART IV.

### GENERAL.

**16.** There shall be defrayed out of moneys provided by Parliament any increase resulting from the operation Expenditure.

PART IV.  
—*cont.*  
26 Geo. 5. &  
1 Edw. 8.  
c. 31.

of this Act in expenditure which is authorised to be so defrayed under or by virtue of the Insurance Acts, the Pensions Acts or the Old Age Pensions Act, 1936.

Interpreta-  
tion.

17. In this Act the following expressions have the meanings hereby respectively assigned to them :—

26 Geo. 5. &  
1 Edw. 8.  
c. 32.

“ Insurance Act ” means the National Health Insurance Act, 1936, as amended by any subsequent enactment ;

“ Insurance Acts ” means the National Health Insurance Acts, 1936 to 1938 ;

“ Pensions Act ” means the Widows’, Orphans’ and Old Age Contributory Pensions Act, 1936, as amended by any subsequent enactment ;

“ Pensions Acts ” means the Widows’, Orphans’ and Old Age Contributory Pensions Acts, 1936 and 1937 ;

“ period of the present emergency ” means the period beginning with the commencement of this Act and ending with such date as His Majesty may by order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end ;

“ war occupation ” means an occupation followed during the period of the present emergency in connection with the defence of the realm, the prosecution of the war, or the maintenance of essential supplies or services, not being employment within the meaning of the Insurance Acts.

Applica-  
tion to  
Northern  
Ireland.

18.—(1) It is hereby declared that this Act extends to Northern Ireland.

(2) In the application of this Act to Northern Ireland the following modifications shall be made—

(a) references to the Insurance Act shall be construed as references to that Act as it applies in Northern Ireland under and subject to the provisions of Part X thereof, and as amended by any subsequent Act of the Parliament of Northern Ireland ;

- (b) references to the Insurance Acts shall be construed as references to the National Health Insurance Acts (Northern Ireland), 1936 to 1938;
- (c) references to the Pension Acts and to section forty-two thereof shall respectively be construed as references to the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936, passed by the Parliament of Northern Ireland, as amended by any subsequent enactment of that Parliament, and to section forty-three thereof;
- (d) references to the Pensions Acts shall be construed as references to the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1936 and 1937;
- (e) the reference to the Widows', Orphans' and Old Age Contributory Pensions (Voluntary Contributors) Act, 1937, shall be construed as a reference to the Widows', Orphans' and Old Age Contributory Pensions (Voluntary Contributors) Act (Northern Ireland), 1937, passed by the Parliament of Northern Ireland;
- (f) references to the Minister shall be construed as references to the Ministry of Labour for Northern Ireland;
- (g) sections three and sixteen shall not apply, but notwithstanding anything in the Government of Ireland Act, 1920, the Parliament of Northern Ireland shall have power to make laws for purposes similar to the purposes of those sections.

PART IV.  
—cont.

10 & 11  
Geo. 5. c. 67.

19.—(1) This Act may be cited as the National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939.

Short title,  
construc-  
tion,  
citation and  
commence-  
ment.

(2) Part II of this Act and so much of Part I thereof as relates to insurance under the Insurance Acts—

- (a) in its application to England, Scotland and Wales, shall be construed as one with the National Health Insurance Acts, 1936 to 1938, and may be cited together with those Acts as

PART IV.  
—cont.

the National Health Insurance Acts, 1936 to 1939; and

(b) in its application to Northern Ireland, shall be construed as one with the National Health Insurance Acts (Northern Ireland), 1936 to 1938, and may be cited together with those Acts as the National Health Insurance Acts (Northern Ireland), 1936 to 1939.

(3) Part III of this Act and so much of Part I thereof as relates to insurance within the meaning of the Pensions Acts—

(a) in its application to England, Scotland and Wales, shall be construed as one with the Widows', Orphans' and Old Age Contributory Pensions Acts, 1936 and 1937, and may be cited together with those Acts as the Widows', Orphans' and Old Age Contributory Pensions Acts, 1936 to 1939; and

(b) in its application to Northern Ireland, shall be construed as one with the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1936 and 1937, and may be cited together with those Acts as the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1936 to 1939.

(4) This Act shall come into operation, or shall be deemed to have come into operation, on such day as His Majesty may by Order in Council appoint.

## CHAPTER 85.

An Act to prevent membership of any of His Majesty's Forces being a disqualification for membership of the Commons House of Parliament. [3rd September 1939.]

**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present



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

1. A person shall not be incapable of being elected to, or of sitting or voting in, the Commons House of Parliament by reason only that, as a member of any of His Majesty's Forces, he holds any office or place of profit under the Crown. Prevention of disqualification.

2.—(1) This Act may be cited as the House of Commons (Service in His Majesty's Forces) Act, 1939. Short title and duration of Act.

(2) This Act shall continue in force until such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end, and shall then expire except as respects things previously done or omitted to be done.

## CHAPTER 86.

An Act to enable His Majesty by Order in Council to extend to the Isle of Man Acts passed for purposes connected with the defence of the Realm.

[3rd September 1939.]

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

1.—(1) His Majesty may by Order in Council extend to the Isle of Man any Act passed after the twenty-fourth day of August nineteen hundred and thirty-nine which appears to His Majesty to have been passed for purposes connected with the defence of the Realm and does not extend to the Isle of Man, and any Act so extended shall have effect accordingly, subject to such exceptions, modifications and adaptations, if any, as may be specified in the Order. Power to extend war Acts to the Isle of Man.

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

Short title  
and dura-  
tion.

2.—(1) This Act may be cited as the *Isle of Man (War Legislation) Act, 1939.*

(2) This Act shall continue in force until such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end.

## CHAPTER 87.

An Act to enable the Admiralty to dispense, in certain cases, with the requirements of section five of the *Navy and Marines (Wills) Act, 1865.*  
[5th September 1939.]

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

1.—(1) With respect to any instrument or statement appearing to the Admiralty—

- (a) to have been executed or made, before the end of the emergency that was the occasion of the passing of this Act, by a person while serving as a seaman or a marine, and
- (b) to have been intended by him to operate as a testamentary disposition of naval assets (either alone or together with any other property),

the Admiralty, if they think fit so to do, may direct that section five of the *Navy and Marines (Wills) Act, 1865,* (which prescribes the form in which the wills of seamen and marines must be made in order to be valid for the disposal of naval assets) shall not apply in relation to the said instrument or statement.

(2) In this section the expression “naval assets” means, in relation to any person, any wages, prize money, bounty money, grant or other allowances in the nature thereof, or other money payable to him by the Admiralty, or any effects or money belonging to him and in charge of the Admiralty; and the expression

Exemption  
of certain  
wills from  
operation  
of s. 5 of  
*Navy and  
Marines  
(Wills)  
Act, 1865.*

28 & 29 Vict.  
c. 72.

“ the end of the emergency that was the occasion of the passing of this Act ” means such day as His Majesty may by Order in Council declare to be the day on which that emergency came to an end.

2. This Act may be cited as the Navy and Marines (Wills) Act, 1939, and shall be construed as one with the Navy and Marines (Wills) Acts, 1865 and 1930; and those Acts and this Act may be cited together as the Navy and Marines (Wills) Acts, 1865 to 1939.

Short title,  
construction  
and  
citation.

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## CHAPTER 88.

An Act to provide for the prolongation of the service of men of the Royal Marine forces.

[5th September 1939.]

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

1.—(1) His Majesty may by proclamation call upon marines or any class of marines serving in the Royal Marine forces to extend the term of their services for a period of five years; and any marine or, as the case may be, any marine of that class who, apart from this Act, would be entitled to be discharged at any time while a proclamation under this section is in force, may be required to serve for a period of five years from that time, if his services are so long required.

Extension  
of term of  
service of  
marines.

(2) If and so long as a proclamation made under this section is in force, so much of section five of the Royal Marines Act, 1847, as provides that the term of service of a marine serving on a foreign station may be extended for a period not exceeding two years by direction of the commanding officer on the foreign station shall be of no effect.

10 & 11 Vict.  
c. 63.

2. This Act may be cited as the Royal Marines Act, 1939.

Short title.

**CHAPTER 89.**

An Act to impose penalties for trading with the enemy, to make provision as respects the property of enemies and enemy subjects, and for purposes connected with the matters aforesaid.

[5th September 1939.]

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

*Trading with the Enemy and matters relating thereto.*

Penalties  
for trading  
with the  
enemy.

1.—(1) Any person who trades with the enemy within the meaning of this Act shall be guilty of an offence of trading with the enemy, and shall be liable—

- (a) on conviction on indictment, to penal servitude for a term not exceeding seven years or to a fine or to both such penal servitude and a fine, or
- (b) on summary conviction, to imprisonment for a term not exceeding twelve months or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine;

and the court may in any case order that any goods or money in respect of which the offence has been committed shall be forfeited.

(2) For the purposes of this Act a person shall be deemed to have traded with the enemy—

- (a) if he has had any commercial, financial or other intercourse or dealings with, or for the benefit of, an enemy, and, in particular, but without prejudice to the generality of the foregoing provision, if he has—

- (i) supplied any goods to or for the benefit of an enemy, or obtained any goods from an enemy, or traded in, or carried, any goods

consigned to or from an enemy or destined for or coming from enemy territory, or

(ii) paid or transmitted any money, negotiable instrument or security for money to or for the benefit of an enemy or to a place in enemy territory, or

(iii) performed any obligation to, or discharged any obligation of, an enemy, whether the obligation was undertaken before or after the commencement of this Act; or

(b) if he has done anything which, under the following provisions of this Act, is to be treated as trading with the enemy :

Provided that a person shall not be deemed to have traded with the enemy by reason only that he has—

(i) done anything under an authority given generally or specially by, or by any person authorised in that behalf by, a Secretary of State, the Treasury or the Board of Trade, or

(ii) received payment from an enemy of a sum of money due in respect of a transaction under which all obligations on the part of the person receiving payment had been performed before the commencement of the war by reason of which the person from whom the payment was received became an enemy.

(3) Any reference in this section to an enemy shall be construed as including a reference to a person acting on behalf of an enemy.

(4) A prosecution for an offence of trading with the enemy shall not be instituted in England or Northern Ireland except by, or with the consent of, the Director of Public Prosecutions or the Attorney General for Northern Ireland, as the case may be :

Provided that this subsection shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remanding, in custody or on bail, of any person charged with such an offence, notwithstanding that the necessary consent to the institution of a prosecution for the offence has not been obtained.

Definition  
of enemy.

2.—(1) Subject to the provisions of this section, the expression “enemy” for the purposes of this Act means—

- (a) any State, or Sovereign of a State, at war with His Majesty,
- (b) any individual resident in enemy territory,
- (c) any body of persons (whether corporate or unincorporate) carrying on business in any place, if and so long as the body is controlled by a person who, under this section, is an enemy, or
- (d) any body of persons constituted or incorporated in, or under the laws of, a State at war with His Majesty;

but does not include any person by reason only that he is an enemy subject.

(2) The Board of Trade may by order direct that any person specified in the order shall, for the purposes of this Act, be deemed to be, while so specified, an enemy.

Inspection  
and super-  
vision of  
businesses.

3.—(1) The Board of Trade, if they think it expedient for securing compliance with section one of this Act so to do, may by written order authorise a specified person (hereafter in this section referred to as “an inspector”) to inspect any books or documents belonging to, or under the control of, a person named in the order, and to require that person and any other person to give such information in his possession with respect to any business carried on by the named person as the inspector may demand, and for the purposes aforesaid to enter on any premises used for the purposes of that business.

(2) If, on a report made by an inspector as respects any business, it appears to the Board of Trade that it is expedient, for securing compliance with section one of this Act, that the business should be subject to supervision, the Board may appoint a person (hereafter in this section referred to as “a supervisor”) to supervise the business, with such powers as the Board may determine.

(3) If any person, without reasonable cause, fails to produce for inspection, or furnish, to an inspector or a

supervisor any document or information which he is duly requested by the inspector or supervisor so to produce or furnish, that person shall be liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(4) If any person, with intent to evade the provisions of this section, destroys, mutilates or defaces any book or other document which an inspector or a supervisor is or may be authorised under this section to inspect, that person shall be liable—

- (a) on conviction on indictment, to penal servitude for a term not exceeding five years or to a fine or to both such penal servitude and a fine, or
- (b) on summary conviction, 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.

4.—(1) No assignment of a chose in action made by or on behalf of an enemy shall, except with the sanction of the Treasury, be effective so as to confer on any person any rights or remedies in respect of the chose in action; and neither a transfer of a negotiable instrument by or on behalf of an enemy, nor any subsequent transfer thereof, shall, except with the sanction of the Treasury, be effective so as to confer any rights or remedies against any party to the instrument.

Transfer of negotiable instruments and choses in action by enemies.

(2) The preceding subsection shall apply in relation to any transfer of any coupon or other security transferable by delivery, not being a negotiable instrument, as it applies in relation to any assignment of a chose in action.

(3) If any person by payment or otherwise purports to discharge any liability from which he is relieved by this section, knowing the facts by virtue of which he is so relieved, he shall be deemed to have thereby traded with the enemy:

Provided that in any proceedings for an offence of trading with the enemy which are taken by virtue of this subsection it shall be a defence for the defendant to prove that at the time when he purported to discharge

the liability in question he had reasonable grounds for believing that the liability was enforceable against him by order of a competent court, not being either a court having jurisdiction in the United Kingdom or a court of a State at war with His Majesty, and would be enforced against him by such an order.

(4) Where a claim in respect of a negotiable instrument or chose in action is made against any person who has reasonable cause to believe that, if he satisfied the claim, he would be thereby committing an offence of trading with the enemy, that person may pay into the High Court or Court of Session any sum which, but for the provisions of subsection (1) of this section, would be due in respect of the claim, and thereupon that sum shall, subject to rules of court, be dealt with according to any order of the court, and the payment shall for all purposes be a good discharge to that person.

(5) Nothing in this section shall apply to securities to which the next following section applies.

Transfer  
and  
allotment  
of securi-  
ties.  
19 & 20  
Geo. 5. c. 23.

**5.—(1) If—**

- (a) any securities to which this section applies are transferred by or on behalf of an enemy, or
- (b) any such securities, being securities issued by a company within the meaning of the Companies Act, 1929, or any corresponding enactment in force in Northern Ireland, are allotted or transferred to, or for the benefit of, an enemy subject without the consent of the Board of Trade;

then, except with the sanction of the Board of Trade, the transferee or allottee shall not, by virtue of the transfer or allotment, have any rights or remedies in respect of the securities; and no body corporate by whom the securities were issued or are managed shall take any cognisance of, or otherwise act upon, any such transfer except under the authority of the Board.

(2) No share warrants, stock certificates or bonds, being warrants, certificates or bonds payable to bearer, shall be issued in respect of any securities to which this section applies, being securities registered or inscribed in the name of an enemy or of a person acting on behalf of, or for the benefit of, an enemy.



(3) Any person who contravenes the provisions of this section shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

(4) This section applies to the following securities, that is to say, annuities, stock, shares, bonds, debentures or debenture stock registered or inscribed in any register, branch register or other book kept in the United Kingdom.

6.—(1) Purchasing enemy currency shall be treated as trading with the enemy. Purchase of enemy currency.

(2) In this section the expression "enemy currency" means any such notes or coins as circulate as currency in any area under the sovereignty of a Power with whom His Majesty is at war, not being an area in the occupation of His Majesty or of a Power allied with His Majesty, or any such other notes or coins as are for the time being declared by an order of the Treasury to be enemy currency.

#### *Property of Enemies and Enemy Subjects.*

7.—(1) With a view to preventing the payment of money to enemies and of preserving enemy property in contemplation of arrangements to be made at the conclusion of peace, the Board of Trade may appoint custodians of enemy property for England, Scotland and Northern Ireland respectively, and may by order—

Collection of enemy debts and custody of enemy property.

- (a) require the payment to the prescribed custodian of money which would, but for the existence of a state of war, be payable to or for the benefit of a person who is an enemy, or which would, but for the provisions of section four or section five of this Act, be payable to any other person;
- (b) vest in the prescribed custodian such enemy property as may be prescribed, or provide for, and regulate, the vesting in that custodian of such enemy property as may be prescribed;
- (c) vest in the prescribed custodian the right to transfer such other enemy property as may be prescribed, being enemy property which has

not been, and is not required by the order to be, vested in the custodian ;

(d) confer and impose on the custodians and on any other person such rights, powers, duties and liabilities as may be prescribed as respects—

(i) property which has been, or is required to be, vested in a custodian by or under the order,

(ii) property of which the right of transfer has been, or is required to be, so vested,

(iii) any other enemy property which has not been, and is not required to be, so vested,  
or

(iv) money which has been, or is by the order required to be, paid to a custodian;

(e) require the payment of the prescribed fees to the custodians in respect of such matters as may be prescribed and regulate the collection of and accounting for such fees ;

(f) require any person to furnish to the custodian such returns, accounts and other information and to produce such documents, as the custodian considers necessary for the discharge of his functions under the order ;

and any such order may contain such incidental and supplementary provisions as appear to the Board of Trade to be necessary or expedient for the purposes of the order.

(2) Where any requirement or direction with respect to any money or property is addressed to any person by a custodian and accompanied by a certificate of the custodian that the money or property is money or property to which an order under this section applies, the certificate shall be evidence of the facts stated therein, and if that person complies with the requirement or direction, he shall not be liable to any action or other legal proceeding by reason only of such compliance.

(3) Where, in pursuance of an order made under this section,—

(a) any money is paid to a custodian,

(b) any property, or the right to transfer any property, is vested in a custodian, or

- (c) a direction is given to any person by a custodian in relation to any property which appears to the custodian to be property to which the order applies,

neither the payment, vesting or direction nor any proceedings in consequence thereof shall be invalidated or affected by reason only that at a material time—

- (i) some person who was or might have been interested in the money or property, and who was an enemy or an enemy subject, had died or had ceased to be an enemy or an enemy subject, or
- (ii) some person who was so interested, and who was believed by the custodian to be an enemy or an enemy subject, was not an enemy or an enemy subject.

(4) Any order under this section shall have effect notwithstanding anything in any Act passed before this Act.

(5) If any person pays any debt, or deals with any property, to which any order under this section applies, otherwise than in accordance with the provisions of the order, he shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine; and the payment or dealing shall be void.

(6) If any person, without reasonable cause, fails to produce or furnish, in accordance with the requirements of an order under this section, any document or information which he is required under the order to produce or furnish, he shall be liable on summary conviction to a fine not exceeding ten pounds for every day on which the default continues.

(7) All fees received by any custodian by virtue of an order under this section shall be paid into the Exchequer of the United Kingdom.

(8) In this section—

- (a) the expression “ enemy property ” means any property for the time being belonging to or held or managed on behalf of an enemy or an enemy subject;

- (b) the expression "property" means real or personal property, and includes any estate or interest in real or personal property, any negotiable instrument, debt or other chose in action, and any other right or interest, whether in possession or not; and
- (c) the expression "prescribed" means prescribed by an order made under this section.

*General and Supplementary Provisions.*

Provisions  
with respect  
to money  
payable to,  
or received  
by, a  
Clearing  
Office  
under  
24 & 25  
Geo. 5. c. 31.

8.—(1) Nothing in this Act shall affect the operation of section one of the Debts Clearing Offices and Import Restrictions Act, 1934, or of any order under that section, in so far as the said section or order relates to the payment to, and collection by, a Clearing Office of debts to which such an order applies; but—

- (a) notwithstanding anything in subsection (6) of the said section or in any such order as aforesaid, any sum received by a Clearing Office by virtue of such an order, being—

(i) a sum which is so received at a time when the Sovereign Power of the country with respect to which the order has been made is at war with His Majesty, or

(ii) a sum which has been so received before the commencement of the war between that Power and His Majesty and has not, before the commencement of that war, ceased to be in the possession or under the control of the Clearing Office,

shall be retained by the Clearing Office, subject to any order which may be made under this Act requiring the Clearing Office to pay that sum to a custodian of enemy property, and subject to the provisions of subsections (4) and (6) of the said section with respect to overpayments made to the Clearing Office; and

- (b) any sum which a Clearing Office is required by paragraph (a) of this subsection to retain subject as aforesaid, shall, except in so far as it represents an overpayment made to the Clearing Office, be deemed for the purposes of this Act to

be money which would, but for the existence of a state of war, be payable to or for the benefit of a person who is an enemy.

(2) There may be retained by a Clearing Office out of any sum which, by virtue of any order under this Act, is payable by that office to a custodian of enemy property such reasonable commission, not exceeding two per cent. of that sum, as the Treasury think fit; and the amount of any commission so retained by a Clearing Office shall be paid into the Exchequer of the United Kingdom.

9.—(1) If any person, for the purpose of obtaining any authority or sanction under this Act, or in giving any information for the purposes of this Act or of any order made thereunder, knowingly or recklessly makes a statement which is false in a material particular, he shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine. False statements and obstruction.

(2) Every person who wilfully obstructs any person in the exercise of any powers conferred on him by or under this Act shall be liable on summary conviction to a fine not exceeding fifty pounds.

10. Where any offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of that offence, and shall be liable to be proceeded against and punished accordingly. Offences by corporations.

11.—(1) The expenses incurred for the purposes of this Act by the Board of Trade shall be defrayed out of moneys provided by Parliament. Expenses of, and exercise of powers by, Board of Trade.

(2) Anything required or authorised under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President of the Board.

12. Any document stating that any authority or sanction is given under any of the provisions of this Act by a Secretary of State, the Treasury or the Board of Trade, and purporting to be signed on behalf of the Evidence of authority or sanction of Secretary of State,

Treasury or  
Board of  
Trade.

Secretary of State, the Treasury or the Board of Trade, or by a person who is empowered by this Act to do anything which may be done thereunder by the Board, shall be evidence of the facts stated in the document.

Application  
to Scotland.

13. In the application of this Act to Scotland, "chose in action" means "right of action or incorporeal moveable," "defendant" means "person accused," and "real or personal property" means "heritable or moveable property."

Extension  
of Act to  
colonies, &c.

14. His Majesty may by Order in Council direct that the provisions of this Act other than this section shall extend, with such exceptions, adaptations and modifications, if any, as may be prescribed by or under the Order—

- (a) to the Isle of Man or any of the Channel Islands,
- (b) to Newfoundland or any colony,
- (c) to any British protectorate,
- (d) to any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty, and is being exercised by His Majesty's Government in the United Kingdom, and
- (e) (to the extent of His Majesty's jurisdiction therein) to any other country or territory being a foreign country or territory in which for the time being His Majesty has jurisdiction.

Interpre-  
tation.

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

"enemy subject" means—

(a) an individual who, not being either a British subject or a British protected person, possesses the nationality of a State at war with His Majesty, or

(b) a body of persons constituted or incorporated in, or under the laws of, any such State; and

"enemy territory" means any area which is under the sovereignty of, or in the occupation of, a Power with whom His Majesty is at war, not being an area in the occupation of His Majesty or of a Power allied with His Majesty.

(2) A certificate of a Secretary of State that any area is or was under the sovereignty of, or in the occupation of any Power, or as to the time at which any area became or ceased to be under such sovereignty or in such occupation shall, for the purposes of any proceedings under or arising out of this Act, be conclusive evidence of the facts stated in the certificate.

(3) In considering for the purposes of any of the provisions of this Act whether any person has been an enemy or an enemy subject, no account shall be taken of any state of affairs existing before the commencement of this Act.

(4) For the purposes of this Act, a person shall be deemed to be a director of a body corporate if he occupies in relation thereto the position of a director, by whatever name called; and, for the purposes of the provisions of this Act relating to offences by bodies corporate, a person shall be deemed to be a director of a body corporate if he is a person in accordance with whose directions or instructions the directors of that body act:

Provided that a person shall not, by reason only that the directors of a body corporate act on advice given by him in a professional capacity, be taken to be a person in accordance with whose directions or instructions those directors act.

(5) Any power conferred by the preceding provisions of this Act to make an Order in Council or an order shall be construed as including a power, exercisable in the like manner, to vary or revoke the Order in Council or order.

16. This Act shall be without prejudice to the exercise of any right or prerogative of the Crown.

Saving of  
rights of  
Crown.

17.—(1) This Act may be cited as the Trading with the Enemy Act, 1939.

Short title,  
commence-  
ment and  
repeal.

(2) This Act shall, if His Majesty by Order in Council so directs, be deemed to have come into operation on such day as may be specified in the Order:

Provided that a person shall not, by virtue of an Order in Council under this subsection, be liable to any penalty in respect of anything done by him before the date of the passing of this Act which was not unlawful at common law.

(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 :

52 & 53 Vict. c. 63. subsection (2) of section thirty-eight of the Interpretation Act, 1889) the repeal of the said enactments by this subsection shall not affect the operation of any Order in Council or rules made under section five of the Trading with the Enemy Amendment Act, 1914, and shall not be taken to affect the operation of those enactments as applied or amended by any Order in Council made under the Treaty of Peace Act, 1919, the Treaty of Peace (Austria and Bulgaria) Act, 1920, the Treaty of Peace (Hungary) Act, 1921, or the Treaty of Peace (Turkey) Act, 1924.

5 & 6 Geo. 5. c. 12.

9 & 10 Geo. 5. c. 33.  
10 & 11 Geo. 5. c. 6.  
11 & 12 Geo. 5. c. 11.  
14 & 15 Geo. 5. c. 7.

## SCHEDULE.

### ENACTMENTS REPEALED.

Section 17.

Session and Chapter.	Short Title.	Extent of Repeal.
4 & 5 Geo. 5. c. 87.	The Trading with the Enemy Act, 1914.	The whole Act.
5 & 6 Geo. 5. c. 12.	The Trading with the Enemy Amendment Act, 1914.	The whole Act.
5 & 6 Geo. 5. c. 79.	The Trading with the Enemy Amendment Act, 1915.	The whole Act.
5 & 6 Geo. 5. a. 98.	The Trading with the Enemy (Extension of Powers) Act, 1915.	The whole Act.
5 & 6 Geo. 5. c. 105.	The Trading with the Enemy Amendment Act, 1916.	The whole Act.
6 & 7 Geo. 5. c. 32.	The Trading with the Enemy (Copyright) Act, 1916.	The whole Act.
6 & 7 Geo. 5. c. 52.	The Trading with the Enemy and Export of Prohibited Goods Act, 1916.	In section one the words from "any licence" to "obtaining" when it secondly occurs; section two.
8 & 9 Geo. 5. c. 31.	The Trading with the Enemy (Amendment) Act, 1918.	The whole Act.



**CHAPTER 90.**

An Act to provide for the prolongation of the service of certain men serving in the armed forces of the Crown. [5th September 1939.]

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

1.—(1) This section applies to every soldier of the regular forces, man belonging to the army reserve, man of the territorial army, airman of the regular air force, man belonging to the air force reserve or man of the auxiliary air force who, apart from this Act, would be entitled to be discharged at any time after the date of the passing of this Act and before the end of the emergency, but does not apply to any person serving in the Royal Marine forces. Prolonga  
tion of  
service.

(2) The term of service of any person to whom this section applies shall be deemed not to expire until the end of the emergency.

(3) In this section the expression "the end of the emergency" means the end of such day as His Majesty may by Order in Council declare to be the day on which the emergency that was the occasion of the passing of this Act came to an end; and for the purposes of this section a man shall be deemed to be a soldier of the regular forces or an airman of the regular air force notwithstanding that he is for the time being released from army service or air force service by virtue of an order under subsection (4) of section three, or subsection (2) of section five, of the Armed Forces (Conditions of Service) Act, 1939.

2. This Act may be cited as the *Military and Air Forces (Prolongation of Service) Act, 1939.* Short title.

## CHAPTER 91.

An Act to make provision for the establishment of a National Register, for the issue of identity cards, and for purposes connected with the matters aforesaid. [5th September 1939.]

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

Establishment of National Register.

1.—(1) Subject to the provisions of this Act, there shall be a register of all persons in the United Kingdom at the appointed time, and of all persons entering or born in the United Kingdom after that time, and there shall be recorded in the register in relation to those persons such particulars with respect to the matters specified in the Schedule to this Act as may be prescribed by regulations made by the Ministers.

(2) The said register shall be called the National Register and is hereafter in this Act referred to as "the Register."

Duties of Registrar-General.

2.—(1) It shall be the duty of the Registrar-General to make such arrangements and do such things as are necessary for the initiation and maintenance of the Register in accordance with the provisions of this Act and of any regulations made thereunder, and for that purpose to make arrangements for the preparation and issue of the necessary forms and instructions and for the collection or reception of the forms when filled in.

(2) The Registrar-General in the exercise of his powers under this Act or under regulations made thereunder shall be subject to the control of, and comply with any directions given by, the appropriate Minister.

Initiation of Register.

3. For the purpose of initiating the Register, the Ministers may make regulations providing for such matters as may be necessary or expedient, and in particular, but without prejudice to the generality of the foregoing words of this section—

(a) providing, in connection with the collection, reception and recording of the information

required in relation to persons in the United Kingdom at the appointed time, for the division of the country into districts and, in the case of such of those districts as may be prescribed, for the grouping of districts in areas, and for the employment of persons to act in the several districts and areas;

- (b) requiring persons employed under the regulations to make a statutory declaration with respect to the performance of their duties, and authorising any superintendent-registrar or registrar to take such a declaration;
- (c) requiring persons who have undertaken to perform duties in connection with the taking of a census under the Census Act, 1920, to perform in lieu thereof similar duties, subject as nearly as may be to the terms and conditions of their undertaking, in connection with the initiation of the Register; 10 & 11  
Geo. 5. c. 41.
- (d) prescribing the persons or classes of persons by whom returns are to be made (whether as respects themselves or as respects other persons), the persons to whom returns are to be made and the form of the returns, and providing for the collection or delivery of the returns;
- (e) requiring the information necessary for the making of a return with respect to any person to be given either by that person, or by such other person as may be prescribed, to the person by whom the return is to be made.

**4.** For the purpose of maintaining the Register, the Ministers may make regulations providing for such matters as may be necessary or expedient, and in particular, but without prejudice to the generality of the foregoing words of this section, providing— Mainten-  
ance of  
Register.

- (a) for the making of returns, in respect of any registered person, containing particulars of any change of circumstances affecting the accuracy of such of the particulars recorded in the Register in relation to that person as may be prescribed;

- (b) for the making of returns, in respect of persons entering or born in the United Kingdom after the appointed time, containing such particulars with respect to such of the matters specified in the Schedule to this Act as may be prescribed;
- (c) for the collection of such particulars with respect to registered persons dying or leaving the United Kingdom as may be prescribed;
- (d) for the recording of particulars obtained under this Act in such manner, at such places and by such persons as may be prescribed.

Vouching  
of informa-  
tion.

5. The appropriate Minister, or any person authorised by him for the purpose of this section, may require a person who has given any information in pursuance of this Act or regulations made thereunder to furnish such documentary or other evidence of the truth of that information as it is within the power of that person to furnish.

Identity  
cards.

6.—(1) It shall be the duty of the Registrar-General to cause a card containing the prescribed particulars (hereafter in this Act referred to as an "identity card") to be issued with respect to every registered person in accordance with regulations made under this section.

(2) The Ministers shall by regulations—

- (a) prescribe the form of identity cards and require to be entered therein such particulars with respect to such of the matters specified in the Schedule to this Act as may be prescribed;
- (b) provide for the issue of an identity card, either directly or otherwise, to the person to whom it relates, or to such other person as is deemed under the regulations to be in charge of the person to whom it relates;
- (c) provide for the transfer of an identity card from time to time to the person who for the time being is responsible under the regulations for the custody of the card;
- (d) provide for the issue, subject to the payment of such fee and compliance with such conditions as may be prescribed by the regulations,

of fresh identity cards in place of cards which have been lost, destroyed or defaced;

- (e) provide for the surrender of an identity card relating to a person who dies and, in such cases as may be prescribed, for the surrender of an identity card relating to a person who leaves the United Kingdom;

and the regulations may provide for the payment of rewards to persons finding and delivering to the prescribed person an identity card which has been lost.

(3) All fees received under the regulations shall be paid into the Exchequer.

(4) A constable in uniform, or any person authorised for the purpose under the said regulations, may require a person who under the regulations is for the time being responsible for the custody of an identity card, to produce the card to him or, if the person so required fails to produce it when the requirement is made, to produce it within such time, to such person and at such place as may be prescribed.

7. The Ministers may by regulations provide—

- (a) that the foregoing provisions of this Act and any regulation made thereunder shall not apply, or shall apply subject to such exceptions and modifications as may be prescribed, to the following persons or any class or classes thereof, namely—

Application  
of Act to  
armed  
forces and  
mercantile  
marine.

(i) officers or men of any of His Majesty's naval, military and air forces; and

(ii) persons employed or engaged or ordinarily employed or engaged on ships; and

- (b) for the registration or removal from the Register of any person on his ceasing to be or becoming a person who by virtue of the regulations made under this section is not required to be registered under this Act; and

- (c) for the surrender of an identity card relating to any person on his becoming a person who is not required to be registered as aforesaid.

Offences  
and  
penalties.

**8.—(1) If any person—**

(a) in giving any information for the purposes of this Act, knowingly or recklessly makes any statement which is false in a material particular; or

(b) with intent to deceive—

(i) makes a false representation that he or any other person is the person to whom an identity card relates; or

(ii) allows any other person to have possession of an identity card for the custody of which he is responsible under regulations made under this Act; or

(iii) forges an identity card, or makes or has in his possession any document so closely resembling an identity card as to be calculated to deceive;

he shall be guilty of an offence under this Act.

**(2) If any person—**

(a) being a person employed for the purposes of this Act, publishes or communicates to any person, otherwise than in the ordinary course of such employment, any information acquired by him in the course of the employment; or

(b) having possession of any information which to his knowledge has been disclosed in contravention of this Act, publishes or communicates that information to any other person;

he shall be guilty of an offence under this Act :

Provided that nothing in this subsection shall apply to any publication or communication of information made—

(i) for the purpose of any criminal proceedings; or

(ii) to any person authorised by the appropriate Minister or the Registrar-General.

(3) If any person fails to comply with any requirement duly made under this Act or contravenes or fails to comply with any regulations made under this Act, he shall be guilty of an offence under this Act.

(4) Every person who is guilty of an offence under this Act shall be liable—

(i) in the case of an offence under subsection (3) of this section, on summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding five pounds, or to both such imprisonment and such fine; and

(ii) in the case of any other offence—

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

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

9. Any expenses incurred for the purposes of this Act by the appropriate Minister or the Registrar-General shall be defrayed out of moneys provided by Parliament. Expenses.

10. Regulations made by the Ministers under any provision of this Act may contain different provisions as respects different parts of the United Kingdom. Provision as to regulations.

11. In this Act the following expressions have the meanings hereby respectively assigned to them,— Interpretation.

“appointed time” means such time as the Ministers may by order appoint;

“appropriate Minister” means—

(a) in the application of this Act to England, the Minister of Health;

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

(c) in the application of this Act to Northern Ireland, a Secretary of State;

“the Ministers” means two Secretaries of State and the Minister of Health acting jointly;

“prescribed,” in relation to any regulations, means prescribed by those regulations;

“registered person” means a person for the time being registered in the Register;

“Registrar-General” means—

- (i) in the application of this Act to England and Northern Ireland, the Registrar-General of Births, Deaths and Marriages in England;
- (ii) in the application of this Act to Scotland, the Registrar-General of Births, Deaths and Marriages in Scotland.

Short title,  
extent and  
duration.

**12.—(1)** This Act may be cited as the National Registration Act, 1939.

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

(3) His Majesty may by Order in Council direct that this Act shall extend to the Isle of Man as if it were part of the United Kingdom, subject to any exceptions, modifications and adaptations specified in the Order.

(4) This Act shall continue in force until such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end, and shall then expire except as respects things previously done or omitted to be done.

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## SCHEDULE.

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Sections 1,  
4, 6.

### MATTERS WITH RESPECT TO WHICH PARTICULARS ARE TO BE ENTERED IN REGISTER.

1. Names.
  2. Sex.
  3. Age.
  4. Occupation, profession, trade or employment.
  5. Residence.
  6. Condition as to marriage.
  7. Membership of Naval, Military or Air Force Reserves or Auxiliary Forces or of Civil Defence Services or Reserves.
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## CHAPTER 92.

An Act to empower the Minister of Labour in case of war to modify or suspend the operation of any of the provisions of the Unemployment Insurance Acts, 1935 to 1939, and make provision with respect to any of the matters to which the said Acts relate, and for purposes connected with the matters aforesaid.

[5th September 1939.]

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

1.—(1) For the purpose of adapting the statutory system of insurance against unemployment to the conditions arising by reason of any war in which His Majesty may be engaged, the Minister of Labour, with the approval of the Treasury, may by regulations modify, or suspend the operation of, such of the provisions of the Unemployment Insurance Acts, 1935 to 1939, and make such provision with respect to any of the matters to which the said Acts relate, as he considers expedient for the purpose aforesaid:

Power of Minister of Labour to make regulations adapting statutory system of unemployment to war-time conditions.

Provided that no such regulations shall alter the rates of benefit or the rates of contribution payable under the said Acts or the provisions of subsection (1) of section twenty-one of the Unemployment Insurance Act, 1935 (which relates to the payment of contributions out of moneys provided by Parliament), or the provisions of section sixty of that Act or of section four of the Unemployment Insurance Act, 1938 (which relate to Treasury advances to the Unemployment Fund).

25 & 26  
Geo. 5. c. 8.

1 & 2 Geo. 6.  
c. 8.

(2) If regulations made under this Act provide for the payment of benefit under the Unemployment Insurance Act, 1935, to persons to whom a special scheme within the meaning of that Act applies, in lieu of payment under the special scheme, the regulations may make

provision for such financial adjustment as appears to the Minister of Labour to be necessary as between the Unemployment Fund and the fund constituted under the special scheme.

(3) Section one hundred and five of the Unemployment Insurance Act, 1935, (which contains general provisions as to regulations) shall apply to regulations made under this Act in like manner as it applies to regulations made under that Act.

Expenditure out of moneys provided by Parliament.

2. There shall be defrayed out of moneys provided by Parliament any increase attributable to this Act in the sums payable under the Unemployment Insurance Acts, 1935 to 1939, out of moneys provided by Parliament.

Provision relating to Northern Ireland.  
10 & 11  
Geo. 5. c. 67.

3. Notwithstanding anything in the Government of Ireland Act, 1920, the Parliament of Northern Ireland shall have power to make laws, in respect of matters exclusively relating to the portion of Ireland within their jurisdiction or any part thereof, for purposes similar to the purposes of this Act.

Short title, extent and duration of Act.

4.—(1) This Act may be cited as the Unemployment Insurance (Emergency Powers) Act, 1939.

(2) The provisions of sections one and two of this Act shall not extend to Northern Ireland save in so far as they affect the provisions of the Unemployment Insurance Acts, 1935 to 1939, which extend to Northern Ireland.

(3) This Act shall continue in force until such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end, and shall then expire except as respects things previously done or omitted to be done.

## CHAPTER 93.

An Act to empower the Minister of Labour in case of war to extend the Unemployment Assistance Act, 1934, to additional classes of persons, and to modify or suspend any of the provisions of the said Act, and to make provision for the payment of allowances in an emergency.

[5th September 1939.]

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

1.—(1) For the purpose of preventing or relieving distress arising by reason of any war in which His Majesty may be engaged, the Minister of Labour, with the approval of the Treasury, may by regulations extend the class of persons to whom an allowance may be granted under the Unemployment Assistance Act, 1934, so as to include such persons as may be specified in the regulations, being persons who are in distress as the result of circumstances caused by the war, and the regulations may accordingly apply in relation to the persons specified therein all or any of the provisions of the said Act, subject to any modifications and provisions contained in the regulations.

Power of Minister of Labour to make regulations extending Unemployment Assistance Act, 1934, to persons distressed as result of war, and modifying or suspending any provision of that Act. 24 & 25 Geo. 5. c. 29.

(2) The Minister of Labour, with the approval of the Treasury, may by regulations modify, or suspend the operation of, any of the provisions of the Unemployment Assistance Act, 1934, to such extent as he considers expedient in view of the conditions arising by reason of any war in which His Majesty may be engaged :

Provided that no such regulations shall affect the provisions of subsections (2) and (3) of section thirty-eight of the said Act or enable regulations to be made for the purposes of subsection (3) of that section otherwise than in accordance with the provisions of section fifty-two of the said Act.

(3) All regulations made under this Act shall be laid before Parliament as soon as may be after they are made, and if either House of Parliament, within the next twenty-eight days on which that House has sat after such a regulation is laid before it, resolves that the regulation be annulled, the regulation shall thereupon cease to have effect without prejudice to the validity of anything done in the meantime thereunder or to the making of a new regulation.

56 & 57 Vict.  
c. 66.

(4) Section one of the Rules Publication Act, 1893, (which requires notice to be given of a proposal to make statutory rules) shall not apply to any regulations made under this Act.

Payment of  
allowances  
during  
emergency.

2. Where, under arrangements made by the Minister of Labour with the approval of the Treasury or made with the approval of the Minister of Labour and the Treasury for the purpose of dealing with any emergency arising by reason of any war in which His Majesty may be engaged, payments have been made by way of allowances under the Unemployment Assistance Act, 1934, as extended by this Act, without due proof of any one or more of the matters required to be proved before the grant of such an allowance or without compliance with any of the other requirements of the said Act, the payments shall, for the purposes of the said Act, be deemed to be allowances duly granted thereunder.

Expendi-  
ture out of  
moneys  
provided by  
Parliament.

3. There shall be defrayed out of moneys provided by Parliament any increase attributable to this Act in the sums payable under the Unemployment Assistance Act, 1934, out of moneys provided by Parliament.

Provision  
relating to  
Northern  
Ireland.  
10 & 11  
Geo. 5. c. 67

4. Notwithstanding anything in the Government of Ireland Act, 1920, the Parliament of Northern Ireland shall have power to make laws, in respect of matters exclusively relating to the portion of Ireland within their jurisdiction or any part thereof, for purposes similar to the purposes of this Act.

Short title  
and dura-  
tion of Act.

5.--(1) This Act may be cited as the Unemployment Assistance (Emergency Powers) Act, 1939.

(2) This Act shall continue in force until such date as His Majesty may by Order in Council declare

to be the date on which the emergency that was the occasion of the passing of this Act came to an end, and shall then expire except as respects things previously done or omitted to be done.

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## CHAPTER 94.

An Act to make provision with respect to the war service of clerks and deputy clerks of the peace, coroners and persons employed by local and public authorities and certain undertakers, and to prevent persons being disqualified for membership of a local authority by reason of employment in civil defence service or being disqualified for such employment by reason of such membership.  
[5th September 1939.]

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

### *Civil Remuneration.*

1.—(1) Where a person serving in any capacity specified in the first column of the Schedule to this Act (hereafter in this section referred to as "his civil capacity") ceases so to serve in order to undertake war service, the appropriate authority shall have power to make to or in respect of him such payments as are hereafter in this section provided.

Payments to make up civil remuneration.

(2) While any such person is engaged in war service, the appropriate authority may pay to him, or to or for the benefit of his wife or other dependants nominated by him, a sum which shall not exceed the remuneration which he would have received if he had continued to serve in his civil capacity, after deducting therefrom the amount of his war service pay.

(3) In the event of the notification of the death of any such person whilst engaged in war service, or of his

having become missing while so engaged, being given by the authority competent in that behalf, the appropriate authority may, during a period not exceeding twenty-six weeks from the date of the notification, pay to or for the benefit of his wife or other dependants such sum as might have been paid to him under the last preceding subsection if he had been so engaged during that period :

Provided that, in fixing the sum to be paid under this subsection, regard shall be had to any pension or other sum payable to or for the benefit of the wife or other dependants out of public or charitable funds.

(4) In this section the expression "appropriate authority," in relation to a person serving in any capacity specified in the first column of the Schedule to this Act, means the authority specified in the second column of that Schedule in relation to that capacity.

Medical  
officers of  
health and  
sanitary  
inspectors.

2.—(1) Where—

- (a) a person serving a local authority as a medical officer of health or sanitary inspector ceases so to serve in order to undertake war service; and
- (b) one-half of his salary is payable by any other authority or authorities under any enactment to which this section applies;

then, if and so long as some other person is appointed to act temporarily in his absence on war service, that enactment shall have effect as if for references to one-half of the salary of the officer there were substituted references to one-half of the aggregate of—

- (i) any sums actually paid by the local authority under section one of this Act to the person undertaking war service or to or for the benefit of his wife or other dependants; and
- (ii) the salary of the person appointed as aforesaid.

(2) This section applies to the following enactments, namely—

- (a) section one hundred and nine of the Local Government Act, 1933;

- (b) paragraph 3 of the First Schedule to the Public Health Act, 1936; and
- (c) section twelve of the Public Health (London) Act, 1936, or section eighty of the London Government Act, 1939.

26 Geo. 5. &  
1 Edw. 8.  
c. 49.  
26 Geo. 5. &  
1 Edw. 8.  
c. 50.  
2 & 3 Geo. 6.  
c. 40.

*Superannuation.*

3.—(1) Where a person serving in any superannuable capacity specified in the first column of the Schedule to this Act (hereafter in this section referred to as “his civil capacity”) ceases so to serve in order to undertake war service, the period of his war service shall, for superannuation purposes, be aggregated with the period of his service in his civil capacity and reckoned—

Super-  
annuation  
rights.

- (a) in relation to any employment in relation to which he is entitled, for the purposes of the Local Government Superannuation Acts, 1937 and 1939, to reckon as contributing service his service immediately before he ceased so to serve, as a period of contributing service;
- (b) in relation to any employment in relation to which he is entitled, for the purposes of those Acts, to reckon as non-contributing service his service immediately before he ceased so to serve, as a period of non-contributing service; and
- (c) in relation to any employment to which a special superannuation enactment applies, as a period of service in his civil capacity.

(2) If any such person—

- (a) dies during his period of war service; or
- (b) is prevented, in consequence of being permanently incapacitated by injury or disease received or contracted during that period, from resuming service in his civil capacity; or
- (c) attains during his period of war service the age of compulsory retirement applicable in relation to his civil capacity, or the age at which he would, if he had been serving in that capacity, have become entitled to a superannuation allowance;

he shall be deemed for superannuation purposes to have been serving in his civil capacity at the time of his death, or at the time when he should have resumed service in that capacity, or at the time at which he attained the age in question, as the case may be.

(3) Where for the purpose of calculating the amount of superannuation allowance due to any such person, it is necessary to take account of his remuneration in respect of any period of war service which, by virtue of the foregoing provisions of this section is aggregated with the period of his service in his civil capacity, the amount of his remuneration during that period shall be deemed to have been the amount by reference to which the calculation would have been made if he had continued to serve during that period in his civil capacity.

(4) Where a person in the employment of an officer of a local authority, and engaged wholly or mainly in the performance of duties relating to the functions of that authority, ceases to be so employed in order to undertake war service, the period of his war service shall be deemed, for the purpose of subsection (6) of section twelve of the Local Government Superannuation Act, 1937, to be a period of service in the employment of an officer of that authority.

1 Edw. 8. &  
1 Geo. 6.  
c. 68.

Payment of  
contribu-  
tions.

4.—(1) Where a person serving in any superannuable capacity specified in the first column of the Schedule to this Act (hereafter in this section referred to as "his civil capacity") ceases so to serve in order to undertake war service and, immediately before he ceased so to serve, was liable to make contributions for superannuation purposes in respect of his service in his civil capacity, the following provisions of this section shall have effect as respects the payment of such contributions during the period of his war service.

(2) For any part of the period of his war service for which—

- (a) payments are being made to or in respect of him under subsection (2) of section one of this Act; or
- (b) the amount of his war service pay is not less than the remuneration which he would have received if he had continued to serve in his civil capacity;



any such person shall contribute to the superannuation fund or other fund out of which a superannuation allowance might become payable to him the like amounts at the like times as if he had continued to serve in his civil capacity, and the appropriate authority shall pay any contribution which in that event it would have been liable to pay to that fund.

(3) For any other part of the period of his war service the appropriate authority, if the superannuation allowance to which any such person might become entitled would be payable out of a superannuation fund, may pay in respect of him to that fund the aggregate amount which he would have been liable to contribute to that fund had he continued to serve in his civil capacity, together with any contribution which in that event that authority would have been liable to pay to that fund :

Provided that, for the purpose of any provision of the Local Government Superannuation Acts, 1937 and 1939, or of a special superannuation enactment, relating to the return of contributions on his ceasing to be employed in his civil capacity or dying, any payments made by the appropriate authority under this subsection shall be disregarded.

(4) The last foregoing subsection shall not apply to a person who ceased to serve as a probation officer (other than a probation officer in the City of London) in order to undertake war service, but during any part of the period of war service of such a person, except such part as is mentioned in subsection (2) of this section, the probation authority shall pay to the superannuation fund established by any rules or scheme relating to the superannuation of such an officer amounts equal to the aggregate of—

- (a) any sums which he would have contributed to the fund if he had continued to serve in his civil capacity; and
- (b) any contributions which in that event the probation authority would have paid to the fund;

at the times at which in that event the authority would have paid the last mentioned contributions.

(5) Contributions payable under subsection (2) of this section by any person engaged in war service—

(a) shall be recovered by the appropriate authority by way of deduction from any sums which it is authorised or liable to pay to him or to or for the benefit of his wife or other dependants; and

(b) if and so far as they are not so recovered, may be recovered by the authority charged with the administration of the superannuation or other fund, either as a simple contract debt in any court of competent jurisdiction or by way of deduction from any payment by way of superannuation allowance.

(6) In this section the expression “appropriate authority” has the same meaning as in section one of this Act, except that—

(a) in relation to any person ceasing to serve in any capacity mentioned in paragraph 5 or paragraph 8 of the first column of the Schedule to this Act, the said expression in this section means the local authority of which he is deemed for the purpose of the Local Government Superannuation Act, 1937, to be a contributory employee; and

(b) in relation to any person ceasing to serve in any capacity mentioned in paragraph 6 or paragraph 9 of the first column of that Schedule, the said expression in this section means the local authority administering the local Act scheme which applies to him.

Return of  
contribu-  
tions,

5. Where, under section ten of the Local Government Superannuation Act, 1937, or any corresponding provision of a special superannuation enactment, a claim is made, by any person who has ceased to serve in any capacity in order to undertake war service, for the return of contributions made by him for superannuation purposes, no period after the date on which the claim is made shall be included in his period of war service for the purpose of the last two foregoing sections.

Decision of  
questions.

6.—(1) Any question concerning the rights or liabilities under the last three foregoing sections of a person who has ceased to serve in any capacity in order

to undertake war service shall be decided in the first instance by the appropriate authority within the meaning of section four of this Act.

(2) If any such person, or, in a case where any such question has been decided by an authority other than the authority charged with the administration of the superannuation or other fund out of which a superannuation allowance might become payable to him, the authority so charged, is dissatisfied with any decision under the last foregoing subsection, or with any failure to come to such a decision, the question shall be determined by the Minister, and the Minister's determination shall be final :

Provided that the Minister may at any stage in the proceedings on the reference to him, and shall if so directed by the High Court, state in the form of a special case for the opinion of the High Court any question of law arising in those proceedings.

(3) The foregoing provisions of this section shall not apply in the case of a person who ceased to serve as a probation officer (other than a probation officer in the City of London) in order to undertake war service, and any question concerning the rights or liabilities of any such person under the last three foregoing sections shall be decided in accordance with the rules or scheme relating to the superannuation of such an officer.

**7.** In relation to a person entitled, by virtue of his employment by any undertakers or other persons, to participate in the benefits of a superannuation fund under section five of the Local Government Act, 1937, or under a scheme made under section three of the Local Government Superannuation Act, 1939, the last four foregoing sections shall apply subject to the following modifications—

Application to persons employed by certain undertakers. 2 & 3 Geo. 6. c. 18.

- (a) service in the said employment shall be deemed to be service in a superannuable capacity specified in the first column of the Schedule to this Act;
- (b) in relation to any such person, the said undertakers or other persons shall be deemed to be the appropriate authority within the meaning of section four;
- (c) any payments made to or in respect of any such person by the said undertakers or other persons

to supplement his pay in respect of his war service shall be deemed, for the purpose of subsection (2) of section four, to be made under subsection (2) of section one of this Act;

- (d) in relation to a person entitled as aforesaid by virtue of any such scheme, references to the Local Government Superannuation Acts, 1937 and 1939, or to section ten of the Local Government Superannuation Act, 1937, shall be construed as references to the Local Government Superannuation Act, 1937, as applied by the scheme, or to the said section ten as so applied.

Saving for  
Teachers  
(Super-  
annuation)  
Acts.

**8.** Nothing in the last five foregoing sections shall apply to any person who, in order to undertake war service, ceases to serve in service which is contributory service within the meaning of the Teachers (Superannuation) Acts, 1918 to 1937.

*Miscellaneous and General.*

Super-  
annuation  
of persons  
employed in  
civil defence  
service.

**9.**—(1) Subject to the foregoing provisions of this Act, the employment of any person by a local authority in civil defence service shall not, for superannuation purposes, be deemed to be employment by that authority, unless that person—

- (a) was employed by that authority immediately before the beginning of the period of the present emergency in pensionable service which was civil defence service; or
- (b) is transferred during the said period to civil defence service from some other service under the same authority which was pensionable service, and receives in respect of his employment in civil defence service remuneration not less than that which he would have received if he had not been so transferred; or
- (c) enters the employment of that authority in civil defence service during the said period after ceasing to be employed in service which was pensionable service by some other authority,

being a local authority within the meaning of the Local Government Superannuation Acts, 1937 and 1939, or the Local Government Superannuation (Scotland) Acts, 1937 and 1939, and while employed by the first-mentioned authority—

(i) is required to devote substantially the whole of his time to duties which are wholly or mainly administrative, professional or clerical; and

(ii) receives in respect of his employment remuneration not less than that which he would have received if he had continued to be employed by that other authority as aforesaid.

(2) In this section the expression “pensionable service”, in relation to a person employed in any capacity by any authority, means service in respect of which he is entitled to participate in the benefits conferred by any enactment or scheme providing for his superannuation as a person employed in that capacity by that authority, not being service which is contributory service within the meaning of the Teachers (Superannuation) Acts, 1918 to 1937.

**10. Notwithstanding anything in any enactment—**

(a) a person shall not be disqualified for being elected or being a member of a local authority by reason only that he is employed in civil defence service for reward during the period of the present emergency by or under the direction of the authority, or a committee or sub-committee of the authority, or a board, committee or sub-committee a member whereof is appointed on the nomination of the authority; and

(b) a person who is or has been a member of a local authority shall not be disqualified for being employed as aforesaid.

Removal of disqualification of persons employed in civil defence service.

**11.—(1)** The provisions of Articles 4 to 10 of the Reserve and Auxiliary Forces (Consequential Provisions) Order, 1939, shall not apply with respect to any

Provision as to persons called out or under training.

part of any person's period of service as a person called out which falls during the period of the present emergency.

(2) The provisions of Article 4 of the Military Training (Consequential Provisions) Order, 1939, shall not apply with respect to any part of any person's period of training which falls within the period of the present emergency.

(3) Where any person—

(a) at the beginning of the period of the present emergency is serving as a person called out or as a person under training; and

(b) immediately before he was called out or immediately before the beginning of his period of training as the case may be, was serving in any capacity specified in the first column of the Schedule to this Act, or in any capacity by virtue whereof he was entitled under section five of the Local Government Superannuation Act, 1937, or a scheme made under section three of the Local Government Superannuation Act, 1939, to participate in the benefits of a superannuation fund;

he shall be deemed for the purposes of this Act to have ceased to serve in that capacity immediately after the beginning of the period of the present emergency in order to undertake war service.

(4) In this section the expression "called out" has the same meaning as in the Reserve and Auxiliary Forces (Consequential Provisions) Order, 1939, and the expressions "person under training" and "period of training" have respectively the same meanings as in the Military Training (Consequential Provisions) Order, 1939.

Exception  
of police  
and  
firemen.

11 & 12  
Geo. 5. c. 31.  
15 & 16  
Geo. 5. c. 47.

12. Nothing in this Act shall apply to—

(a) a member of a police force within the meaning of the Police Pensions Act, 1921; or

(b) a professional fireman as defined by paragraph (2) of section twenty-three of the Fire Brigade Pensions Act, 1925, as amended by any subsequent enactment (whether or not the provisions of that Act as so amended have effect in relation to him), not being

a fireman who gave, under subsection (2) of section twenty-four of that Act or under subsection (3) of section seventeen of the Fire Brigades Act, 1938, a written notice that he desired that the provisions of the Local Government and other Officers' Superannuation Act, 1922, or of a local Act scheme should continue to apply to him.

1 & 2 Geo. 6.  
c. 72.12 & 13  
Geo. 5. c. 59.

**13.**—(1) Any expenses incurred by a probation authority under this Act shall be deemed for the purposes of sections five and nine of the Criminal Justice Act, 1925, to be expenses in respect of the salaries of probation officers.

Expenses.

15 & 16  
Geo. 5. c. 86.

(2) There shall be defrayed out of moneys provided by Parliament any increase resulting from the operation of this Act in expenditure which is authorised by any enactment to be so defrayed.

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

Interpreta-  
tion.

“civil defence service” means any service established under the Civil Defence Acts, 1937 and 1939;

“local authority” and “local Act scheme” have respectively the same meanings as in the Local Government Superannuation Acts, 1937 and 1939;

“the Minister” means the Minister of Health;

“period of the present emergency” means the period beginning with the first day of September nineteen hundred and thirty-nine, and ending with such day as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end;

“probation authority” means, as respects the metropolitan police courts district, the Secretary of State, and as respects any other probation area, the probation committee of that probation area;

“probation officer” means a probation officer appointed under Part I of the Criminal Justice Act, 1925;

“remuneration” means salary, wages and emoluments;

“special superannuation enactment” means any of the following enactments or other instruments, namely—

9 Edw. 7.  
c. 48.

(a) the Asylums Officers' Superannuation Act, 1909 (as amended by any subsequent enactment);

16 & 17  
Geo. 5.  
c. 59.

(b) section six of and the First Schedule to the Coroners (Amendment) Act, 1926;

(c) a local Act scheme;

(d) any rules or scheme relating to the superannuation of probation officers made under the Criminal Justice Act, 1925; and

(e) the rules regulating the fund known as the Insurance Committee Officers' Superannuation Fund;

“superannuation purposes” means, in relation to a person serving in any capacity or ceasing to serve in any capacity in order to undertake war service, the purposes of any enactment, scheme or rules providing for his superannuation as a person serving in that capacity;

“war service” means service, during the period of the present emergency, in any of the naval, military or air forces of the Crown, any employment during that period which the Minister considers may properly be treated for the purposes of this Act in the same manner as service in those forces, and any employment during that period in civil defence service which is not by virtue of section nine of this Act deemed for superannuation purposes to be employment by a local authority;

“war service pay,” in relation to the remuneration which any person would have received if he had continued to serve in any capacity specified in the first column of the Schedule to this Act, means his pay (including marriage, family and other similar allowances) in respect of his war service, or, in a case where he ceased to serve not only in that capacity but also in any other



such capacity or capacities in order to undertake war service, an amount which bears the same proportion to his pay (including marriage, family and other similar allowances) in respect of his war service as the remuneration which he would have received if he had continued to serve in the first-mentioned capacity bears to the total remuneration which he would have received if he had continued to serve in both or all those capacities.

(2) The capacities specified in the first column of the Schedule to this Act which in this Act are referred to as superannuable capacities are those specified in paragraph 1, paragraphs 3 to 6 and paragraphs 8 to 15 of the first column of that Schedule.

**15.**—(1) In the application of this Act to Scotland the modifications hereafter specified in this section shall be made. Application to Scotland.

(2) For references to the Minister and the High Court there shall be respectively substituted references to the Secretary of State and the Court of Session.

(3) For references to the Board of Education and a local education authority there shall be respectively substituted references to the Secretary of State and to an education authority.

(4) For references to the Local Government Superannuation Acts, 1937 and 1939, except in paragraph (c) of subsection (1) of section nine, there shall be substituted references to the Local Government Superannuation (Scotland) Acts, 1937 and 1939, and for references to the Local Government Superannuation Act, 1937, and to section five and section thirty-four thereof, there shall be respectively substituted references to the Local Government Superannuation (Scotland) Act, 1937, and to subsections (1) to (5) of section five and section twenty-nine thereof. 1 Edw. 8. &  
1 Geo. 6.  
c. 69.

(5) The following section shall be substituted for section two:—

“ 2. Where—

(a) a medical officer of health of a county a proportion of whose salary and expenses is paid by the town council of a small burgh in pursuance of section thirty-five

19 & 20  
Geo. 5. c. 25.

of the Local Government (Scotland) Act, 1929; or

(b) a sanitary inspector of a county a proportion of whose salary and expenses is paid by the town council of a small burgh in pursuance of any agreement between that council and the county council;

ceases to serve as such medical officer or sanitary inspector in order to undertake war service, and a person appointed in pursuance of section fifteen of the Public Health (Scotland) Act, 1897, acts temporarily in his place, the town council shall be liable to pay to the county council the like proportion of—

60 & 61 Vict.  
c. 38.

(i) any sums actually paid by the county council under section one of this Act to the person undertaking war service or to or for the benefit of his wife or other dependants; and

(ii) the salary of a person appointed as aforesaid."

(6) The following section shall be substituted for section eight:—

"8. Nothing in the last five foregoing sections shall apply to any person who is or is deemed to be a teacher within the meaning of the Superannuation Scheme framed in pursuance of the Education (Scotland) (Superannuation) Acts, 1919 to 1937."

(7) In section nine for the reference to contributory service within the meaning of the Teachers (Superannuation) Acts, 1918 to 1937, there shall be substituted a reference to service within the meaning of the Superannuation Scheme framed in pursuance of the Education (Scotland) (Superannuation) Acts, 1919 to 1937.

(8) Section ten of this Act shall have effect as if for the word "elected" there were substituted the words "nominated or elected."

(9) For the references to section five and section nine of the Criminal Justice Act, 1925, there shall be substituted a reference to section six of the Probation of Offenders (Scotland) Act, 1931, and the expressions "probation officer" and "probation authority" mean respectively a probation officer appointed and a probation committee constituted under the last-mentioned Act.

21 & 22  
Geo. 5. c. 30.

(10) Subsection (4) of section four and subsection (3) of section six of this Act, and paragraphs 1 to 3, paragraphs 5 to 9 and paragraph 15 in the first column of the Schedule to this Act, shall not apply.

(11) For paragraph 11 in the first column of the Schedule to this Act, the following paragraph shall be substituted:—

“ 11. Registration officer within the meaning of the Local Government Superannuation (Scotland) Act, 1937.”

(12) Where any sums are paid in pursuance of this Act to or in respect of a person who has ceased to serve as a registration officer in order to undertake war service and whose registration area was situate within the areas of two or more councils, those councils shall contribute towards those sums in such proportions as they may agree or, failing agreement, as may be determined by the Secretary of State.

(13) For paragraph 16 in the first column of the Schedule to this Act the following paragraph shall be substituted:—

“ 16. Teacher, officer or servant of the managers or governing body of a school or institution to the maintenance of which an education authority contributes under section eight or section nine of the Education (Scotland) Act, 1918.”

8 & 9 Geo. 5.  
c. 48.

16. Notwithstanding anything in the Government of Ireland Act, 1920, the Parliament of Northern Ireland shall have power to make laws in respect of local and other authorities in Northern Ireland for purposes similar to the purposes of this Act.

Provision  
as respects  
Northern  
Ireland.  
10 & 11  
Geo. 5. c. 67.

17.—(1) This Act may be cited as the Local Government Staffs (War Service) Act, 1939.

Short title,  
commence-  
ment  
and extent.

(2) This Act shall be deemed to have come into operation at the beginning of the period of the present emergency.

(3) No provision of this Act, except the provisions of the last foregoing section, shall extend to Northern Ireland.

Sections 1,  
3, 4, 7, 14,  
15.

## SCHEDULE.

### CIVIL CAPACITIES TO WHICH ACT APPLIES AND APPROPRIATE AUTHORITY FOR PURPOSE OF SECTION ONE.

<u>Civil capacity.</u>	<u>Appropriate authority for purpose of section 1.</u>
1. Clerk of the peace or deputy clerk of the peace of a county.	The county council, or in the case of the county of London, the standing joint committee.
2. Clerk of the peace of a borough -	The borough council.
3. Coroner - - - - -	The council by whom the coroner's salary is paid.
4. Employee of a local authority otherwise than in war service.	The local authority.
5. Whole-time justices' clerk who, by virtue of subsection (1) of section twenty of the Local Government Superannuation Act, 1937, is deemed for the purposes of that Act to be a contributory employee of a local authority.	} The standing joint committee in the case of a clerk, or an employee of a clerk, to county justices, and the borough council in the case of a clerk, or an employee of a clerk, to borough justices.
6. Justices' clerk to whom a local Act scheme applies.	
7. Justices' clerk, not being such a clerk as is mentioned in either of the last two foregoing paragraphs.	
8. Employee of a whole-time justices' clerk who, by virtue of subsection (2) of section twenty of the Local Government Superannuation Act, 1937, is deemed for the purposes of that Act to be a contributory employee of a local authority.	
9. Employee of a justices' clerk to whom a local Act scheme applies.	
10. Probation officer - - - - -	The probation authority.

Civil capacity.

Appropriate authority for  
purpose of section 1.

- |   |   |
|---|---|
| <p>11. Registration officer who is deemed by virtue of section twenty-seven of the Local Government Superannuation Act, 1937, to be an officer in the employment of a local authority.</p>  | <p>The local authority.</p>                                     |
| <p>12. Officer of an insurance committee appointed under the National Health Insurance Act, 1936 (including a committee formed by a combination of insurance committees under section ninety-four of that Act).</p>                                 | <p>The insurance committee.</p>                                 |
| <p>13. Employee of the Central Electricity Board.</p>   | <p>The Central Electricity Board.</p>                           |
| <p>14. Employee of a joint electricity authority in relation to which the Local Government Superannuation Act, 1937, has effect as if the authority were a local authority required to maintain a superannuation fund under Part I of that Act.</p> | <p>The joint electricity authority.</p>                         |
| <p>15. Teacher, officer or servant appointed by the managers of a public elementary school maintained but not provided by a local education authority for elementary education.</p>   | <p>The local education authority.</p>                           |
| <p>16. Teacher, officer or servant of an institution aided by a local education authority out of the proceeds of any rate.</p>  |   |
| <p>17. Teacher, officer or servant of an educational institution to which it is certified by the Board of Education that it is expedient that section one of this Act should apply notwithstanding any trust affecting the institution.</p>         | <p>The managers or other governing body of the institution.</p> |

26 Geo. 5. &  
1 Edw. 8.  
c. 32.

## CHAPTER 95.

An Act to enable war service to be treated as contributory service, approved external service or qualifying service for the purpose of the Teachers (Superannuation) Acts, 1918 to 1937, and for purposes connected therewith.

[5th September 1939.]

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

War  
service as  
contribu-  
tory  
service.

1. Where a person employed by any employer (hereafter in this section referred to as a "former employer") as a teacher in contributory service ceases to be so employed in order to undertake war service, his period of war service shall be treated for the purposes of Part II of the principal Act as if it were a period of contributory service, and that Part of that Act shall apply accordingly, subject to the following modifications—

(a) no contributions shall be payable by or in respect of him under section nine of the said Act for any part of his period of war service, unless for that part of that period—

(i) payments are made to or in respect of him under section one of the Local Government Staffs (War Service) Act, 1939; or

(ii) payments are made by his former employer otherwise than under the said section one to supplement his war service pay; or

(iii) the amount of his war service pay is equal to or exceeds the amount of his salary as a teacher;

(b) in the application of the said section nine to any period in respect of which contributions are payable by virtue of the foregoing paragraph, references in that section to his employer shall be construed as references to his former employer.

2 & 3 Geo. 6.  
c. 94.

2.—(1) Where any person, having been admitted or accepted for admission to a training college recognised by the Board for the purpose of payment of grant,—

War service of persons training or trained as teachers.

- (a) undertakes war service on or before completing his course of training, or after completing his course of training but before becoming employed in contributory service; and
- (b) subsequently becomes employed in contributory service;

his period of war service shall, subject to the provisions of this section, be treated for the purposes of Part II of the principal Act as if it were a period of contributory service.

(2) No contributions shall be payable by or in respect of any such person under section nine of the principal Act for any part of his period of war service for which the amount of his war service pay is less than the amount of his salary as a teacher.

(3) No part of the period of war service of any such person for which the amount of his war service pay is equal to or greater than the amount of his salary as a teacher shall be treated as a period of contributory service, unless he pays contributions of the following amount, namely—

- (a) an amount equal to five per cent. of the amount of his salary as a teacher for that part of that period; plus
- (b) such amount as may be determined by the Board to represent the net amount which would have been payable by his employer under paragraph (b) of subsection (1) of section nine of the principal Act if he had been employed in contributory service during that part of that period, having regard to any grants which would have been payable by the Board in respect of that amount if it had been so payable and paid.

(4) For the purpose of Part II of the principal Act, any amount paid or payable under the last foregoing subsection shall be deemed—

- (a) as regards so much thereof as is paid or payable by virtue of paragraph (a), to be paid or payable

under paragraph (a) of subsection (1) of section nine of that Act; and

(b) as regards so much thereof as is paid or payable by virtue of paragraph (b), to be paid or payable under paragraph (b) of the said subsection (1).

(5) In the case of any such person undertaking war service before completing his course of training, no part of his period of war service falling before such date as the Board may determine to be the date on which that course would have been completed shall be treated as a period of contributory service.

War service of persons temporarily absent from contributory service. 1 Edw. 8. & 1 Geo. 6. c. 47.

3.—(1) Section two of the Teachers (Superannuation) Act, 1937 (which provides for the treatment of a period of absence from contributory service as a period of contributory service) shall not apply with respect to any person's period of war service.

(2) Where a person, having discontinued his employment as a teacher in contributory service, undertakes war service before the expiration of a period the whole of which would, but for the last foregoing subsection, be treated by virtue of the said section two as a period of contributory service, then—

(a) in a case where he continued, until he undertook war service, to be in the employment of the person by whom he was last employed as a teacher in contributory service, section one of this Act shall apply with respect to his period of war service or any part thereof as if he had ceased to be employed by that person as a teacher in contributory service in order to undertake war service; and

(b) in any other case, subsections (1) to (4) of the last foregoing section shall apply with respect to his period of war service or any part thereof as if he were such a person as is mentioned in subsection (1) of that section.

War service as approved external service.

4. Where a person employed in approved external service of any kind ceases to be so employed in order to undertake war service, his period of war service shall be treated for the purposes of the Teachers (Superannuation) Acts, 1918 to 1937, as if it were a period of approved external service of that kind.



5. Any person whose period of war service or any part thereof is not required by this Act to be otherwise treated may require that his period of war service or that part thereof shall be treated for the purposes of the Teachers (Superannuation) Acts, 1918 to 1937, as if it were a period of qualifying service.

War  
service as  
qualifying  
service.

6. Where by virtue of this Act any person's period of war service or any part thereof is treated as if it were a period of contributory service or approved external service, the amount of his salary as a teacher during that period or that part thereof shall, for the purposes of this Act and of Part II of the principal Act, be taken to be such amount as would, in the opinion of the Board, have been taken to be the amount of his salary under Part II of the principal Act if he had been employed in contributory service or approved external service, as the case may be, during that period or that part thereof.

Reckoning  
of salary  
during war  
service.

7.—(1) The provisions of Article 11 of the Reserve and Auxiliary Forces (Consequential Provisions) Order, 1939, shall not apply with respect to any part of any person's period of service as a person called out which falls during the period of the present emergency.

Provision  
as to  
persons  
called out  
or under  
training.

(2) The provisions of Article 5 of the Military Training (Consequential Provisions) Order, 1939, shall not apply with respect to any part of any person's period of training which falls within the period of the present emergency.

(3) Where any person—

- (a) at the beginning of the period of the present emergency is serving as a person called out or is a person under training; and
- (b) immediately before he was called out or immediately before the beginning of his period of training, as the case may be, was employed in contributory service as a teacher or in approved external service;

he shall be deemed for the purposes of this Act to have ceased to be so employed immediately after the beginning of the period of the present emergency in order to undertake war service.

(4) In this section the expression "called out" has the same meaning as in the Reserve and Auxiliary Forces (Consequential Provisions) Order, 1939, and the expressions "person under training" and "period of training" have respectively the same meanings as in the Military Training (Consequential Provisions) Order, 1939.

Application  
to  
organisers.

**8.** This Act shall apply to a person employed as an organiser, and treated by virtue of subsection (1) of section fourteen of the principal Act as if he were a teacher employed in contributory service, as it applies to such a teacher, and accordingly in this Act—

- (a) any reference to a teacher shall be construed as including a reference to an organiser; and
- (b) any reference to contributory service shall be construed as including a reference to service as an organiser which, by virtue of the said subsection (1), is treated as contributory service.

Application  
to schemes.

**9.** The foregoing provisions of this Act shall have effect for the purposes of a scheme made under paragraph (a) of subsection (1) of section twenty-one of the principal Act, subject to the following modifications:—

- (a) for references to contributory service there shall be substituted references to contributory service under the scheme;
- (b) for references to Part II of the principal Act and for the reference to the Teachers (Superannuation) Acts, 1918 to 1937, there shall be substituted references to the said Part II, or to those Acts, as applied by the scheme.

Expenses.

**10.** Any expenses incurred by the Board of Education for the purposes of this Act shall be defrayed out of moneys provided by Parliament.

Interpreta-  
tion.

**11.** In this Act the following expressions have the meanings hereby respectively assigned to them:—

- "approved external service" has the same meaning as in section thirteen of the principal Act;
- "the Board" means the Board of Education;
- "contributory service," except as otherwise provided by this Act, has the meaning assigned to it by

paragraph (b) of subsection (1) of section two of the principal Act ;

“ period of the present emergency ” means the period beginning with the first day of September nineteen hundred and thirty-nine and ending with such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end ;

“ period of war service,” in relation to any person, includes any period not exceeding twelve months, or any periods not exceeding twelve months in all, during which he, though not actually engaged in war service, is as a result of war service prevented or hindered from procuring work as a teacher owing to injury, illness or any other cause ;

“ principal Act ” means the Teachers (Superannuation) Act, 1925, as amended by any subsequent enactment ; 15 & 16  
Geo. 5. c. 59.

“ war service ” means service, during the period of the present emergency, in any of the naval, military or air forces of the Crown, or any service during that period which the Board consider may properly be treated for the purpose of this Act in the same manner as service in those forces ;

“ war service pay ”, in relation to a person engaged in war service, means his pay (including marriage, family and other similar allowances) in respect of his war service.

**12.** Notwithstanding anything in the Government of Ireland Act, 1920, the Parliament of Northern Ireland shall have power to make laws, in respect of matters exclusively relating to the portion of Ireland within their jurisdiction and any part thereof, for purposes similar to the purposes of this Act. Provision  
as respects  
Northern  
Ireland.  
10 & 11  
Geo. 5. c. 67.

**13.—(1)** This Act may be cited as the Teachers Superannuation (War Service) Act, 1939, and shall be construed as one with the principal Act. Short title,  
construction,  
citation, com-  
mencement  
and extent.

(2) This Act and the Teachers (Superannuation) Acts, 1918 to 1937, may be cited together as the Teachers (Superannuation) Acts, 1918 to 1939.

(3) This Act shall be deemed to have come into operation at the beginning of the period of the present emergency.

(4) No provision of this Act shall extend to Scotland, and no provision of this Act, except the provisions of the last foregoing section, shall extend to Northern Ireland.

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## CHAPTER 96.

An Act to enable war service to be treated as service under any scheme framed in pursuance of the Education (Scotland) (Superannuation) Acts, 1919 to 1937. [5th September 1939.]

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

War service  
by teachers  
to be  
reckoned  
for super-  
annuation.

**1.** For the purposes of the Education (Scotland) (Superannuation) Acts, 1919 to 1937, and of any scheme made under the said Acts or any of them (hereinafter referred to as "the Scheme")—

- (a) a person who has given war service for part of the period between the date on which he was admitted or accepted for admission to preliminary training or to a training centre or college and the date on which he completed his course of training shall be deemed to be a teacher;
- (b) war service shall be deemed to be service, provided that any period of war service rendered by a person to whom the foregoing paragraph applies shall be deemed not to have exceeded the period by which the completion of his course of training was thereby delayed and to have been given during the period immediately preceding the date of such completion;
- (c) a teacher shall during any period of war service be deemed to be in receipt of a salary equal to

such annual sum as in the opinion of the Secretary of State he would have received if he had been employed during that period in service other than war service.

2.—(1) Notwithstanding anything contained in section two of the Education (Scotland) (Superannuation) Act, 1925, the payment of contributions shall not be required in respect of any teacher engaged in war service for any part of the period of such service unless for that part—

- Contributions not to be payable except in certain circumstances.  
15 & 16 Geo. 5. c. 55.  
2 & 3 Geo. 6. c. 94.
- (a) payments are made to or in respect of him under section one of the Local Government Staffs (War Service) Act, 1939; or
  - (b) payments are made otherwise than under the said section one by the governing body or other body of managers by whom he was employed immediately before undertaking war service to supplement his war service pay; or
  - (c) the amount of his war service pay is equal to or exceeds the amount of his salary.

(2) In the application of the said section two to any period in respect of which contributions are payable by virtue of the last foregoing subsection, references in that section to the education authority, governing body, or other body of managers by whom the teacher is employed shall be construed as references to the education authority, governing body or other body of managers by whom the teacher was employed immediately before undertaking war service.

3.—(1) Where, by virtue of the last foregoing section, contributions are payable for any period of war service of a person who is or who is deemed, by virtue of section one of this Act, to be a teacher within the meaning of the Scheme, and who was not immediately before undertaking war service employed by any education authority, governing body or other body of managers, the amount of the said contributions shall be an amount equal to seven and one half per centum of his salary and the said amount (together with compound interest thereon from the date when the payment became due, calculated at four per centum per annum with yearly rests) shall be recoverable by the Secretary of State

Payment and collection of contributions in exceptional cases.

either directly from the teacher or by deduction from any sum payable to him or to his legal personal representatives under the Scheme.

(2) Two-thirds of any sums paid or recovered under this section shall be treated as contributions by the teacher and one-third as contributions by an employer.

Foregoing provisions not to apply in certain cases.

2 & 3 Geo. 6. c. 95.

Reckoning of war service by persons to whom foregoing provisions do not apply.

Provision as to persons called out or under training.

4. The foregoing provisions of this Act shall not apply—

(a) to teachers to whom the provisions of section one of the Teachers Superannuation (War Service) Act, 1939, apply;

(b) to any other teacher to whom the Secretary of State decides that the said provisions of this Act ought not to apply.

5.—(1) Where—

(a) a teacher to whom the provisions of sections one to three of this Act do not apply; or

(b) a person who becomes a teacher within the meaning of the Scheme after giving war service;

has before giving war service been in any employment which may be treated as service for the purpose of making up a definite period of completed years of service under the Scheme his period of war service shall be deemed for all purposes of the Scheme to have been a continuation of such employment.

(2) Any period of war service which is not treated as service or employment under any of the foregoing provisions of this Act may nevertheless be regarded as constituting part of the period of thirty years' service prescribed as a condition of benefit under the Scheme.

6.—(1) The provisions of Article 12 of the Reserve and Auxiliary Forces (Consequential Provisions) Order, 1939, shall not apply with respect to any part of any person's period of service as a person called out which falls during the period of the present emergency.

(2) The provisions of Article 6 of the Military Training (Consequential Provisions) Order, 1939, shall not apply with respect to any part of any person's period of training which falls within the period of the present emergency.

(3) In this section the expression "called out" has the same meaning as in the Reserve and Auxiliary Forces (Consequential Provisions) Order, 1939, and the expression "period of training" has the same meaning as in the Military Training (Consequential Provisions) Order, 1939.

7. In this Act unless the context otherwise requires— Interpreta-  
tion.

"War service" means service, during the period of the present emergency, in any of the naval, military or air forces of the Crown, or any service during that period which the Secretary of State considers may properly be treated for the purpose of this Act in the same manner as service in those forces, or any employment during that period in civil defence service;

"Period of war service" in relation to any person includes any period not exceeding twelve months, or any periods not exceeding twelve months in all, during which he though not actually engaged in war service is as a result of war service prevented or hindered from procuring work as a teacher owing to injury, illness or any other cause;

"War service pay," in relation to a person engaged in war service, means his pay (including marriage, family and other similar allowances) in respect of his war service;

"Period of the present emergency" means the period beginning with the first day of September nineteen hundred and thirty-nine and ending with such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end;

"Preliminary training," "training centre," "training college" and "course of training" have the meanings assigned to them in the Regulations for the time being in force with regard to the training of teachers in Scotland;

"Civil defence service" means any service established under the Civil Defence Acts, 1937 and 1939.

Citation and commencement.

8.—(1) This Act may be cited as the Education (Scotland) (War Service Superannuation) Act, 1939, and the Education (Scotland) (Superannuation) Acts, 1919 to 1937, and this Act shall be construed as one and may be cited together as the Education (Scotland) Superannuation Acts, 1919 to 1939.

(2) This Act shall be deemed to have come into operation at the beginning of the period of the present emergency.

(3) This Act shall apply to Scotland only.

## CHAPTER 97.

An Act to make temporary provision for the exercise of powers, which are exercisable on the recommendation of the Import Duties Advisory Committee, without any such recommendation, and for the extension of certain powers of the Treasury and the Board of Trade in relation to duties of customs and excise and drawbacks thereof, and for purposes connected with the matters aforesaid.

[7th September 1939.]

Most Gracious Sovereign,

**WE**, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, with a view to adapting certain of the enactments relating to duties of customs and excise and drawbacks thereof to the exigencies of the present emergency, have freely and voluntarily resolved to give and grant unto Your Majesty the duties for which provision is hereinafter contained; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Powers exercisable on recommendation

1.—(1) The Treasury may, without any recommendation from the Import Duties Advisory Committee, make any order or grant any licence which the Treasury



would have had power to make or grant if a recommendation in that behalf had been duly made by the said Committee, and may prepare, and make an order under section nine of the Finance Act, 1932, approving, any scheme which they would have had power by order to approve if the scheme had been duly submitted to them by the said Committee.

(2) Subsections (3) and (4) of section two of the Import Duties Act, 1932, shall not have effect.

(3) In determining for the purposes of subsection (1) of this section what recommendations or schemes might have been duly made or submitted by the said Committee, the enactments specified in the first column of the Schedule to this Act shall be deemed to have been enacted with the omission therefrom of the words and provisions specified in the second column of that Schedule.

(4) For the purposes of subsection (1) of this section any matter which, under any of the enactments conferring power to make any such order or grant any such licence as aforesaid, is to be determined by the said Committee shall be determined by the Treasury.

2.—(1) For subsection (5) of section ten of the Finance Act, 1926, there shall be deemed to be substituted the following subsection:—

“(5) The Treasury may, on the recommendation of the Board of Trade, by order exempt any article from the duty imposed by section one of the Safeguarding of Industries Act, 1921, as amended by this Act, for such period as may be specified in the order.”

(2) The powers conferred by subsection (5) of section five of the Finance Act, 1936 (which relates to the importation without payment of customs duty of consignments of instruments or apparatus in the case of which the Board of Trade are satisfied as respects certain matters therein mentioned) shall be exercisable as respects any consignment of instruments or apparatus, whether the Board are satisfied as respects those matters in the case of that consignment or not, and the proviso to that subsection shall not have effect.

(3) In subsection (4) of section six of the Finance Act, 1936, (which relates to the authorisation by the

of Com-  
mittee :  
exercise  
without  
recom-  
mendation,  
and exten-  
sion.  
22 & 23  
Geo. 5. c. 25.  
22 & 23  
Geo. 5. c. 8.

Extension  
of certain  
powers of  
Treasury  
and Board  
of Trade.  
16 & 17  
Geo. 5. c. 22.  
11 & 12  
Geo. 5. c. 47.

26 Geo. 5. &  
1 Edw. 8.  
c. 34.

Board of Trade of the importation free of additional duty, or at a reduced rate of duty, of certain goods of iron and steel) the words "after consultation with the Import Duties Advisory Committee" shall not have effect.

Short title  
and  
duration.

**3.**—(1) This Act may be cited as the Import Duties (Emergency Provisions) Act, 1939.

(2) This Act shall continue in force until such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end, and shall then expire except as respects things previously done or omitted to be done :

Provided that His Majesty may by Order in Council declare that it is no longer necessary that this Act, or any provision thereof specified in the Order, should continue in force, and, at the end of the day on which an Order under this proviso is made, this Act, or the specified provision, as the case may be, shall expire, except as respects things previously done or omitted to be done.

Section 1

## SCHEDULE.

### ENACTMENTS FROM WHICH WORDS AND PROVISIONS ARE TO BE DEEMED TO BE OMITTED.

Enactment.	Words and provisions omitted.
<p>The Import Duties Act, 1932 :—</p> <p>Section three</p>	<p style="text-align: center;">- -</p> <p>In subsection (1), the words "and which, in their opinion, are either articles of luxury or articles of a kind which are being produced or are likely within a reasonable time to be produced in the United Kingdom in quantities which are substantial in relation to United Kingdom consumption", and the whole of subsection (2).</p>
<p>The Second Schedule</p>	<p style="text-align: center;">-</p> <p>Paragraph 2.</p>

Enactment.	Words and provisions omitted.
<hr/>	
The Finance Act, 1932 :—	
Section nine - - -	In subsection (1), the words “ including the interests of any producers in the United Kingdom of material of the kind specified in the scheme ”.
Section ten . . .	In subsection (1), the words “ of a class or description to which this section applies ” and the words “ are satisfied that machinery similar to that consignment is not for the time being procurable in the United Kingdom, and ”, and the whole of subsection (2).
The Finance Act, 1933 :—	
Section nine - - -	The whole of subsection (3).
The Finance Act, 1934 :—	
Section eight - - -	In subsection (1) the words “ of a “ class or description to which “ section ten of the Finance Act, “ 1932, applies ”, and in subsection (2) the word “ such ” in the second place where that word occurs.

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## CHAPTER 98.

An Act to amend the provisions of the Sheriff Courts (Scotland) Act, 1907, with regard to leave of absence to salaried sheriffs-substitute.

[7th September 1939.]

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

1. Section sixteen of the Sheriff Courts (Scotland) Act, 1907 (which relates to the granting of leave of absence to salaried sheriffs-substitute), shall have effect as if after the word “ ill-health ” there were inserted the words “ or other reasonable cause ”.

Amend-  
ment of  
s. 16 of  
7 Edw. 7.  
c. 51.

Citation.

2. This Act may be cited as the Sheriff Courts (Scotland) Act, 1939, and the Sheriffs Courts (Scotland) Acts, 1907 and 1913, and this Act may be cited as the Sheriff Courts (Scotland) Acts, 1907 to 1939.

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## CHAPTER 99.

An Act to make temporary provision for the performance by other Commissioners or persons of any of the functions of the General Commissioners, the Additional Commissioners, or the Assessor for any division, area or parish.

[7th September 1939.]

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

Transfer of  
functions of  
General  
Com-  
missioners,  
Assessors  
and  
Additional  
Com-  
missioners.

1.—(1) The Commissioners of Inland Revenue may by order—

- (a) authorise or require all or any of the things which, but for the order, would fall to be done by, to or before the General Commissioners for any specified division or other area, to be done by, to or before the General Commissioners for any other specified division or area in Great Britain or by, to or before the Special Commissioners;
- (b) authorise all or any of the things which, but for the order, would fall to be done by the assessor for any specified parish to be done by the surveyor;
- (c) authorise all or any of the things which, but for the order, would fall to be done by or before the Additional Commissioners for any specified division or area, to be done by, or before the surveyor, either alone or acting in conjunction with one or more of those Commissioners;

and while such an order is in force, it shall be the duty of all Commissioners and other persons on whom jurisdiction is conferred by the order to exercise that jurisdiction in accordance with the provisions of the order.

(2) Any order of the Commissioners of Inland Revenue under this section may be made either generally or in relation to matters of any specified class or classes, and may make different provisions in relation to different classes of matters, and any such order may be revoked or varied by a subsequent order of those Commissioners.

(3) Before making an order containing any such provisions as are mentioned in paragraph (c) of subsection (1) of this section, the Commissioners of Inland Revenue shall communicate the terms of the order to the General Commissioners for the division or area in question, and if, after an order is made containing any such provisions, the Commissioners of Inland Revenue are satisfied that the continuance in force of those provisions is unnecessary and that the General Commissioners for the division or area in question desire the revocation thereof, they shall revoke those provisions accordingly.

(4) In this section references to Additional Commissioners do, and references to General Commissioners do not, include references to General Commissioners acting by virtue of section sixty-three of the Income Tax Act, 1918, as Additional Commissioners.

8 & 9 Geo. 5.  
c. 40.

**2.—**(1) This Act may be cited as the Income Tax Procedure (Emergency Provisions) Act, 1939.

Short title,  
construction  
and  
duration of  
Act.

(2) This Act shall be construed as one with the Income Tax Acts, except that it does not extend to Northern Ireland.

(3) This Act shall continue in force until such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end, and shall then expire except as respects things previously done or omitted to be done.

## CHAPTER 100.

An Act to make temporary provision for rendering inscribed stocks transferable by instrument in writing, and for extending, in certain circumstances arising from war, the time limited by the National Debt Act, 1870, for the payment of coupons. [7th September 1939.]

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

Transfer by instrument in writing of inscribed stock.  
40 & 41 Vict. c. 59.

1.—(1) This section shall apply to any stock which is for the time being, apart from this section, transferable in law by entry in the books of the Bank of England, in a register kept in Great Britain under the Colonial Stock Act, 1877, or in any other books or register kept in Great Britain, and not otherwise (in this Act referred to as "inscribed stock").

(2) Inscribed stock shall not be transferable in law by entry as aforesaid, but shall be transferable in law by instrument in writing in any usual or common form executed by all parties to the transfer, and delivered to and retained by the Bank of England, the registrar under the Colonial Stock Act, 1877, or other the person keeping the books or register in which the stock is inscribed, as the case may be.

(3) A transfer of inscribed stock made in the mode specified in the last preceding subsection shall be completed in the manner in which a transfer thereof made in the mode in which the stock would have been transferable in law apart from this section would have been required to be completed, and no register certificate or other similar document shall be issued on the completion of the transfer; but this subsection shall have effect without prejudice, in the case of inscribed stock as to which provision for rendering the stock transferable in law by deed or instrument in writing is made by the

enactments or other provisions by which the transfer thereof is regulated, to the right of any person to avail himself of such provision on the occasion of the transfer or thereafter.

(4) The Bank of England, the registrar under the Colonial Stock Act, 1877, or other the person keeping the books or register in which the stock is inscribed, shall be entitled, as a condition of the completion of a transfer of inscribed stock in the mode specified in subsection (2) of this section, to require the fulfilment—

(a) in the case of stock as to which provision for rendering the stock transferable in law by deed or instrument in writing is made by the enactments or other provisions by which the transfer thereof is regulated, of any condition the fulfilment of which may be required under those enactments or other provisions in connection with the completion of a transfer thereunder by deed or instrument in writing; or

(b) in the case of stock as to which no such provision is made, of the conditions specified in the proviso to regulation 8 of the Government Stock (Transfer by Deed) Regulations, 1918, as set out with modifications in the Schedule to this Act:

Provided that, notwithstanding anything in any such enactments or other provisions as aforesaid, the production or transmission of a register certificate or other similar document shall not be required as a condition of the completion of the transfer of the stock.

(5) Inscribed stock transferable by entry in the books of the Bank of England in respect of which the cashiers of the Bank or any of them are or is for the time being nominated as attorneys or attorney shall be excepted from so much of subsection (2) of this section as provides that inscribed stock shall not be transferable in law by entry as aforesaid.

(6) In this section the expression "stock" includes an annuity.

2. Section thirty-five of the National Debt Act, 1870 (which provides amongst other things for the time Extension of time for

payment of  
coupons.  
33 & 34 Vict.  
c. 71.

of payment of coupons) shall have effect, in the case of coupons payable by the Bank of England, as if the following words had been inserted therein after the words "day of presentation" where those words last occur, namely—

"or, if having regard to any interruption of communications or other physical conditions arising by reason of any war in which His Majesty may be engaged, it is not practicable to make payment thereof before or at the expiration of the said period of three days or five days, as the case may be, as soon thereafter as may be practicable in the circumstances."

Short title,  
duration,  
and extent.

**3.**—(1) This Act may be cited as the Government and other Stocks (Emergency Provisions) Act, 1939.

(2) This Act shall continue in force until such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end, and shall then expire except as respects things previously done or omitted to be done.

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

Section 1.

## SCHEDULE.

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### CONDITIONS THE FULFILMENT OF WHICH MAY BE REQUIRED FOR THE COMPLETION OF A TRANSFER.

(a) The person keeping the books or register in which stock is inscribed shall not be required to complete a transfer thereof until the expiration of at least ten days from the date on which the instrument of transfer was delivered to that person, or until the expiration of at least three days from the date on which a reply from the transferor to any notice sent by that person informing the transferor of the proposed transfer would, if posted immediately after the receipt of the notice, reach that person in the ordinary course of post; and

(b) That person may in any case, if he thinks fit, refuse to recognize an instrument of transfer unless there is produced to him such evidence as he may reasonably require as to the identity of the transferor and his right to make the transfer.



**CHAPTER 101.**

An Act to authorise issues and transfers from the Consolidated Fund of the United Kingdom without the grant of credits by the Comptroller and Auditor-General, and to suspend the necessity for the countersignature by or on behalf of the Comptroller and Auditor-General to warrants authorising the issue of Treasury bills. [7th September 1939.]

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

1. While this Act is in force, issues and transfers may be made under sections thirteen and fifteen of the Exchequer and Audit Departments Act, 1866, without any credit granted by the Comptroller and Auditor-General, and accordingly that Act shall have effect as if the words specified in the second column of the Schedule to this Act were omitted from the sections of that Act mentioned in the first column of that Schedule.

Issues from Consolidated Fund without credits by Comptroller and Auditor-General.  
29 & 30 Vict. c. 39.

2. While this Act is in force, no countersignature shall be necessary to a warrant from the Treasury authorising the issue of Treasury bills, and accordingly section eight of the Treasury Bills Act, 1877, shall have effect as if the words " countersigned by the Comptroller and Auditor-General of the receipt and issue of Her Majesty's Exchequer " were omitted therefrom.

Issue of Treasury bills without countersignature.  
40 & 41 Vict. c. 2.

3.—(1) This Act may be cited as the Exchequer and Audit Departments (Temporary Provisions) Act, 1939.

Short title and duration.

(2) This Act shall come into operation on such date as His Majesty may appoint by an Order in Council declaring that the circumstances render it expedient in the public interest to put this Act into force, and shall continue in force until His Majesty by Order in Council directs that it shall cease to have effect :

Provided that if, after this Act has come into operation, the Commons House of Parliament resolve that it is expedient that this Act shall cease to have effect, this Act shall in any event cease to have effect on the expiration of one month from the date of the Resolution.

Section 1.

## SCHEDULE.

Words temporarily omitted from the Exchequer and Audit Departments Act, 1866.

<i>Section.</i>	<i>Words omitted.</i>
Section 11	- The words "out of credits to be granted "by the Comptroller and Auditor-General "as hereinafter provided".
Section 12	- The words "and be available to satisfy the "orders for credits granted or to be granted "upon the said accounts by the Comptroller "and Auditor-General".
Section 13	- From the beginning of the section to the words "in the aforesaid quarterly account; and" and the words "out of such credits".
Section 14	- The words "out of the credits to be granted "to them on the Exchequer Accounts" "hereinafter provided".
Section 15	- The words from "the Comptroller and Auditor- General shall" to "so granted to the Treasury".

## CHAPTER 102.

An Act to modify certain rights and liabilities with respect to goods lost or damaged by war.

[7th September 1939.]

**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

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

1.—(1) Where, in the case of the bailment of any goods, whether before or after the commencement of this Act, an obligation is imposed on the bailor or bailee by the provisions (whether express or implied) of any contract or by any enactment, rule of law or custom—

Liabilities  
in respect of  
bailments.

- (a) to insure against loss of or damage to the goods ;
- (b) to repair damage to the goods ;
- (c) to replace the goods in the event of loss ;
- (d) to restore the goods or deliver them up in good repair, notwithstanding such loss or damage ;
- (e) to continue to pay for the hire of the goods, notwithstanding such loss or damage ; or
- (f) to pay damages or compensation for any loss of or damage to the goods ;

the obligation shall, subject to the following provisions of this section, be deemed not to extend to loss or damage by war.

(2) Nothing in this section shall relieve a bailee of any liability for loss of or damage to any goods occurring while the goods are being kept or transported in a manner or at a place which is contrary to the terms of any contract relating to the custody or transport thereof, unless the bailee satisfies the court, in any proceedings brought to enforce any such liability, that he had reasonable grounds for believing that the goods were less likely to be lost or damaged while being kept or transported in that manner or at that place than while being kept or transported in accordance with the terms of the contract.

(3) Nothing in this section shall relieve a bailor or bailee of any liability imposed by any contract if the liability is expressly related to war by the terms of the contract :

Provided that this subsection shall not apply to any liability imposed on a bailee by—

- (a) a hire-purchase agreement to which the Hire Purchase Act, 1938, applies ; or

1 & 2 Geo. 6.  
c. 53.

- (b) a hiring agreement under which the rate of hire does not exceed the rate of twenty pounds per annum.

Liability in respect of goods on approval or sale or return.

2. Where, whether before or after the commencement of this Act—

- (a) any goods have been delivered to any person (hereafter in this section referred to as “the buyer”) on approval or on sale or return or other similar terms; and
- (b) an obligation is imposed on the buyer by the terms of any contract, or by any custom, to pay the price of the goods in the event of their being lost or damaged before the property therein would otherwise have passed to the buyer;

the obligation shall be deemed not to extend to loss or damage by war :

Provided that, except in a case where the price of the goods does not exceed twenty-five pounds, this section shall not apply if the loss or damage in the event of which the buyer is liable to pay the price of the goods is expressly related to war by the terms of a contract.

Liability of Innkeepers.

3.—(1) Where an innkeeper is, as such, under an obligation to make good any loss of or damage to goods, the obligation shall be deemed not to extend to loss or damage by war.

(2) In this section “innkeeper” has the same meaning as in the Innkeepers’ Liability Act, 1863.

26 & 27 Vict. c. 41.

Liability of pawnbroker in case of fire.

4. Where a pledge on which a loan of ten pounds or less has been made (whether before or after the commencement of this Act) has been lost or damaged by or in consequence of fire, the loss or damage being loss or damage by war, then, notwithstanding the provisions of section twenty-seven of the Pawnbrokers Act, 1872, or of any contract—

35 & 36 Vict. c. 93.

- (a) the pawnbroker shall not be liable to make any payment in respect of the value of the pledge; and
- (b) unless (in a case of damage) the pawner redeems the pledge, he shall not be liable to repay the loan.

5.—(1) Where any goods have become chargeable with a duty of customs or excise and, before the duty is paid and (in the case of an excise duty) before the goods have left the entered or registered premises of the manufacturer, the goods are lost by war, the duty shall not be chargeable.

Liability in respect of customs and excise duties.

(2) Where any goods have become chargeable with a duty of customs or excise and, before the duty is paid and (in the case of an excise duty) before the goods have left the entered or registered premises of the manufacturer, the goods are damaged by war, then—

- (a) in a case where the duty is chargeable by reference to value, the value of the goods shall be taken to be the value thereof as reduced by the damage;
- (b) in any other case, the goods may be abandoned to the Commissioners of Customs and Excise and thereupon the duty shall not be chargeable.

(3) The occupier of a warehouse shall not be liable to forfeit any sum, whether by way of duty or otherwise, in respect of goods deposited in his warehouse by reason that he has failed to produce the goods to any officer of Customs and Excise on request, if he proves that his failure to produce the goods was due to the fact that the goods or the warehouse have been lost or damaged by war.

6. In the application of this Act to Scotland—

Application to Scotland.

- (a) “bailment” means delivery of goods in pursuance of a contract of loan, deposit, pledge, hire, hire purchase, carriage, or *locatio operis faciendi* or any other contract which involves delivery by one person to another of the possession of goods for delivery to a third person or re-delivery to the owner when the purpose of the contract is at an end; and “bailor” and “bailee” mean respectively the persons by whom and to whom goods are so delivered;
- (b) any reference to a hire purchase agreement to which the Hire Purchase Act, 1938, applies shall be construed as a reference to a contract

22 & 23  
Geo. 5. c. 38.

to which the Hire Purchase and Small Debt (Scotland) Act, 1932, applies or would apply if for the limit as to value contained in section one of the last mentioned Act there were substituted a limit of one hundred pounds.

Provision as  
to Northern  
Ireland.  
10 & 11  
Geo. 5. c. 67.

**7.** Notwithstanding anything in the Government of Ireland Act, 1920, the Parliament of Northern Ireland shall have power to make laws in respect of matters exclusively relating to the portion of Ireland within their jurisdiction or any part thereof, for purposes similar to the purposes of sections one to four of this Act, and for purposes similar to the purposes of the provisions of section five of this Act relating to excise duties.

Short title,  
interpreta-  
tion, extent  
and com-  
mencement.

**8.—(1)** This Act may be cited as the *Liability for War Damage (Miscellaneous Provisions) Act, 1939*.

(2) In this Act the expressions "loss by war" and "damage by war" mean respectively loss (including destruction) and damage caused by, or in repelling, enemy action, or by measures taken to avoid the spreading of the consequences of damage caused by or in repelling enemy action, and the expressions "lost by war" and "damaged by war" shall be construed accordingly.

(3) The provisions of the last foregoing section, and the provisions of section five of this Act relating to duties of customs, shall extend to Northern Ireland, but save as aforesaid this Act shall not extend to Northern Ireland.

(4) This Act shall be deemed to have come into operation on the third day of September nineteen hundred and thirty-nine.

## CHAPTER 103.

An Act to make provision with respect to constables and firemen serving in His Majesty's forces during the period of the present emergency, to suspend the right of constables and firemen to retire on pension during that period, to provide that war injuries shall be deemed to be non-accidental injuries for the purpose of enactments and other instruments relating to the pensions of constables and firemen, to amend section sixteen of the Fire Brigade Pensions Act, 1925, and for purposes connected with the matters aforesaid.

[7th September 1939.]

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

*Civil Remuneration and Superannuation.*

1.—(1) Where during the period of the present emergency a person serving as a constable or fireman ceases so to serve in order to serve in His Majesty's forces, the appropriate authority shall have power to make to or in respect of him such payments as are hereafter in this section provided.

Payments to make up amount of civil remuneration.

Any such person is hereafter in this Act referred to as a person to whom this section applies.

(2) While a person to whom this section applies is serving during the said period in His Majesty's forces, the appropriate authority may pay to him or to or for the benefit of his wife or other dependants nominated by him, a sum which shall not exceed the pay and allowances he would have received if he had continued to serve as a constable or fireman, after deducting therefrom the amount of his service pay.

(3) On any such person ceasing to serve in His Majesty's forces, the appropriate authority may, for such period as the authority may determine having regard to all the circumstances of the case, but not in

any case expiring later than one year after the end of the period of the present emergency, pay to him or to or for the benefit of his wife or other dependants nominated by him, a sum not greater than the pay and allowances he would have received if he had been serving as a constable or fireman.

(4) Any payment made under this section to any person shall—

- (a) in the case of a constable, be made out of the fund out of which his pension would have been payable if he had continued to serve as a constable in the police force to which he belonged immediately before he ceased so to serve; and
- (b) in the case of a fireman, be made out of the fund out of which there are paid the expenses of the fire brigade to which he belonged immediately before he ceased to serve as a fireman.

Reckoning  
of war  
service for  
purposes of  
superannua-  
tion.

2.—(1) For the purposes of the appropriate pension enactment—

- (a) any period for which a person to whom section one of this Act applies serves in His Majesty's forces during the period of the present emergency; and
- (b) any period for which payments are made to or in respect of any such person under sub-section (3) of the said section one;

shall be treated as a period of approved service in the police force or fire brigade to which he belonged immediately before he ceased to serve as a constable or fireman in order to serve in His Majesty's forces :

Provided that no period before any such person attains the minimum age for approved service under the appropriate pension enactment shall be treated as a period of approved service.

11 & 12  
Geo. 5. c. 31.  
15 & 16  
Geo. 5. c. 47.

(2) For the purposes of sections nine and twenty of the Police Pensions Act, 1921, and sections seven and eighteen of the Fire Brigade Pensions Act, 1925 (which relate to discontinuous service and to a return of rateable deductions on retirement), a person to whom section one of this Act applies shall be deemed to have retired from or left the police force or fire brigade to which he belonged immediately before he ceased to serve as a constable or



fireman, if and when, but not before, he fails to resume service as a constable or fireman at the end of the period which by virtue of subsection (1) of this section is treated as a period of approved service in his case, or within such further time from the end of that period as the appropriate authority may fix with the approval of the Secretary of State.

**3.—(1) For any period for which—**

Rateable  
deductions.

- (a) payments are made to or in respect of any person to whom section one of this Act applies under subsection (2) or subsection (3) of that section; or
- (b) the service pay of any such person is equal to or greater than the pay he would have received if he had continued to serve as a constable or fireman;

sums equal to the rateable deductions that would have been made from his pay under the appropriate pension enactment if he had continued to serve as a constable or fireman shall be payable by him to the appropriate authority at the time when the deductions would in that event have been made.

(2) For the purposes of paragraph (b) of the last foregoing subsection, the pay which any person would have received if he had continued to serve as a constable or fireman shall include—

- (a) such of the allowances which he would have received in that event as the Secretary of State may by regulations prescribe; and
- (b) in a case where, immediately before he ceased so to serve, he was in occupation of any premises by virtue of his service, the value of those premises assessed in such manner as may be so prescribed.

(3) The sums payable under subsection (1) of this section by a person to whom section one of this Act applies shall be recovered by the appropriate authority either—

- (a) by way of deduction from the sums which they are authorised under section one of this Act to pay to or in respect of him; or

- (b) if and so far as they are not recovered by way of deduction as aforesaid, as a simple contract debt in any court of competent jurisdiction or by way of deduction from any grant payable to or in respect of him under the appropriate pension enactment or under that enactment as applied by this Act.

Grants in case of death or incapacity.

4.—(1) If a person to whom section one of this Act applies (being a person who, in order to serve in His Majesty's forces, ceased to serve as a constable) dies either—

- (a) while serving in His Majesty's forces during the period of the present emergency; or
- (b) in consequence of wounds or disease received or contracted while so serving which prevented him from resuming his service as a constable;

the appropriate pension enactment shall apply in relation to him as if he—

- (i) had been serving at the time of his death in the police force to which he belonged immediately before he ceased to serve as a constable; and
- (ii) had died otherwise than from the effects of an injury received in the execution of his duty:

Provided that where by virtue of the foregoing provisions of this subsection a pension or allowance is payable to any person, the appropriate authority may increase the amount thereof up to such amount as they think fit, not exceeding the maximum amount hereafter provided.

(2) If a person to whom section one of this Act applies (being a person who, in order to serve in His Majesty's forces, ceased to serve as a fireman) dies either—

- (a) while serving in His Majesty's forces during the period of the present emergency; or
- (b) in consequence of wounds or disease received or contracted while so serving which prevented him from resuming his service as a fireman;

the appropriate authority may if they think fit pay—

- (i) a pension to his widow;

(ii) allowances to his children under sixteen years of age until they severally reach the age of sixteen years;

(iii) a gratuity to any relative of his who has been wholly or mainly dependent upon him;

of an amount not exceeding the maximum amount hereafter provided, and subject to the provisions of this section the provisions of the appropriate pensions enactment shall apply to any pension, allowance or gratuity granted under this subsection as they apply to any pension, allowance or gratuity granted under that enactment.

(3) If a person to whom section one of this Act applies, after ceasing to serve in His Majesty's forces, is prevented, in consequence of wounds or disease received or contracted while so serving, from resuming his service as a constable or fireman, the appropriate pension enactment shall apply in relation to him as if he—

(a) had become, while serving as a constable or fireman in the police force or fire brigade to which he belonged immediately before he ceased to serve as a constable or fireman, incapacitated for the performance of his duty by infirmity of mind or body otherwise than in consequence of an injury received in the execution of his duty; and

(b) had retired on a medical certificate, at the time when he ceased to serve in His Majesty's forces, from that police force or fire brigade :

Provided that—

(i) where by virtue of the foregoing provisions of this subsection a gratuity is payable to any such person, the appropriate authority may, if they think fit, in lieu of paying him a gratuity, pay to him, under and subject to the provisions of the appropriate pension enactment, a pension of an amount not less than one-twelfth of his annual pay and not greater than the maximum amount hereafter provided; and

(ii) where by virtue of the said provisions of this subsection a pension is payable to any such person, the appropriate authority may, if

they think fit, increase the amount of the pension up to such amount as they think fit, not exceeding the maximum amount hereafter provided.

(4) The amount of any pension or allowance payable to any person for any period at the discretion of the appropriate authority by virtue of this section shall not, when aggregated with the amount of any grant which is also payable for that period to that person out of any naval, military or air force fund in pursuance of any royal warrant or other instrument, exceed—

(a) in a case to which subsection (1) or (2) of this section applies, the amount which would have been payable to that person for that period under the appropriate pension enactment if the deceased had died from the effects of a non-accidental injury received in the execution of his duty as a constable or fireman without his own default; and

(b) in a case to which subsection (3) of this section applies, the amount which would have been payable to that person for that period if he had been incapacitated for the performance of his duty as a constable or fireman by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default.

(5) Where the grant, the amount whereof for any period is to be aggregated for the purpose of the last foregoing subsection with the amount of a pension or allowance payable to any person for that period, is a gratuity, the amount of the grant for that period shall be taken to be the amount which would be payable for that period under Part I of the Government Annuities Act, 1929, if the gratuity had been laid out at the date when it became payable in the purchase of an immediate annuity dependent on the life of that person.

(6) For the purpose of this section, the appropriate authority may require such evidence as they think fit of the fact that a person to whom section one of this Act applies—

(a) has died while serving in His Majesty's forces during the period of the present emergency; or

- (b) has been prevented, in consequence of wounds or disease received or contracted while so serving, from resuming his service as a constable or fireman; or
- (c) has died in consequence of such wounds or disease.

(7) Where by virtue of any of the foregoing provisions of this section the amount of any pension, allowance or gratuity is to be determined, whether wholly or in part, at the discretion of the appropriate authority, that authority may from time to time revise their determination.

5. For the purpose of calculating the amount of any grant or rateable deduction payable or deductible under the appropriate pension enactment in the case of a person to whom section one of this Act applies, he shall be deemed to have received as a constable or fireman, for any period for which—

Reckoning of pay during war service.

- (a) he is serving in His Majesty's forces during the period of the present emergency; or
- (b) payments are made to or in respect of him under subsection (3) of section one of this Act;

the amount of the pay which he would have received for that period if he had continued to serve as a constable or fireman.

6.—(1) In the case of a constable belonging to the naval reserves, the army reserve or the air force reserve, the foregoing provisions of this Act shall, in relation to his service as a member of that reserve during the period of the present emergency, have effect in lieu of—

Act to be substituted for certain provisions relating to constables and firemen in the reserves.  
4 & 5 Geo. 5.  
c. 34.

- (a) the provisions of the Police Reservists (Allowances) Act, 1914, as amended by any subsequent enactment; and
- (b) the provisions of section eleven of the Police Pensions Act, 1921.

(2) In the case of a fireman belonging to any such reserve, the provisions of sections two to five of this Act shall, in relation to his service as a member of that reserve during the period of the present emergency, have effect in lieu of the provisions of section nine of the Fire Brigade Pensions Act, 1925.

Exception  
of certain  
firemen.

1 & 2 Geo. 6.  
c. 72.

12 & 13  
Geo. 5. c. 59.

**7.**—(1) Nothing in the foregoing provisions of this Act shall apply to a fireman who, under subsection (2) of section twenty-four of the Fire Brigade Pensions Act, 1925, or under section seventeen of the Fire Brigades Act, 1938, gave a written notice that he desired that the provisions of any scheme, or the provisions of the Local Government and Other Officers' Superannuation Act, 1922, should continue to apply to him.

(2) Nothing in sections two to six of this Act shall apply to a fireman being—

- (a) a member of the London fire brigade; or
- (b) a member of a fire brigade on whose death or retirement a grant is payable by virtue of a local Act containing provisions relating to that brigade; or
- (c) a fireman as respects whom a scheme is in operation by virtue of paragraph (b) of subsection (1) of section twenty-four of the Fire Brigade Pensions Act, 1925;

but the following provisions of this subsection shall have effect as respects any such fireman who ceases to serve in any fire brigade in order to serve in His Majesty's forces—

- (i) the local authority maintaining that fire brigade shall, as soon as may be after the commencement of this Act, submit to the Secretary of State a scheme containing such amendments of the regulations, Act or scheme regulating the superannuation rights of members of that brigade as will secure that any such fireman shall, as nearly as may be, have the same rights and be under the same obligations as are conferred or imposed by the said sections of this Act on a fireman to whom the Fire Brigade Pensions Act, 1925, applies;
- (ii) the Secretary of State may by order approve, either with or without modifications, any scheme so submitted and when so approved the scheme shall be deemed to have had effect as from the commencement of this Act;
- (iii) any scheme approved under this subsection may be varied by a subsequent scheme submitted and approved in like manner.

*Miscellaneous and General.*

**8.** Where a person, having ceased during the period of the present emergency to serve as a constable on probation in order to serve in His Majesty's forces, resumes service as a constable during that period or within two months from the end of that period, he shall serve on probation for so much of his period of probation as was unexpired at the time when he ceased so to serve.

Constables on probation.

**9.** Where a person, having ceased during the period of the present emergency to serve as a constable in order to serve in His Majesty's forces, resumes service as a constable during that period or within two months from the end of that period, it shall not be necessary for him, notwithstanding anything in any enactment, to make any declaration required to be made by him on accepting office as a constable.

Constables need not be re-attested on re-suming service.

**10.**—(1) Notwithstanding the provisions of any enactment, during the period of the present emergency—

Suspension of right to retire on pension.

(a) no chief officer of a police force or fire brigade shall be entitled to retire on pension except with the consent of the appropriate authority; and

(b) no other constable or fireman shall be entitled to retire on pension except with the consent of the chief officer of the police force or fire brigade to which he belongs.

(2) Where before the commencement of this Act or during the period of the present emergency—

(a) the chief officer of a police force or fire brigade has given or gives written notice to the appropriate authority of his desire to retire on pension in circumstances which, but for the provisions of this section, would entitle him so to retire; or

(b) any other constable or fireman has given or gives written notice to the chief officer of the police force or fire brigade to which he belongs of his desire to retire on pension in such circumstances as aforesaid;

his right to retire at the end of the said period on a pension not less in amount than that to which he would

have been entitled, had he retired on pension at the date when the notice was given, shall not be liable to forfeiture, except for such misconduct as would, had he been in receipt of a pension, have rendered the pension liable to forfeiture.

(3) In this section—

(a) the expressions “ chief officer of a police force ” and “ chief officer of a fire brigade ” have respectively the same meanings as in the Police Pensions Act, 1921, and the Fire Brigade Pensions Act, 1925; and

(b) the expression “ retire on pension ” means to retire without a medical certificate and receive a pension for life.

War injuries to be deemed non-accidental injuries.

**11.** For the purpose of the Police Pensions Act, 1921, and the Fire Brigade Pensions Act, 1925, and any other Act or any rules or scheme providing for the pensions of firemen, a war injury within the meaning of the Personal Injuries (Emergency Provisions) Act, 1939, shall be deemed to be a non-accidental injury.

Relief of firemen from suspension of pensions.

**12.** Notwithstanding anything in section sixteen of the Fire Brigade Pensions Act, 1925, a pension receivable by a person under that Act shall not be suspended for any period for which he takes temporary service in any capacity under a local authority during the period of the present emergency.

Provision as to persons called out or under training.

**13.**—(1) The provisions of Articles 13, 15 and 27 of the Reserve and Auxiliary Forces (Consequential Provisions) Order, 1939, shall not apply with respect to any part of any person’s period of service as a person called out which falls within the period of the present emergency.

(2) The provisions of Articles 7 and 15 of the Military Training (Consequential Provisions) Order, 1939, shall not apply with respect to any part of any person’s period of training which falls within the period of the present emergency.

(3) Where any person at the beginning of the period of the present emergency is serving as a person called out or as a person under training, and immediately before he was called out or immediately before the beginning of



his period of training, as the case may be, he was serving as a constable or fireman, then—

- (a) he shall be deemed for the purposes of this Act to have ceased to serve as a constable or fireman immediately after the beginning of the period of the present emergency in order to serve in His Majesty's forces; and
- (b) in the case of a person who at the beginning of the period of the present emergency is serving as a person under training—

(i) if and when, but not before, he fails to resume service as a constable or fireman before the expiration of two months from the end of the period which by virtue of subsection (1) of section two of this Act is treated as a period of approved service in his case, he shall be deemed for the purposes of Article 7 of the Military Training (Consequential Provisions) Order, 1939, not to have resumed duty as a constable or fireman at the end of his period of training; and

(ii) in any other case he shall be deemed for the purposes of that Article to have resumed such duty at the end of his period of training.

(4) In this section the expression "called out" has the same meaning as in the Reserve and Auxiliary Forces (Consequential Provisions) Order, 1939, and the expressions "person under training" and "period of training" have respectively the same meanings as in the Military Training (Consequential Provisions) Order, 1939.

14. In this Act the following expressions have the meanings hereby respectively assigned to them:— Interpreta-  
tion.

"appropriate authority" means—

- (a) in relation to a person who is serving or has ceased to serve as a constable, the police authority within the meaning of the Police Pensions Act, 1921, for the police force of which he is or was a member; and
- (b) in relation to a person who is serving or has ceased to serve as a member of the London

Fire Brigade, the London County Council;  
and

(c) in relation to any other person who is serving or has ceased to serve as a fireman, the fire authority within the meaning of the Fire Brigades Act, 1938, for the fire brigade of which he is or was a member;

“appropriate pension enactment”, in relation to a person who has ceased to serve as a constable, means the Police Pensions Act, 1921, as amended by any subsequent enactment and, in relation to a person who has ceased to serve as a fireman, means the Fire Brigade Pensions Act, 1925, as amended by any subsequent enactment;

“constable” means a member of a police force within the meaning of the Police Pensions Act, 1921;

“fireman” means a professional fireman as defined by paragraph (2) of section twenty-three of the Fire Brigade Pensions Act, 1925, as amended by any subsequent enactment;

“grant”, unless the context otherwise requires, means a pension, allowance or gratuity;

“period of the present emergency” means the period beginning with the first day of September nineteen hundred and thirty-nine and ending with such day as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end;

“service pay”, in relation to any person, means his pay (including marriage, family and other similar allowances) in respect of his service in or with His Majesty’s forces during the period of the present emergency.

Provision as  
to Northern  
Ireland.  
10 & 11  
Geo. 5. c. 67.

15. Notwithstanding anything in the Government of Ireland Act, 1920, the Parliament of Northern Ireland shall have power to make laws in respect of members of a police force or fire brigade in Northern Ireland for purposes similar to the purposes of this Act.

**16.**—(1) This Act may be cited as the Police and Firemen (War Service) Act, 1939. Short title, commencement and extent.

(2) This Act shall be deemed to have come into operation at the commencement of the period of the present emergency.

(3) No provision of this Act except the provisions of the last foregoing section shall extend to Northern Ireland.

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## CHAPTER 104.

An Act to confer on the Minister of Labour and National Service powers with respect to the control of employment during the present emergency; and for purposes connected with the matter aforesaid. [21st September 1939.]

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

**1.**—(1) The Minister of Labour and National Service (hereinafter referred to as "the Minister") may by order direct— Control of employment.

(a) that, after such date as may be specified in the order, an employer to whom the order applies shall not, except with the consent of the Minister, publish any advertisement stating that he desires to engage any employee to whom the order applies; and

(b) that, after the said date, such an employer shall not engage or re-engage any such employee unless consent to the engagement or re-engagement has been given by or on behalf of the Minister:

Provided that, before making an order under this subsection, the Minister shall refer a draft of the order proposed to be made to a committee appointed by him,

consisting of a chairman and equal numbers of members representing, respectively, organisations of workers and organisations of employers which appear to him to be concerned; and the Minister may pay to the chairman of any such committee as aforesaid such remuneration as the Minister may, with the approval of the Treasury, determine.

25 & 26  
Geo. 5. c. 8.

(2) The Minister shall not, by virtue of any order made under this section, refuse consent to the engagement or re-engagement of an employee unless he is satisfied that an opportunity of suitable alternative employment is available to the employee; and, when he refuses consent, he shall notify to the employee any opportunity which he considers suitable, and the employee may appeal to the court of referees constituted under the Unemployment Insurance Act, 1935, which acts for the district in which he resides, and if that court is satisfied that no such opportunity as aforesaid was available to him, the court shall allow the appeal, and accordingly the consent of the Minister shall be deemed to have been given as from the date of the decision of the court.

(3) Where the appeal of an employee is allowed under the last foregoing subsection, the court shall, in accordance with regulations made by the Minister with the consent of the Treasury, award to the employee compensation in respect of any loss occasioned to him by reason of the refusal against which the appeal was brought, and such compensation shall be paid as part of the expenses of the Minister under this Act.

(4) The regulations made under this section shall make provision as to the compensation which may be awarded under the last foregoing subsection and as to the assessment of such compensation, and the regulations shall in particular provide for securing that benefit under the Unemployment Insurance Acts, 1935 to 1939, shall not be payable in respect of any period in respect of which such compensation has been awarded.

(5) An employer who contravenes the provisions of an order under subsection (1) of this section shall for each offence be liable on summary conviction—

(a) in the case of a contravention of provisions having effect by virtue of paragraph (a) of

that subsection, to a fine not exceeding one hundred pounds; and

- (b) in the case of a contravention of provisions having effect by virtue of paragraph (b) of that subsection, to a fine not exceeding one hundred pounds and, in respect of each employee employed by him in contravention of those provisions, to a further fine not exceeding five pounds for each day on which that employee is so employed.

(6) An order under subsection (1) of this section may be made so as to apply—

- (a) either to all employers or to such employers or class of employers as may be specified in the order; and  
(b) either to all employees or to such employees or class of employees as may be so specified;

and may provide that any directions contained in the order shall not apply in any specified circumstances in which an employee ceases to be employed by an employer and is re-engaged by that employer or by his successor in business within a period specified in the order.

(7) Where, in respect of the employment of any person, there has been any contravention of the provisions of an order under subsection (1) of this section, that person shall not, by reason only of that contravention, be deemed to be employed under an illegal contract of employment.

(8) Any order under subsection (1) of this section may be varied or revoked by a subsequent order of the Minister.

2. Where the engagement or re-engagement of employees by employers is effected in accordance with arrangements made, whether before or after the commencement of this Act, between an employer or any organisation of employers and a trade union, being arrangements approved by the Minister, and in accordance with such directions, if any, as may be given by the Minister with respect to the operation of the arrangements, any provisions of an order made under subsection (1) of section one of this Act having effect by virtue of

Saving for engagements effected in accordance with trade union arrangements.

paragraph (b) of that subsection shall not apply to the engagement or re-engagement.

Appoint-  
ment and  
remunera-  
tion of  
inspectors.

**3.** The Minister may, with the approval of the Treasury, appoint such inspectors as he thinks necessary for the execution of this Act, and may pay to inspectors so appointed such salaries or remuneration as he may, with the approval of the Treasury, determine.

Inspection  
of premises  
and furnish-  
ing of  
information.  
35 & 36 Vict.  
c. 77.  
1 & 2 Geo. 5.  
c. 50.  
25 & 26  
Geo. 5. c. 8.  
1 Edw. 8. &  
1 Geo. 6.  
c. 67.  
9 Edw. 7.  
c. 22.

**4.—(1)** An inspector appointed under this Act or under any of the following Acts, that is to say, the Metalliferous Mines Regulation Act, 1872, the Coal Mines Act, 1911, the Unemployment Insurance Act, 1935, and the Factories Act, 1937, or an officer appointed under section fourteen of the Trade Boards Act, 1909, may, if it appears to the inspector or officer to be necessary for the purposes of this Act so to do, and on producing, if so required, sufficient documentary evidence of his identity,—

(a) enter, at any reasonable time, any premises other than premises used solely as a dwelling;

(b) request any person whom the inspector or officer has reason to believe to be an employer or an employee to produce to the inspector or officer, and allow him to examine, such documents, and to furnish to him such information, being documents or information in the possession or under the control of that person, as the inspector or officer may specify.

**(2) Any person who—**

(a) wilfully obstructs an inspector or officer in the exercise of any of his powers under the last preceding subsection; or

(b) fails to produce or furnish any document or information in accordance with a request made to him under that subsection;

shall be liable on summary conviction to a fine not exceeding ten pounds.

**(3)** Any person who, in giving any information required to be furnished under this section, knowingly or recklessly makes any statement which is false in a material particular, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine.

5.—(1) Any order or regulation made under this Act by the Minister shall, as soon as may be after it is made, be laid before Parliament and together with any such order there shall be laid before Parliament a copy of any report made by a committee constituted in accordance with the provisions of this Act which has been made within such time as may have been notified to the committee by the Minister at the time of the reference; but any such order or regulation shall, notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, be deemed not to be a statutory rule to which that section applies.

Provisions  
as to orders.

56 & 57 Vict.  
c. 66.

(2) If either House of Parliament, within the period of forty days beginning with the day on which any such order or regulation as aforesaid is laid before it, resolves that the order or regulation be annulled, it shall thereupon become void, without prejudice, however, to the validity of anything previously done thereunder or to the making of a new order or regulation.

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.

6. Where any offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any reckless neglect of duty on the part of, any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Offences  
by corpora-  
tions.

7. The expenses incurred for the purposes of this Act by the Minister shall be defrayed out of moneys provided by Parliament.

Expenses.

8. In this Act the expression "employer" includes any person desiring to employ other persons, the expression "employee" includes any person seeking employment, and the expression "advertisement" includes any notice, circular or other document.

Interpreta-  
tion.

9. Notwithstanding anything in the Government of Ireland Act, 1920, the Parliament of Northern Ireland shall have power to make laws, in respect of matters exclusively relating to the portion of Ireland within

Provision as  
to Northern  
Ireland.  
10 & 11  
Geo. 5. c. 67.

their jurisdiction or any part thereof, for purposes similar to the purposes of this Act.

Short title,  
duration  
and extent.

**10.—(1)** This Act may be cited as the Control of Employment Act, 1939.

(2) This Act shall continue in force until such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end, and shall then expire except as respects things previously done or omitted to be done.

(3) No provision of this Act, except the provisions of the last preceding section, shall extend to Northern Ireland.

## CHAPTER 105.

An Act to provide for the modification of the law relating to the administration of justice in Northern Ireland as respects the period of the present emergency and for purposes connected therewith. [21st September 1939.]

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

Power to  
vary sittings  
of the  
Supreme  
Court.

**1.—(1)** The Lord Chief Justice of Northern Ireland (in this Act referred to as "the Lord Chief Justice") may by order direct, as respects the Court of Appeal, the High Court or any Division or judge of the High Court, that the Court, Division or judge shall sit at such place or places and on such dates or for such periods as may be specified in or appointed under the order.

(2) Any such order may provide—

(a) for the removal of any offices of or attached to or connected with the Court, Division or judge to which the order relates to such place or places as may be specified in the order;



- (b) for the distribution of the business of any such office among local offices established by or under the order; or
- (c) for the transaction of any part of the business of any such office at a branch office established by or under the order.

(3) The Lord Chief Justice may by order suspend the sittings of the High Court or Court of Appeal, and for that purpose the power of regulating the vacations to be observed by the High Court and Court of Appeal and in the offices of the said Courts respectively shall be exercised by the Lord Chief Justice by order instead of being exercised in the manner provided by section thirty of the Supreme Court of Judicature Act (Ireland), 1877. 40 & 41 Vict.  
c. 57.

The provisions of the said section thirty relating to the effect of an Order in Council made thereunder, and to the making of rules for carrying it into effect, shall apply to any order of the Lord Chief Justice made in pursuance of this subsection as they apply to an Order in Council made in pursuance of the said section.

(4) The power of making rules of court under section sixty-one of the said Act, and of altering and annulling rules made under that section shall be exercised by the Lord Chief Justice by order instead of being exercised in the manner provided by the said section.

2.—(1) The Governor of Northern Ireland may by order provide— Exercise of  
powers as  
respects  
circuits and  
assizes.

(a) for the grant on behalf of His Majesty of commissions of assize and other commissions under section thirty-two of the Supreme Court of Judicature Act (Ireland), 1877; and

(b) for the appointment on behalf of His Majesty of Commissioners of Assize under that section;

by such persons and in such form and manner as may be specified in the order.

(2) The powers exercisable by the Governor of Northern Ireland by Order in Council under section sixty-two of the said Act (which relates to the regulation of circuits) shall be exercisable by the Lord Chief Justice by order.

Power to vary sittings of the Court of Criminal Appeal.

Provisions as to county courts and courts of quarter sessions and summary jurisdiction.

40 & 41 Vict. c. 56.

General provisions as to orders and powers.

**3.** The Lord Chief Justice may by order direct that the Court of Criminal Appeal shall sit at such place or places and on such dates or for such periods as may be specified in or appointed under the order.

**4.—(1)** The Governor of Northern Ireland may by order, as respects any county court, court of quarter sessions or court of summary jurisdiction—

- (a) suspend the sittings of the court for such period as may be specified in or appointed under the order;
- (b) direct that the court shall sit at such place or places, and on such dates or for such periods, and at such times, as may be specified in or appointed under the order; and
- (c) direct that the whole or any part of the jurisdiction of the court shall be transferred to any other county court or courts, or court or courts of quarter sessions or of summary jurisdiction, as the case may be.

(2) Rules and orders made by the Lord Chief Justice for regulating the practice of the county courts (including recorders' courts) under section seventy-nine of the County Officers and Courts (Ireland) Act, 1877, shall not be subject to the concurrence of any persons.

**5.—(1)** Any order made under the foregoing provisions of this Act may be varied, supplemented or revoked by a subsequent order made in like manner by the Governor of Northern Ireland or the Lord Chief Justice, as the case may be.

(2) Any order made under the foregoing provisions of this Act may contain such provisions as appear to the Governor of Northern Ireland or the Lord Chief Justice, as the case may be, to be necessary or expedient for giving effect to the order or any previous order so made, and may suspend or modify, and shall have effect notwithstanding, any provision of any enactment, Order in Council, order, regulations or rules.

(3) Any power which is exercisable by the Lord Chief Justice under or in accordance with the foregoing provisions of this Act may, if the Lord Chief Justice is unable to act or his office is vacant, be exercised by the senior Lord Justice of Appeal in Northern Ireland for the time being.

6.—(1) Notwithstanding anything in any enactment, for the purpose of any trial with a jury or inquiry by a jury in any proceedings, whether civil or criminal, it shall not be necessary for the jury to consist of more than seven persons : Number of jurors.

Provided that the preceding provisions of this subsection shall not apply in relation to the trial of a person on any charge, if the court or a judge thinks fit, by reason of the gravity of the matters in issue, to direct that those provisions shall not apply, and shall not in any case apply in relation to the trial of a person on a charge of treason or murder.

(2) In relation to any case in which, by virtue of the preceding 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 in those sections for the word "twelve", wherever that word occurs, there were substituted the word "seven". 34 & 35 Vict. c. 65.

7. Notwithstanding anything contained in any enactment or rule of court, no question arising in any civil proceedings in the High Court or in any county court shall be tried with a jury, and no writ of inquiry for the assessment of damages or other claim by a jury shall issue, unless the court or a judge is of opinion that the question ought to be tried with a jury or, as the case may be, the assessment ought to be made by a jury and makes an order to that effect. Limitation of proceedings when jury is necessary.

8.—(1) A coroner within whose jurisdiction a dead body is found or a case of sudden death or of death attended with suspicious circumstances occurs may, in lieu of summoning a jury in the manner required by section twenty-two of the Coroners (Ireland) Act, 1846, for the purpose of an inquest upon the dead body, hold an inquest thereon without a jury : Power to hold inquest in certain cases without a jury. 9 & 10 Vict. c. 37.

Provided that if it appears to the coroner, either before he proceeds to hold an inquest or in the course of an inquest begun without a jury, that there is reason to suspect—

(a) that the deceased came by his death by murder, manslaughter or infanticide; or

(b) that the death occurred in prison or in such place or in such circumstances as to require an inquest under any Act other than the Coroners (Ireland) Act, 1846;

he shall proceed to summon a jury in the manner required by the said section twenty-two; and in any other case, if it appears to him, either before he proceeds to hold an inquest or in the course of an inquest begun without a jury, that there is any reason for summoning a jury, he may proceed to summon a jury in the manner aforesaid.

(2) The provisions of any enactment relating to the procedure in connection with an inquest shall, as respects an inquest or any part of an inquest which is held without a jury, have effect subject to such modifications as are rendered necessary by the absence of a jury, and where the whole of an inquest is held without a jury, the inquisition shall be under the hand of the coroner alone.

(3) Where an inquest or any part of an inquest is held without a jury, anything done at the inquest or at that part of the inquest, by or before the coroner alone, shall be as validly done as if it had been done by or before the coroner and a jury.

Remanding  
of accused  
persons.  
14 & 15 Vict.  
c. 93.

9.—(1) The period for which, under section fourteen of the Petty Sessions (Ireland) Act, 1851, an accused person may be remanded in custody, or, in the case of an accused person admitted to bail, may be remanded without his consent and that of the prosecutor, shall be a period not exceeding twenty-one clear days instead of a period not exceeding eight clear days.

4 & 5 Geo. 5.  
c. 58.

(2) Subsection (1) of section twenty of the Criminal Justice Administration Act, 1914 (which empowers a court of summary jurisdiction to extend the period on remand in a case where the person remanded is, by reason of illness or accident, unable to appear personally) shall have effect as if the reference in that subsection to illness or accident included a reference to circumstances arising out of the existence of a state of war.

Filling of  
vacancies in  
the Supreme  
Court.

10. In the event of the occurrence of a vacancy among the judges of the Supreme Court, it shall not be necessary to fill the vacancy unless the Secretary of State after consultation with the Lord Chief Justice

advises His Majesty that the state of business requires that the vacancy should be filled.

11.—(1) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment. Interpretation.

(2) References in this Act to any enactment shall be construed as references to that enactment as in force in Northern Ireland.

12.—(1) This Act may be cited as the Administration of Justice (Emergency Provisions) (Northern Ireland) Act, 1939, and shall extend to Northern Ireland only. Short title, extent and duration.

(2) This Act shall continue in force until such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end, and shall then expire, except as respects things previously done or omitted to be done and subject to any temporary and transitional provisions contained in the Order.

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## CHAPTER 106.

An Act to provide, in connexion with the present emergency, for amending the Universities and College Estates Act, 1925, and for extending the powers of the Universities of Oxford and Cambridge and the Colleges therein to make statutes. [21st September 1939.]

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

### PART I.

#### AMENDMENT OF THE UNIVERSITIES AND COLLEGE ESTATES ACT, 1925.

1.—(1) The purposes for which capital money may be applied under subsection (1) of section twenty-six of the Universities and College Estates Act, 1925 and purposes Extension of the purposes

**PART I.**  
—cont.  
for which  
money may  
be applied  
or  
borrowed.  
15 & 16  
Geo. 5. c. 24.

for which money may be raised and applied under section thirty of that Act by a University or College shall include the making good of any deficiency in the revenues of the University or College in any financial year of the University or College expiring at or before the end of the period of the present emergency which in the opinion of the Minister is due to circumstances attributable directly or indirectly to the existence of a state of war.

(2) Subsection (5) of the said section twenty-six and section thirty-two of the said Act shall not apply to any capital money applied or money raised and applied for the purposes mentioned in this section, but the money shall be replaced or repaid within such period, not exceeding fifty years from the end of the period of the present emergency, as the Minister may determine.

(3) Notwithstanding anything in subsection (1) of the said section thirty, no certificate of a surveyor shall be necessary for raising money under that subsection for the purposes mentioned in this section.

Power to  
extend  
period for  
replacement  
or repay-  
ment of  
money  
applied or  
borrowed.

2. It shall be lawful for the Minister at any time before the end of the period of the present emergency, upon the application of a University or College, in any case where the Minister determines that it is expedient owing to circumstances attributable directly or indirectly to the existence of a state of war so to do, and where in the case of borrowed money the lender consents—

- (a) to extend the period within which purchase or capital money applied or money borrowed before the passing of this Act under the Universities and College Estates Act, 1925, or any enactment replaced by that Act, is required to be replaced or repaid by such period not exceeding ten years as the Minister may determine;
- (b) to suspend the obligation to make such replacement or repayment for such period not extending beyond one year after the end of the period of the present emergency as the Minister may determine, with a corresponding extension of the period of replacement or repayment.

3. This Part of this Act shall be construed as one with the Universities and College Estates Act, 1925.

PART I.  
—cont.  
Construction of  
Part I.

## PART II.

### POWER OF UNIVERSITIES OF OXFORD AND CAMBRIDGE AND COLLEGES THEREIN TO MAKE EMERGENCY STATUTES.

4.—(1) Notwithstanding anything in the Universities of Oxford and Cambridge Act, 1923, or any other enactment, it shall be lawful for the University of Oxford or the University of Cambridge (which Universities are hereinafter severally referred to as “the University”) or any College in the University to make statutes for the purposes and in the manner and subject to the provisions mentioned in this Part of this Act, and a statute made under this Part of this Act is hereinafter referred to as an emergency statute.

Power to make emergency statutes.  
13 & 14  
Geo. 5. c. 33.

(2) Every emergency statute made by the University shall be binding on the University and on every College which has consented thereto, and every emergency statute made by a College shall be binding on the College and on the University if it has consented thereto, and every emergency statute shall be effectual notwithstanding any instrument of foundation, or any Act of Parliament, Order in Council, charter, decree, order, statute or other instrument or thing constituting wholly or in part an instrument of foundation, or confirming or varying a foundation or endowment, or otherwise regulating the University or a College.

(3) Any emergency statute made before the thirty-first day of July nineteen hundred and forty may, if so expressed, have retrospective effect so as to relate back to any date not earlier than the first day of September nineteen hundred and thirty-nine.

5. The purposes for which provision may be made by an emergency statute shall be the following:—

Purposes for which emergency statutes may be made.

- (a) for postponing until any date not later than the end of the period of the present emergency the election or admission to any office in the University or in any College;
- (b) for suspending until any date not later than the end of the said period any such office which may be or may become vacant;

PART II.  
—cont.

- (c) for the application for any purpose connected with the University or a College of any moneys which may be undisposed of by reason of any such postponement or suspension as aforesaid, or of the income of any trust fund vested in the University or a College (whether the income is administered by the University or College or by any other body) which is not for the time being actually being paid to a beneficiary;
- (d) for suspending or modifying until any date not later than the end of the said period any conditions, whether as to residence, duties or otherwise, affecting the tenure or emoluments of any office in the University or College, so however that no such suspension or modification shall be made unless it is in the interest of the holder thereof or is made with his consent;
- (e) for suspending or modifying until any date not later than the expiration of one year after the end of the said period any provision relating to the age or university standing at which any person is eligible as a candidate for any scholarship, prize or other emolument in the University or in any College;
- (f) for enabling any College, until any date not later than the expiration of one year after the end of the said period, in the election to any scholarship, prize or other emolument in the College, to take into account the fact that any person offering himself as a candidate has been engaged in war service;
- (g) for extending the length of tenure of any scholarship, prize or other emolument, whether in the University or a College, in the case of any person who has been engaged in war service or who has been detained during the said period by a neutral Power or a Power at war with His Majesty by reason of circumstances arising out of the existence of a state of war;
- (h) for making payments until any date not later than the end of the said period out of the corporate revenue or other fund applicable to the statutory purposes of a College to the tuition fund of the College;



- (i) for suspending payments until any date not later than the end of the said period from the corporate revenue or other fund applicable to the statutory purposes of a College to any pension or other fund of the College;
- (j) for making payments until any date not later than the end of the said period out of the income of any fund applicable to any statutory purposes of a College, so far as the income is not required for the purposes of that fund, to any fund applicable to some other statutory purposes of the College;
- (k) for making payments until any date not later than the end of the said period out of the corporate revenue or other fund applicable to the statutory purposes of a College for the relief and assistance of members of the College or other members of the University engaged in war service;
- (l) for making such provisions of a similar nature to any of the foregoing as may seem to be required to prevent any loss or injustice, and to meet exigencies due to circumstances attributable directly or indirectly to the existence of a state of war;

**PART II.**  
—cont.

and an emergency statute may contain any incidental, supplemental, or consequential provisions which may appear necessary or expedient for effecting any such purpose as aforesaid :

Provided that an emergency statute shall not authorise or direct any payment out of capital money subject to the provisions of the Universities and College Estates Act, 1925, or affect any obligation arising under that Act, or any enactment replaced by that Act, to make any repayment or replacement.

**6.** An emergency statute shall be made in the manner in which statutes may now lawfully be made for the University or a College, subject, in the case of an emergency statute made by the University, to the consent of a College affected thereby, and subject, in the case of an emergency statute made by a College, to the consent of the University if affected thereby, in any case where such consent is required under section seven of the Universities of

**Manner of  
making  
emergency  
statutes.**

**PART II.** Oxford and Cambridge Act, 1923, but shall take effect notwithstanding that the statute after being made has not been submitted to His Majesty in Council or otherwise proceeded on as provided by the Universities of Oxford and Cambridge Act, 1877, as applied by the Universities of Oxford and Cambridge Act, 1923, or as provided by any other Act, and has not been approved by His Majesty in Council :

40 & 41 Vict.  
c. 48.

—*cont.*

Provided that an emergency statute made by a College—

- (a) shall not take effect unless and until it has been approved by the visitor of the College or, if within fourteen days after it has been made the visitor has neither approved nor declined to approve it, by the Lord Chancellor; and
- (b) shall, within fourteen days of the date on which it is made by the College, be sent for submission to the Council of the University, and if it is a statute to which the consent of the University is not necessary, shall not take effect until thirty days during full term have elapsed after the statute has been so submitted, unless in the meantime the Council has by a resolution declared that the statute is not one which requires the consent of the University, which resolution shall be conclusive for all purposes.

Interpreta-  
tion of  
Part II.

7. In this Part of this Act the following expressions have the meanings hereby respectively assigned to them :—

“ College ” means a College in the University, and includes the Cathedral or House of Christ Church in Oxford, and also includes Keble College, Somerville College, Lady Margaret Hall, St. Hugh’s College and St. Hilda’s College, Oxford, and Selwyn College, Girton College and Newnham College, Cambridge;

“ Council of the University ” means as respects the University of Oxford the Hebdomadal Council, and as respects the University of Cambridge, the Council of the Senate;

“ fellowship ” includes studentship of Christ Church;

“ office ” includes fellowship, scholarship, prize or other emolument;

“scholarship” includes demyship, Bible clerkship, postmastership and studentship (not being a studentship of Christ Church), senior scholarship, and senior demyship, exhibition and sizarship; and

PART II.  
—cont.

“war service” means service during the period of the present emergency in any of the naval, military or air forces of the Crown, or any service during that period which in the opinion of the Treasury may properly be treated for the purposes of this Part of this Act in the same manner as service in those forces.

### PART III.

#### GENERAL.

**8.**—(1) This Act may be cited as the Universities and Colleges (Emergency Provisions) Act, 1939.

Short title  
and inter-  
pretation.

(2) In this Act the expression “the period of the present emergency” means the period beginning with the first day of September nineteen hundred and thirty-nine and ending with such date as His Majesty may by Order in Council declare to be the date on which the emergency which was the occasion of the passing of this Act came to an end.

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## CHAPTER 107.

An Act to make such special provision with respect to patents, registered designs, copyright and trade marks, as is expedient to meet any emergency which may arise as a result of war.

[21st September 1939.]

**B**E it enacted by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

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

Provisions as to existing licences under patents, designs and copyright of enemies and enemy subjects, and as to contracts relating thereto.  
2 & 3 Geo. 6. c. 89.

1.—(1) Notwithstanding the provisions of section one of the Trading with the Enemy Act, 1939, or any rule of law relating to intercourse or dealings with or for the benefit of enemies, a licence under a patent or for the application of a registered design or granting an interest in a copyright, being a licence which would have been in force in favour of a person resident in the United Kingdom or the Isle of Man if neither the proprietor of the patent or registered design, or the owner of the copyright, as the case may be, nor any person otherwise interested therein, had been an enemy, shall not be invalid by reason of the fact that the proprietor or owner or any person otherwise interested therein is an enemy, nor shall any contract, in so far as it relates to any such licence as aforesaid, be invalid by reason of the fact that any party to the contract is an enemy :

Provided that nothing in this section shall—

- (a) render valid a grant or an assignment of any such licence as aforesaid, or any contract relating to any such licence, if that grant, assignment or contract is made during the existence of a state of war and is unlawful by virtue of any provision of the said section one or of any such rule as aforesaid, or
- (b) authorise the performance of any contract relating to any such licence as aforesaid in a manner inconsistent with any of the provisions of the Trading with the Enemy Act, 1939, or of any other enactment relating to intercourse or dealings with or for the benefit of enemies, or to the property, rights, or capacity of enemies, or in a manner inconsistent with any rule of law relating to any of those matters.

(2) In the case of any such licence as aforesaid, where an enemy or an enemy subject is, or has at any time since the beginning of the third day of September nineteen hundred and thirty-nine been, whether alone or jointly with any other person, the proprietor of the patent or registered design, or the owner of the copyright, as the case may be, or entitled to any other interest

therein (not being merely the interest of a licensee), the comptroller may, on the application of the licensee or any other person interested in the patent, registered design or copyright, by order—

- (a) revoke the licence;
- (b) revoke or vary any conditions subject to which the licence has effect; or
- (c) revoke or vary any of the provisions of a contract relating to the licence in so far as they relate thereto.

An order for a variation made under this subsection may be revoked or varied by a subsequent order made thereunder.

2.—(1) Where—

- (a) an enemy or an enemy subject is, or has at any time since the beginning of the third day of September nineteen hundred and thirty-nine been, whether alone or jointly with any other person, the proprietor of a patent or registered design or the owner of a copyright, or entitled to any other interest in a patent, registered design or copyright (not being merely the interest of a licensee), and

Power of  
comptroller  
to grant  
licences  
under  
patents,  
designs or  
copyright  
of enemies  
and enemy  
subjects.

- (b) the comptroller is satisfied that it is in the interest of all or any of His Majesty's subjects that the rights conferred by the patent should be exercised, or that the design should be applied or the copyright exercised, as the case may be, and that a person who is not an enemy or an enemy subject desires to exercise the said rights or apply the said design or exercise the said copyright and is in a position so to do,

the comptroller may, on the application of that person, make an order granting to him a licence under the patent or for the application of the design or granting an interest in the copyright, as the case may be, either for the whole of the residue of the term of the patent, registration or copyright, or for such less period as the comptroller thinks fit.

(2) The power of the comptroller under this section to make an order granting a licence shall include the power—

- (a) to make an order granting an exclusive licence;
- (b) to make an order granting a licence in relation to a patent, registered design or copyright, notwithstanding that a licence, whether exclusive or otherwise (not being an exclusive licence granted by virtue of the powers conferred by this section), is in force in relation thereto; and
- (c) to make an order granting a licence on any terms that the comptroller may think expedient.

(3) Where, under the power conferred by this section, the comptroller makes an order granting a licence in relation to a patent, registered design, or copyright in relation to which any other licence has been granted otherwise than by an order made under this section, the comptroller may, in relation to that other licence, make any order which the comptroller would have had power to make on an application under subsection (2) of the last foregoing section, and which appears to him to be expedient having regard to the order made under this section.

(4) An order granting a licence under this section shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting the licence which the patentee, the proprietor of the registered design, or the owner of the copyright, as the case may be, and all other parties having any interest therein, had executed with full capacity so to do, and the order shall accordingly operate to take away from any such party any right in relation thereto the exercise whereof would be inconsistent with the exercise of the licence in accordance with and subject to the terms on which it is granted.

(5) A licensee under a licence granted under this section may institute proceedings for infringement in his own name as though he were the patentee, the proprietor of the registered design or the owner of the copyright, as the case may be, so, however, that any person other than an enemy who, whether alone or jointly with any other person, is the patentee, the registered proprietor of the registered design, or the owner of the copyright, as the case may be, shall, unless the

court in which the proceedings are taken thinks fit to direct otherwise, be made a party to the proceedings, either—

- (a) if he consents in writing thereto, as a plaintiff,  
or
- (b) if he does not so consent, as a defendant.

Where any person is made defendant to any proceedings by virtue of this subsection, he shall not be liable for any costs unless he enters an appearance and takes part in the proceedings.

(6) An order granting a licence under this section shall give directions as to the person to whom or the manner in which the licensee is to pay or deal with any royalties or other payments to be paid in respect of the licence. In framing any such directions, the comptroller shall have regard to the purposes of any relevant order for the time being in force under the Trading with the Enemy Act, 1939; but any directions given by him under this subsection shall, in so far as they may be inconsistent with the provisions of any such order, have effect to the exclusion of those provisions.

(7) An order under this section and a licence granted by such an order may be varied by a subsequent order made by the comptroller either :—

- (a) where the licensee makes application to the comptroller for the variation thereof, or
- (b) where the comptroller is of opinion that circumstances have arisen which make it just and equitable, or that the public interest requires, that it should be varied.

(8) An order under this section and a licence granted by such an order may be revoked by a subsequent order made by the comptroller in any of the following cases, that is to say :—

- (a) where the licensee makes application to the comptroller for the revocation thereof;
- (b) where it appears to the comptroller that it was obtained by any misrepresentation, whether intentional or not, or was made or granted without the comptroller's having full knowledge of the material facts;

- (c) where the licensee has failed to comply with any term on which the licence was granted or with a direction given under subsection (6) of this section, or has failed to exercise the licence in such a manner as to satisfy the reasonable requirements of the public in relation to the invention, registered design or work in which copyright subsists, as the case may be, or has charged unreasonable or excessive prices in respect of anything made or done in the exercise of the licence; or
- (d) where the comptroller is of opinion that circumstances have arisen which make it just and equitable, or that the public interest requires, that it should be revoked.

Power of comptroller to suspend trade mark rights of an enemy or an enemy subject.

**3.**—(1) Where it is made to appear to the comptroller that it is difficult or impracticable to describe or refer to an article or substance without the use of a trade mark registered in respect of that article or substance, being a trade mark which is, or has at any time since the beginning of the third day of September nineteen hundred and thirty-nine been, registered in the name of an enemy or an enemy subject, whether alone or jointly with another, or which is, or has at any such time as aforesaid been, in the proprietorship of an enemy or an enemy subject, whether alone or jointly with another, the following provisions of this section shall have effect.

(2) On the application of any person who proposes to deal in the course of trade in the United Kingdom or the Isle of Man with an article or substance which is or is intended to be the same as, or equivalent to or a substitute for, the article or substance in respect of which the trade mark is registered, the comptroller may order that the right to the use of the trade mark given by the registration thereof shall be suspended—

- (a) so far as regards use thereof by the applicant and any such use thereof by any other person in relation to goods connected in the course of trade with the applicant as would not be an infringement of the said right if the applicant were the proprietor of the trade mark,



(b) to such extent and for such period as the comptroller may consider necessary for enabling the applicant to render well-known and established some description of, or means of reference to, the article or substance with which he proposes to deal in the course of trade, being a description or means of reference which does not involve the use of the trade mark.

(3) Where an order has been made under the last foregoing subsection, no action for passing off shall lie on the part of any person interested in the trade mark in respect of any use thereof which, by virtue of the order, is not an infringement of the right to the use thereof given by the registration thereof.

(4) An order under this section may be varied or revoked by a subsequent order made by the comptroller.

4.—(1) Notwithstanding the provisions of section one of the Trading with the Enemy Act, 1939, or any rule of law relating to intercourse or dealings with or for the benefit of enemies, it shall be lawful, subject to the provisions of this Act—

Effect of war on grant of patents and registration of designs and trade marks.

(a) for a patent to be granted under the Patents and Designs Act, 1907;

(b) for a design to be registered under that Act; or

(c) for a trade mark to be registered under the Trade Marks Act, 1938; 1 & 2 Geo. 6. c. 22.

on the application of an enemy :

Provided that, where such a grant or registration as aforesaid is effected on the application of an enemy,—

(i) the grantee or person registered shall not be entitled to require the delivery of the patent or the grant or issue of the certificate of registration, as the case may be; and

(ii) the patent, or the rights conferred by the registration, as the case may be, shall be subject to any relevant provisions of any enactment for the time being in force relating to the property of an enemy.

(2) A declaration made by His Majesty under section ninety-one A of the Patents and Designs Act, 1907, declaring a country to be a Convention country,

shall not cease to have effect for the purposes of section ninety-one of that Act by reason that His Majesty is at war with that country.

(3) The comptroller may, in any case in which in his opinion it is desirable in the public interest so to do, refuse to take, or suspend the taking of, any proceedings on or in relation to an application of an enemy for a patent or for the registration of a design or of a trade mark.

(4) No act requisite for enabling such a grant or registration as aforesaid to be effected, in so far as it is done for that purpose and for that purpose only, shall, whether the grant or registration is effected or not, be treated as a contravention of any of the provisions of section one of the Trading with the Enemy Act, 1939, or of any rule of law relating to intercourse or dealings with or for the benefit of enemies.

(5) References in this section to an application of an enemy shall be construed as including references to an application of an enemy jointly with any other person, whether an enemy or not, and, in the case of an application for a patent, to an application made in respect of an invention communicated by an enemy.

Effect of war on international arrangements as to copyright.  
1 & 2 Geo. 5. c. 46.

5.—(1) When His Majesty is at war with a country in respect of which there was in force immediately before the commencement of the war an Order in Council made by His Majesty under section twenty-nine of the Copyright Act, 1911, then, unless and until the Order in Council is revoked under that Act, it shall be deemed for the purposes of that Act to continue in force, notwithstanding the state of war, subject to any alteration or variation thereof under that Act.

(2) Notwithstanding the provisions of section one of the Trading with the Enemy Act, 1939, or any rule of law relating to intercourse or dealings with or for the benefit of enemies, any copyright that would have subsisted under the Copyright Act, 1911, by virtue of such an Order in Council as aforesaid if the owner of the copyright had not been an enemy shall so subsist where an enemy is, whether alone or jointly with any other person, the owner thereof:

Provided that, where an enemy, whether alone or jointly with any other person, is the owner of copyright

subsisting under the Copyright Act, 1911, the provisions of the Trading with the Enemy Act, 1939, and of any other enactment relating to intercourse or dealings with or for the benefit of enemies, or to the property, rights, or capacity of enemies, and any rule of law relating to any of those matters, shall, as respects that enemy, have effect in relation to the copyright so subsisting.

6.—(1) The comptroller may, subject to such conditions, if any, as he thinks fit to impose, extend the time limited by or under the Patents and Designs Act, 1907, the Trade Marks Act, 1938, or this Act, for doing any act, where he is satisfied—

Power of  
comptroller  
to extend  
time limits  
having  
regard to  
war cir-  
cumstances.

(a) that the doing of the act within the time so limited was prevented by a person's being on active service or by any other circumstances arising from the existence of a state of war which, in the opinion of the comptroller, justify an extension of the time so limited, or

(b) that, by reason of circumstances arising from the existence of a state of war, the doing of the act within the time so limited would have been or would be injurious to the rights or interests of the person by or on whose behalf the act is or was to be done or to the public interest.

(2) An extension under this section of the time for doing any act—

(a) may be for any period that the comptroller thinks fit, notwithstanding that by or under any enactment in the said Acts power is conferred to extend the time for doing that act for a specified period only; and

(b) may be granted notwithstanding that that time expired before any application or request for extension was made, or that, by reason of that act not having been done within that time, the relevant application, patent, registration or proceeding has ceased or expired, or become void or invalid, or been treated as abandoned.

(3) The powers conferred by this section may be exercised notwithstanding that the exercise thereof benefits, whether directly or indirectly, an enemy or an enemy subject.

Evidence relating to nationality and place of residence, and decisions relating to enemy character.

**7.—(1) For the purposes of this Act—**

- (a) the fact that the address of any person registered in any register kept under the Patents and Designs Act, 1907, or in the register of trade marks kept under the Trade Marks Act, 1938, is an address in enemy territory within the meaning of the Trading with the Enemy Act, 1939, shall be *prima facie* evidence that that person is resident in that territory, and
- (b) the fact that in any such register a person is stated to be of a particular nationality shall be *prima facie* evidence that he is of that nationality.

(2) No order made by the comptroller under this Act shall be held to be invalid by reason only that any decision made for the purposes of the order that a particular person is an enemy or an enemy subject is wrong.

Persons to be heard before making of orders.

**8.** Before deciding as to the making of any order under this Act, the comptroller shall, unless having regard to the circumstances he considers it inexpedient or impossible so to do, give to any person who appears to the comptroller to be interested such opportunity of being heard as appears to him to be just.

Rules and fees.

**9.—(1)** The Board of Trade may make rules for regulating the practice under this Act, including rules providing for oppositions and rules regulating the service of documents and the time within which any act authorised or required by this Act or the rules may or must be done.

(2) There shall be paid in respect of applications and other matters under this Act such fees as may be prescribed by the Board of Trade with the sanction of the Treasury.

Interpretation.

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

“ enemy ” and “ enemy subject ” have the meanings respectively assigned to them by the Trading with the Enemy Act, 1939;

“the comptroller” means the Comptroller-General of Patents, Designs and Trade Marks, and, in relation to trade marks, means the said Comptroller-General in his capacity as the Registrar within the meaning of the Trade Marks Act, 1938;

“copyright” has the meaning assigned to it by the Copyright Act, 1911;

“design”, “invention”, “patent” and “patentee”, have the meanings assigned to them respectively by the Patents and Designs Act, 1907.

(2) Where a patent has been granted to any person in respect of an invention communicated to him by some other person, that other person shall, for the purposes of this Act, be deemed to have an interest in the patent unless the contrary is proved.

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

**11.—(1)** This Act may be cited as the Patents, Designs, Copyright and Trade Marks (Emergency) Act, 1939.

Short title,  
commence-  
ment  
and extent.

(2) This Act shall be deemed to have come into operation on the third day of September nineteen hundred and thirty-nine.

(3) This Act shall extend to the Isle of Man.

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

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## CHAPTER 108.

An Act to restrict the rights of mortgagees to obtain possession of mortgaged land; and to amend the Courts (Emergency Powers) Act, 1939.

[21st September 1939.]

**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

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

Restriction of right of mortgagee to possession of mortgaged land.

1.—(1) Where any land is the subject of a mortgage made before the third day of September nineteen hundred and thirty-nine, the mortgagee shall not be entitled to obtain possession of the land, unless default has been made in payment of the mortgage money or any part thereof or of any interest thereon, or there has been a breach on the part of the mortgagor, or of some person concurring in the making of the mortgage, of any obligation arising under or by virtue of the mortgage, other than an obligation to pay the mortgage money or interest thereon.

(2) For the purposes of this section, default shall not be deemed to have been made in payment of any mortgage money, unless a written demand for payment has been served on the person liable, and a period of three months has elapsed since the service of the demand :

Provided that this subsection shall not apply where the mortgage money is repayable by instalments.

(3) This section shall not apply where the mortgagee has obtained possession of the land before the passing of this Act, but, save as aforesaid, shall apply in relation to proceedings commenced before the passing of this Act as well as in relation to proceedings commenced thereafter; and where an order or judgment for the recovery or delivery of possession of land by a mortgagee thereof has been made or given before the passing of this Act, then, unless the contrary appears, there shall be deemed to have been a default in the payment of money and the order or judgment shall be deemed to have been made or given by reason of that default :

Provided that the court by which any such order or judgment was made or given may, on the application of any party to the proceedings, rescind or vary it in such manner as appears to be just in view of the provisions of this section.

(4) This section shall not extend to Scotland.

Amendment of s. 1 (3) of Courts

2.—(1) Subsection (3) of section one of the Courts (Emergency Powers) Act, 1939 (which prevents persons proceeding without the leave of the court to execution on

judgments and orders for the recovery of possession of land in default of payment of rent) shall have effect as if after the words "payment of rent" there were inserted the words "or for the recovery of possession of land by a mortgagee thereof by reason of a default in the payment of money." (Emergency Powers) Act, 1939. 2 & 3 Geo. 6. c. 67.

(2) At the end of section three of the said Act (which relates to interpretation) there shall be inserted the following subsection:—

"(2) References in this Act to judgments or orders for the recovery of possession of land include references to any judgment or order the effect of which is to enable a person to obtain possession of land, and in particular includes in relation to a mortgagee, a judgment or order for the delivery of possession of land."

3.—(1) This Act may be cited as the Possession of Mortgaged Land (Emergency Provisions) Act, 1939. Short title, duration and extent.

(2) This Act shall continue in force so long as the Courts (Emergency Powers) Act, 1939, continues in force.

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

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## CHAPTER 109.

An Act to increase certain duties of customs and excise; to increase the standard rate of income tax for the year 1939–40 and the higher rates of income tax for the year 1938–39 and to make certain other amendments in the Income Tax Acts; to increase the rates of estate duty; to impose an excess profits tax; and for purposes connected with the matters aforesaid.

[12th October 1939.]

Most Gracious Sovereign,

**WE**, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an

addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART I.

### CUSTOMS AND EXCISE.

Beer. 23 & 24 Geo. 5. c. 19. **1.—(1)** In lieu of the duty of excise charged under section one of the Finance Act, 1933, and the excise drawback allowed under that section—

(a) there shall be charged in respect of beer brewed in the United Kingdom a duty of excise at the rates set out in Part I of the First Schedule to this Act; and

(b) on the exportation from the United Kingdom as merchandise, or for use as ships' stores, of beer in respect of which it is shown to the satisfaction of the Commissioners that the duty of excise charged under this subsection has been paid, there shall be allowed an excise drawback at the rates set out in Part II of that Schedule, subject to the provisions of that Part of that Schedule.

26 Geo. 5. & 1 Edw. 8. c. 34. **(2)** In lieu of the duties of customs charged under section one of the Finance Act, 1933, and section two of the Finance Act, 1936, and the customs drawbacks allowed under those sections—

(a) there shall be charged in respect of beer imported into the United Kingdom—

(i) in the case of beer being an Empire product, a duty of customs at the rates set out in Part III of the First Schedule to this Act; and

(ii) in the case of beer not being an Empire product, a duty of customs at the rates set out in Part IV of that Schedule; and

(b) on the exportation from the United Kingdom as merchandise, or for use as ships' stores, of beer



on which it is shown to the satisfaction of the Commissioners that the duty of customs charged under this subsection has been paid, there shall be allowed—

PART I.  
—cont.

(i) in the case of beer being an Empire product, a customs drawback at the rates set out in Part V of that Schedule, subject to the provisions of that Part of that Schedule; and

(ii) in the case of beer not being an Empire product, a customs drawback at the rates set out in Part VI of that Schedule, subject to the provisions of that Part of that Schedule.

(3) Where beer has been prepared by a process of mixing by a brewer for sale and the aggregate amount of the duty of excise charged under this section on the several constituents of the beer exceeds the amount of the duty which would have been so charged on the mixture, the Commissioners may, subject to such conditions as they may prescribe, remit or repay the excess.

The conditions prescribed under this subsection may, notwithstanding anything in any enactment, include conditions as to the method of computing the last mentioned amount and the method of ascertaining any matter by reference to which that amount is to be computed.

(4) In the foregoing provisions of this section and in the First Schedule to this Act—

(a) the expression “beer” does not include beer of any of the descriptions specified in subsection (1) of section two of the Finance Act, 1930;

20 & 21  
Geo. 5. c. 28

(b) the expression “Empire product” has the same meaning as in subsection (1) of section eight of the Finance Act, 1919.

9 & 10  
Geo. 5. c. 32.

(5) Sections two and three of the Finance Act, 1923 (which relate respectively to rebates from the excise duty and customs duty on beer) shall cease to have effect except in so far as they relate to beer of any of the descriptions specified in subsection (1) of section two of the Finance Act, 1930.

13 & 14  
Geo. 5. c. 14.

PART I.  
—cont.

(6) The duty of customs charged, and the customs and excise drawbacks allowed, under this section shall be charged and allowed in addition to the duty and drawbacks charged and allowed in respect of beer under section two of the Finance Act, 1933.

(7) This section shall be deemed to have had effect as from the twenty-eighth day of September, nineteen hundred and thirty-nine.

Spirits.  
10 & 11  
Geo. 5. c. 18.

2.—(1) The duties of customs charged on spirits by subsection (1) of section three of the Finance Act, 1920, in addition to the duties specified in Part II of the First Schedule to that Act shall be charged at the increased rates specified in the Second Schedule to this Act; and accordingly the said subsection (1) shall have effect as if the said Schedule to this Act were substituted for Part I of the First Schedule to that Act.

(2) The rate of the duty of excise charged on spirits by subsection (2) of section three of the Finance Act, 1920, in addition to the duties specified in Part III of the First Schedule to that Act shall be increased to four pounds, two shillings and sixpence per gallon; and accordingly the said subsection (2) shall have effect as if for the words “three pounds, twelve shillings and sixpence” there were substituted the words “four pounds, two shillings and sixpence.”

(3) This section shall be deemed to have had effect as from the twenty-eighth day of September, nineteen hundred and thirty-nine.

Wines.  
17 & 18  
Geo. 5. c. 10.  
22 & 23  
Geo. 5. c. 53.

3.—(1) In lieu of the duties of customs charged on wines by section five of the Finance Act, 1927, and paragraphs (a) and (b) of section three of the Ottawa Agreements Act, 1932, there shall be charged on wines imported into the United Kingdom the following duties of customs, that is to say—

(a) in the case of wines of the descriptions specified in the first column of Part I of the Third Schedule to this Act and not being Empire products, duties at the rates respectively specified in the second column of that Part of that Schedule;

(b) in the case of wine not exceeding twenty-seven degrees of proof spirit and being an Empire

product, a duty at a rate representing the full rate of duty for the time being chargeable on wine not exceeding twenty-five degrees of proof spirit and not being an Empire product, reduced by two shillings per gallon; and

- (c) in the case of wines of the descriptions specified in the first column of Part II of the said Schedule and being Empire products, duties at the rates respectively specified in the second column of that Part of that Schedule :

Provided that the provisos to section three of the Ottawa Agreements Act, 1932 (which provide for an increase in the rate of duty chargeable on wine of the description mentioned in paragraph (b) of this subsection), shall have effect as if for any reference to paragraph (b) of that section there were substituted a reference to paragraph (b) of this subsection.

(2) Subsection (2) of section eight of the Customs and Inland Revenue Act, 1890 (which provides that wine rendered sparkling in warehouse is to be deemed to be sparkling wine for the purpose of certain duties charged on sparkling wine) shall apply for the purpose of the duty charged on sparkling wine by this section as it applied for the purpose of the duty mentioned in that subsection. 53 & 54 Vict.  
c. 8.

(3) In this section the expression " wine " includes the lees of wine, and the expression " Empire product " has the same meaning as in subsection (1) of section eight of the Finance Act, 1919.

(4) This section shall be deemed to have had effect as from the twenty-eighth day of September, nineteen hundred and thirty-nine.

4.—(1) The duty of excise on sweets charged under section six of the Finance Act, 1927, shall— Sweets.

- (a) in the case of sparkling sweets, be at the rate of nine shillings and sixpence instead of seven shillings and sixpence per gallon; and
- (b) in the case of other sweets, be at the rate of three shillings and sixpence instead of one shilling and sixpence per gallon.

(2) Subsection (2) of section eight of the Finance Act, 1933 (which provides for a reduction of duty in the case of sparkling sweets where a duty of one shilling

PART I.  
—cont.

and sixpence per gallon has been paid), shall have effect as if for the words “one shilling and sixpence” there were substituted the words “three shillings and sixpence.”

(3) This section shall be deemed to have had effect as from the twenty-eighth day of September, nineteen hundred and thirty-nine.

Tobacco.  
2 & 3 Geo. 6.  
c. 41.

**5.**—(1) In lieu of the duties of customs charged on tobacco by section one of the Finance Act, 1939, there shall, subject to the provisions of section eight of the Finance Act, 1919, be charged on tobacco imported into the United Kingdom of the descriptions set out in the first column of Part I of the Fourth Schedule to this Act duties of customs at the rates respectively specified in the second column of that Part of that Schedule.

(2) In lieu of the duties of excise charged on tobacco by section one of the Finance Act, 1939, there shall be charged on tobacco grown in the United Kingdom of the descriptions set out in the first column of Part II of the Fourth Schedule to this Act duties of excise at the rates respectively specified in the second column of that Part of that Schedule.

26 & 27 Vict.  
c. 7.

(3) The drawback allowed under section one of the Manufactured Tobacco Act, 1863, on tobacco exported from the United Kingdom or deposited in a bonded or King’s warehouse shall, in cases where it is shown that the duties charged by this section have been paid, be allowed at the rates set out in Part III of the Fourth Schedule to this Act instead of at the rates set out in Part III of the First Schedule to the Finance Act, 1939, but subject to the provisions affecting allowance of drawback contained in the Schedule to the Finance Act, 1904.

4 Edw. 7.  
c. 7.

(4) This section shall be deemed to have had effect as from the twenty-eighth day of September, nineteen hundred and thirty-nine.

Sugar, &c.

**6.**—(1) The duties of customs and excise on sugar, molasses, glucose and saccharin shall be charged at increased rates in accordance with the following provisions—

18 & 19  
Geo. 5. c. 17

(a) subsection (1) of section four of the Finance Act, 1928 (which provides that the full rates of customs duty and the amounts of the general

PART I.  
—cont.

preferential reductions shall be as specified in Part I of the Second Schedule to that Act) shall have effect as if for references to Part I of that Schedule there were substituted references to Part I of the Fifth Schedule to this Act;

- (b) proviso (a) to subsection (1) of section one of the Finance Act, 1934 (which provides that the rates of customs duty on certificated colonial sugar shall be as specified in Part I of the First Schedule to that Act) shall have effect as if for references to Part I of that Schedule there were substituted references to Part II of the Fifth Schedule to this Act, and any certificates issued under that section (whether before or after the commencement of this section) shall have effect accordingly; 24 & 25  
Geo. 5. c. 32.
- (c) section three of the Finance Act, 1932 (which provides that the rates of excise duty shall be as specified in the Second Schedule to that Act) shall have effect as if for the reference to the said Second Schedule there were substituted references to Part III of the Fifth Schedule to this Act. 22 & 23  
Geo. 5. c. 25.

(2) In the case of sugar and molasses produced in the United Kingdom from material on which a duty of customs or excise is shown to the satisfaction of the Commissioners to have been paid at the increased rates for which provision is made by this section—

- (a) Part II of the Second Schedule to the Finance Act, 1928 (which provides for the payment of drawback in accordance with the scales set out in Table 1 and Table 2 in that Part of that Schedule), shall have effect as if for references to the said Tables there were respectively substituted references to Table 1 and Table 2 set out in Part IV of the Fifth Schedule to this Act; and
- (b) the scales of drawback set out in Part II of the First Schedule to the Finance Act, 1934, shall not apply.

(3) This section shall be deemed to have had effect as from five o'clock in the evening on the twenty-seventh day of September, nineteen hundred and thirty-nine.

## PART II.

## INCOME TAX.

Increase in  
standard  
rate.

7.—(1) The standard rate of income tax for the year 1939-40 shall, as respects the last three quarters of the year, be increased by two shillings to seven shillings and sixpence in the pound.

(2) The said increase shall be averaged over the whole of the said year, and accordingly for the purposes of any enactment referring to the standard rate for the year (including any enactment contained in this Act), and for the purposes of any assessment and any other proceeding or document relating to income tax, the standard rate for the year shall, in relation to the year and every part thereof, be taken to be the rate of five shillings and sixpence in the pound increased by three quarters of two shillings in the pound, that is to say, a rate of seven shillings in the pound :

3 & 4 Geo. 5.  
c. 3.

Provided that for the purpose of the operation of section two of the Provisional Collection of Taxes Act, 1913, as respects payments or deductions made within one month after the fifth day of April, nineteen hundred and forty, the standard rate for the year 1939-40 shall be taken to be the rate of seven shillings and sixpence in the pound.

(3) It is hereby declared that any deductions of tax made before the passing of this Act by reference to a rate of seven shillings in the pound are to be treated for all purposes (including all the purposes of any legal proceedings instituted before the passing of this Act) as having been made by reference to the proper rate; but this section shall not invalidate anything done before the passing of this Act or render improper any deduction in respect of income tax made before the first day of November, nineteen hundred and thirty-nine, which would have been a proper deduction if this Act had not passed.

(4) The provisions of the Sixth Schedule to this Act shall have effect for the purposes of and in connection with the change in the standard rate of income tax made by this section.

Surtax  
(increased  
rates).

8.—(1) Income tax for the year 1938-39 in respect of the excess of the total income of an individual over

two thousand pounds shall, instead of being charged at the rates mentioned in section twelve of the Finance Act, 1939, be charged at rates in the pound which respectively exceed the standard rate by the amounts specified in the second column of the following table:—

PART II.  
—cont.

TABLE.

For every pound of the first five hundred pounds of the excess - - -	One shilling and threepence.
For every pound of the next five hundred pounds of the excess - - -	One shilling and sixpence.
For every pound of the next one thousand pounds of the excess - -	Two shillings and sixpence.
For every pound of the next one thousand pounds of the excess - -	Three shillings and sixpence.
For every pound of the next one thousand pounds of the excess - -	Four shillings and threepence.
For every pound of the next two thousand pounds of the excess - -	Five shillings.
For every pound of the next two thousand pounds of the excess - -	Six shillings and threepence.
For every pound of the next five thousand pounds of the excess - -	Seven shillings and sixpence.
For every pound of the next five thousand pounds of the excess - -	Eight shillings and sixpence.
For every pound of the next ten thousand pounds of the excess - -	Nine shillings.
For every pound of the remainder of the excess - - - - -	Nine shillings and sixpence.

(2) The amount payable by virtue of any assessment in respect of surtax for the year 1938–39 made before the passing of this Act shall, by virtue of this Act and without more, be treated as varied so as to accord with the provisions of subsection (1) of this section.

9.—(1) Subsection (2) of section forty of the Finance Act, 1927 (which, as amended by section twenty-two of the Finance Act, 1935, and section eighteen of the Finance Act, 1938, provides for the reduction of the tax remaining chargeable after the allowance of other reliefs by a sum equal to twenty-three thirty-thirds of the amount so remaining chargeable or twenty-three thirty-thirds of the tax on one hundred and thirty-five pounds, whichever is the less), shall have effect—

Alteration  
of certain  
allowances.  
25 & 26  
Geo. 5. c. 24.  
1 & 2 Geo. 6.  
c. 46.

(a) as respects the year 1939–40, as if the words “two-thirds” and, as respects the year 1940–41

PART II.  
—cont.

and subsequent years, as if the words "one-half" were substituted for the words "twenty-three thirty-thirds" in both places where they occur; and

- (b) as respects the year 1940–41 and subsequent years, as if the words "one hundred and sixty-five pounds" were substituted for the words "one hundred and thirty-five pounds";

8 & 9 Geo. 5.  
c. 40. and accordingly subsection (3) of section thirty-two of the Income Tax Act, 1918 (which, as amended by section twenty-three of the Finance Act, 1935, and section nineteen of the Finance Act, 1938, provides in paragraph (f) thereof that in certain cases no allowance shall be given in respect of life insurance premiums and other payments at a rate of tax greater than ten thirty-thirds of the standard rate) shall have effect—

- (i) as respects the year 1939–40, as if the words "one-third" were substituted in the said paragraph (f) for the words "ten thirty-thirds"; and
- (ii) as respects the year 1940–41 and subsequent years, as if the said paragraph (f) were omitted.

21 & 22  
Geo. 5. c. 49. (2) Section eighteen of the Finance Act, 1920 (which, as amended by section forty of the Finance Act, 1927, section eight of the Finance (No. 2) Act, 1931, section twenty of the Finance Act, 1935, and section sixteen of the Finance Act, 1936, provides for a deduction of tax on one hundred and eighty pounds in the case of married persons, increased, in a case where the total income of the claimant includes earned income of his wife, by an amount equal to four-fifths of that earned income), shall have effect, as respects the year 1940–41 and subsequent years—

- (a) as if the words "one hundred and seventy pounds" were substituted for the words "one hundred and eighty pounds"; and
- (b) as if the words "five-sixths" were substituted for the words "four-fifths."

(3) Section twenty-one of the Finance Act, 1920 (which, as amended by section forty of the Finance Act, 1927, section twenty-one of the Finance Act, 1935, and section seventeen of the Finance Act, 1936, provides for a deduction of sixty pounds in respect of each child), shall



have effect, as respects the year 1940-41 and subsequent years, as if the words "fifty pounds" were substituted for the words "sixty pounds" in subsections (1) and (3) thereof.

PART II.  
—cont.

(4) Subsection (1) of section fifteen of the Finance Act, 1925 (which, as amended by section forty of the Finance Act, 1927, and section eight of the Finance (No. 2) Act, 1931, provides for a deduction of tax on an amount equal to one-fifth of the amount of earned income, but not exceeding three hundred pounds), shall have effect, as respects the year 1940-41 and subsequent years—

15 & 16  
Geo. 5. c. 36.

(a) as if the words "one-sixth" were substituted for the words "one-fifth"; and

(b) as if the words "two hundred and fifty pounds" were substituted for the words "three hundred pounds";

and subsection (2) of the said section fifteen (which as so amended provides, in a case where a married man or his wife has attained the age of sixty-five and his total income does not exceed five hundred pounds, for a deduction of tax on an amount equal to one-fifth of the income), shall have effect as respects the said years as if the words "one-sixth" were substituted for the words "one-fifth."

(5) Section nineteen of the Finance Act, 1935 (which exempts from tax incomes not exceeding one hundred and twenty-five pounds and limits the tax on incomes exceeding one hundred and twenty-five pounds but less than one hundred and forty pounds to one-fifth of the excess), shall have effect, as respects the year 1940-41 and subsequent years, as if—

(a) the words "one hundred and twenty pounds" were substituted for the words "one hundred and twenty-five pounds," in both places where they occur; and

(b) the words "three-eighths" were substituted for the words "one-fifth".

(6) Subsection (1) of section one hundred and five of the Income Tax Act, 1918 (which, as amended by section eight of the Finance (No. 2) Act, 1931, provides for returns by employers as respects payments made to persons in their employment, except persons who are not employed in any other employment and whose remuneration does not exceed one hundred and twenty-five pounds),

**PART II.**  
—*cont.*

shall have effect, as respects the year 1940-41 and subsequent years, as if the words "one hundred and twenty pounds" were substituted for the words "one hundred and twenty-five pounds."

(7) Where relief from income tax for the year 1939-40 has been given to any individual and the amount thereof is incorrect by reason of any amendment made by subsection (1) of this section, then—

- (a) if the relief was given by reduction of the amount of tax payable under an assessment made on that individual before the passing of this Act, the amount of tax payable shall, by virtue of this Act and without more, be treated as varied so as to give effect to that amendment; and
- (b) if the relief was given otherwise than as aforesaid, any amount of relief so given in excess may, if not otherwise made good, be assessed under Case VI of Schedule D and recovered from that individual accordingly.

**Notice of  
variation of  
assessment.**

**10.** Where the amount of tax payable under an assessment is to be treated as varied by virtue of the Sixth Schedule to, or the last foregoing section of, this Act, or exceeds the amount which would have been payable if that Schedule or section had not passed—

- (a) the Commissioners of Inland Revenue shall cause such notification as may be necessary to be given to the person affected thereby; and
- (b) any notification so given shall, as regards any particulars of the assessment contained in the notification which have not been contained in a notice of assessment, have effect as if the notification were a notice of assessment.

**Relief in  
respect of  
diminution  
of earned  
income.**

**11.**—(1) Subject to the provisions of this subsection, any individual who, on a claim made for the purposes of this section within twelve months from the end of the year 1939-40, proves that, owing to circumstances directly or indirectly connected with the present war, his actual earned income for the year 1939-40 is not more than four-fifths of his earned income as assessed for that year, shall be entitled—

- (a) to such relief from standard rate tax for that year as will reduce the amount of standard rate tax payable to the amount which would have

been payable if his actual earned income had been chargeable instead of his earned income as assessed; and

- (b) to such relief from surtax for that year as will reduce the amount of surtax payable to the amount which would have been payable if his actual earned income had been taken into account in computing his total income instead of his earned income as assessed :

Provided that where the actual earned income of the individual for the year 1938–39 exceeded his earned income as assessed for that year, the aggregate amount of the said reliefs shall be reduced by the difference between the total amount of income tax (including surtax) payable for the year 1938–39 in respect of his income and the total amount of income tax (including surtax) which would have been payable for that year in respect thereof if—

- (i) standard rate tax had been charged on his actual earned income instead of on his earned income as assessed; and
- (ii) in the computation of his total income his actual earned income had been taken into account instead of his earned income as assessed.

(2) The relief from standard rate tax for which provision is made by paragraph (a) of subsection (1) of this section shall be given, so far as possible, from second instalments of standard rate tax for the year 1939–40, and, so far as it cannot be so given, shall be given by repayment; and the reduction of relief for which provision is made by the proviso to the said subsection (1) shall be effected, so far as possible, by reducing or extinguishing the said relief from standard rate tax, and only as respects any balance by reducing the relief from surtax for which provision is made by paragraph (b) of that subsection.

(3) If, on a claim made for the purposes of this section within the time limited by subsection (1) thereof, the individual proves that, owing to such circumstances as are mentioned in the said subsection (1), his actual earned income for the year 1939–40 was less than his earned income as assessed for that year but it appears that it was more than four-fifths thereof, this section

PART II.  
—cont.

shall nevertheless apply to him, but with the following modifications of paragraphs (a) and (b) of the said subsection (1), that is to say—

- (a) the relief from standard rate tax provided for by the said paragraph (a) shall be the relief to which he would have been entitled if his actual earned income had been four-fifths of his income as assessed, reduced by the difference between his actual earned income and four-fifths of his earned income as assessed; and
- (b) the relief from surtax provided for by the said paragraph (b) shall be such reduction, if any, in the amount of the surtax payable by him as would result from including, in computing his total income, four-fifths of his earned income as assessed instead of his earned income as assessed.

(4) The actual earned income and the earned income as assessed, for the year 1939–40, and, in cases where the proviso to subsection (1) of this section applies, also for the year 1938–39, shall be computed irrespective of losses carried forward from previous years or deductions for wear and tear so carried forward, and effect shall be given to the provisions of the Income Tax Acts providing for relief in respect of such losses and such wear and tear as if, in that year or, as the case may be, those years, the relevant assessments had in fact been made by reference to the actual earned income.

(5) Notwithstanding anything in this section, relief shall not be given thereunder to any individual so as to reduce the amount of tax payable by him below the amount which he is entitled to deduct, retain or charge against any other person.

(6) Section nineteen of the Finance Act, 1925 (which relates to the procedure to be followed where claims are made for certain exemptions and reliefs) shall apply to claims made for the purposes of this section as it applies to the claims therein mentioned.

(7) In this section, unless the context otherwise requires—

- (a) the expression “earned income” means any income which is charged under Schedule B or Schedule D, and is immediately derived by an

individual from the carrying on or exercise by him of his trade, profession or vocation, either as an individual or, in the case of a partnership, as a partner personally acting therein, and any income which is charged under Schedule E;

PART II.  
—cont.

- (b) the expression "earned income as assessed" means, in relation to any year, the amount of earned income assessed and charged to standard rate tax for that year;
- (c) the expression "actual earned income" means, in relation to any year, the amount of earned income which would be assessed and charged to standard rate tax for that year if the amount thereof were in all cases computed by reference to the actual income for that year and not by reference to the income for any other year or period;
- (d) the expression "standard rate tax" means tax computed by reference to the standard rate;
- (e) references to an individual include, in cases where the profits of a wife are deemed to be profits of the husband, references to his wife or her husband, as the case may be.

### PART III.

#### EXCESS PROFITS TAX.

**12.**—(1) Where the profits arising in any chargeable accounting period from any trade or business to which this section applies exceed the standard profits, there shall, subject to the provisions of this Part of this Act, be charged on the excess a tax (to be called the excess profits tax) equal to three-fifths of the excess.

Charge of  
excess  
profits tax.

(2) Subject as hereafter provided, the trades and businesses to which this section applies are all trades or businesses of any description carried on in the United Kingdom, or carried on, whether personally or through an agent, by persons ordinarily resident in the United Kingdom.

(3) The carrying on of a profession by an individual or by individuals in partnership shall not be deemed to be the carrying on of a trade or business to which

PART III.  
—cont.

this section applies if the profits of the profession are dependent wholly or mainly on his or their personal qualifications :

Provided that for the purpose of this subsection the expression " profession " does not include any trade or business consisting wholly or mainly in the making of contracts on behalf of other persons or the giving to other persons of advice of a commercial nature in connection with the making of contracts.

(4) Where the functions of a company or society incorporated by or under any enactment consist wholly or mainly in the holding of investments or other property, the holding of the investments or property shall be deemed for the purpose of this section to be a business carried on by the company or society.

(5) All trades or businesses to which this section applies carried on by the same person shall be treated as one trade or business for the purposes of this Part of this Act.

Compu-  
tion of  
standard  
profits.

**13.**—(1) For the purposes of this Part of this Act, the standard profits of a trade or business shall, in relation to any chargeable accounting period, be taken, if the person carrying on the trade or business so elects, to be the minimum amount specified in subsection (2) of this section, and, in the absence of such an election, to be the amount of the standard profits for a full year computed in accordance with the provisions of subsections (3) to (9) of this section :

Provided that in relation to a chargeable accounting period which is less than twelve months, the standard profits shall be taken to be the amount in question proportionately reduced so as to correspond with the length of the period.

(2) The minimum amount referred to in subsection (1) of this section is one thousand pounds, or, in the case of a trade or business carried on by a partnership or by a company the directors whereof have a controlling interest therein, such greater sum, not exceeding three thousand pounds, as is arrived at by allowing seven hundred and fifty pounds for each working proprietor in the trade or business.

In this subsection—

PART III.  
—cont.

- (a) the expression “working proprietor” means a proprietor who has, during more than one-half of the chargeable accounting period in question, worked full time in the actual management or conduct of the trade or business;
- (b) the expression “proprietor” means, in the case of a trade or business carried on by a partnership, a partner therein, and, in the case of a company, any director thereof owning not less than one-fifth of the share capital of the company.

(3) If the trade or business was commenced on or before the first day of July, nineteen hundred and thirty-six, the standard profits for a full year shall be ascertained by reference to the profits of the standard period as hereinafter defined and, subject as hereinafter provided, shall be, where the standard period is one year, the amount of those profits and, where the standard period is two years, half the amount of those profits:

Provided that if the average amount of the capital employed in the trade or business in any chargeable accounting period is greater or less than the average amount of the capital employed therein in the standard period, the standard profits for a full year shall, in relation to that chargeable accounting period, be increased, or, as the case may be, decreased, by the statutory percentage of the increase or decrease in the average amount of the capital employed in the trade or business.

(4) If the trade or business was commenced on or before the first day of January, nineteen hundred and thirty-five, the standard period shall be, at the option of the person carrying on the trade or business, either the year nineteen hundred and thirty-five, the year nineteen hundred and thirty-six, the years nineteen hundred and thirty-five and nineteen hundred and thirty-seven or the years nineteen hundred and thirty-six and nineteen hundred and thirty-seven.

(5) If the trade or business was commenced after the first day of January, nineteen hundred and thirty-five, and on or before the first day of January, nineteen hundred and thirty-six, the standard period shall, at the option of the person carrying on the trade or

**PART III.** business, be the year nineteen hundred and thirty-six or  
—cont. that and the following year.

(6) If the trade or business was commenced after the first day of January, nineteen hundred and thirty-six, and on or before the first day of July in that year, the standard period shall be such consecutive period of twelve months ending not later than the end of June, nineteen hundred and thirty-seven, as the person carrying on the trade or business may select.

(7) If, on the application of the person carrying on the trade or business, the Board of Referees are satisfied that, in the standard period, the rate of profit or the volume of business was less than might then have been reasonably expected, they may direct that the standard profits for a full year shall be ascertained as if the profits for the standard period were such greater amount as they think just :

Provided that where the person carrying on the trade or business is a company, the said amount shall not exceed the amount necessary to provide dividends for the standard period—

- (a) as respects the paid-up ordinary share capital of the company, of six per cent. per annum;
- (b) as respects any other paid-up share capital of the company, at the fixed rate per annum payable in respect thereof,

unless the Board are satisfied that owing to some specific cause peculiar to the trade or business it is just that a greater amount should be allowed.

(8) In the case of a trade or business commenced after the first day of July, nineteen hundred and thirty-six, the standard profits for a full year shall, in relation to any chargeable accounting period, be the statutory percentage of the average amount of the capital employed in the trade or business in that chargeable accounting period.

(9) In this section the expression “statutory percentage” means—

- (a) in relation to a trade or business carried on by a body corporate (other than a company the directors whereof have a controlling interest therein), eight per cent.;
- (b) in relation to a trade or business not so carried on, ten per cent. :



Provided that in relation to any decrease of capital the statutory percentage shall be in all cases six per cent.

PART III.  
—cont.

14.—(1) For the purposes of this Part of this Act, the profits arising from a trade or business in the standard period or in any chargeable accounting period shall be separately computed, and shall be so computed on income tax principles as adapted in accordance with the provisions of Part I of the Seventh Schedule to this Act :

Provisions as to computation of profits and capital.

Provided that where a standard period or chargeable accounting period is not an accounting period, the profits or losses of the trade or business for any accounting periods wholly or partly included within the standard period or chargeable accounting period shall be so computed as aforesaid, and such division and apportionment of those profits or losses and such aggregation of those profits or losses, or any apportioned part thereof, shall be made as appears necessary to arrive at the profits arising in the standard period or chargeable accounting period; and any such apportionment shall be made in proportion to the number of months or fractions of months in the respective periods, unless the Commissioners, having regard to any special circumstances, otherwise direct.

For the purposes of this subsection, the expression "income tax principles" in relation to a trade or business means the principles on which the profits arising from the trade or business are computed for the purposes of income tax under Case I of Schedule D, or would be so computed if income tax were chargeable under that Case in respect of the profits so arising.

(2) The average amount of the capital employed in a trade or business in the standard period or any chargeable accounting period shall be computed in accordance with Part II of the Seventh Schedule to this Act.

(3) Losses shall be computed for the purposes of this Part of this Act in the same manner as, under this section, profits are to be computed for those purposes.

15.—(1) For the purposes of this Part of this Act a deficiency of profits shall be deemed to have occurred in a trade or business in any chargeable accounting

Relief in respect of deficiency of profits.

PART III.  
—cont.

period if the profits arising from the trade or business in that period are less than the standard profits, or if a loss is sustained in the trade or business in that period; and the amount of the deficiency occurring in any such period shall be taken to be—

- (a) where profits have been made in the period, the amount by which those profits fall short of the standard profits;
- (b) where a loss has been sustained in the period, the amount of the loss added to the amount of the standard profits.

(2) Where a deficiency of profits occurs in any chargeable accounting period in any trade or business, the profits chargeable with excess profits tax arising from the trade or business shall be deemed to be reduced, and relief shall be granted in accordance with the following provisions:—

- (a) the aggregate amount of the profits so chargeable for the previous chargeable accounting periods shall be deemed to be reduced by the amount of the deficiency, and the amount of excess profits tax payable in respect thereof shall be deemed to be reduced accordingly, and the relief necessary to give effect to the reduction shall be given by repayment or otherwise;
- (b) where the amount of the deficiency exceeds the aggregate amount of the profits so chargeable for the previous chargeable accounting periods, the balance of the deficiency shall be applied in reducing any profits so chargeable for the next subsequent chargeable accounting period, and, if and so far as it exceeds the amount of those profits, any profits so chargeable for the next subsequent chargeable accounting period, and so on.

Succession  
and amal-  
gamation.

**16.**—(1) As from the date of any change in the persons carrying on a trade or business, the trade or business shall, subject to the provisions of this section, be deemed for the purposes of this Part of this Act to have been discontinued, and a new trade or business to have been commenced.

(2) Where the change took place before the first day of April, nineteen hundred and thirty-nine, and consisted in the death or retirement of a partner, or the taking in of a partner, the persons carrying on the trade or business after the change may, by notice in writing to the Commissioners, elect that, for the purposes of the provisions of this Part of this Act relating to the computation of standard profits, the trade or business shall not be deemed to have been discontinued.

(3) A trade or business shall not, for the purposes of the provisions of this Part of this Act relating to the computation of standard profits, be deemed to be discontinued by reason of any change occurring on or after the first day of April, nineteen hundred and thirty-nine, in the persons carrying it on, and the standard profits of the trade or business in relation to any chargeable accounting period shall be computed accordingly, and, in particular, in computing the capital employed in the trade or business after the change, no regard shall be had to any consideration given in respect of the transfer of the trade or business or any of the assets thereof on the occasion of the change.

(4) Where, on or after the first day of April, nineteen hundred and thirty-nine, two or more trades or businesses are amalgamated, the resulting trade or business shall be treated for the purposes of the provisions of this Part of this Act relating to the computation of standard profits as if—

- (a) it had been in existence throughout the period during which there were in existence any of the former trades or businesses;
- (b) any profits made or losses incurred or capital employed in any of those former trades or businesses had been made, incurred or employed in the resulting trade or business; and
- (c) any assets of any of those former trades or businesses had become assets of the resulting trade or business when they became assets of the former trade or business;

and, in particular, in computing the capital employed in the resulting trade or business, no regard shall be had to any consideration given in respect of the transfer of any of those former trades or businesses or any of the assets thereof on the occasion of the amalgamation.

PART III.  
—cont.

(5) Where, on or after the first day of April, nineteen hundred and thirty-nine, part of a trade or business is transferred as a going concern by the person theretofore carrying it on to another person, the part transferred and the part not transferred shall each be deemed for the purposes of the provisions of this Act relating to the computation of standard profits to be a continuation of the original trade or business, and the said provisions, including the provisions of this section relating to amalgamations, shall apply accordingly, subject to any necessary modifications :

Provided that, for the purposes aforesaid, such apportionments shall be made of the profits made, and losses incurred, and the capital employed, in the original trade or business, and of any assets of the original trade or business, as may appear to the Commissioners, or, on appeal to the Board of Referees, to that Board, to be just.

(6) Notwithstanding anything in the foregoing provisions of this section, where a trade or business was carried on immediately before the first day of July, nineteen hundred and thirty-six, and that trade or business, or the main part of that trade or business, was transferred after the said day and before the first day of April, nineteen hundred and thirty-nine, by the person carrying it on to another person, the Commissioners, if they are satisfied that the trade or business carried on after the transference was not substantially different from the trade or business or part transferred, may, on the application of the person carrying on the trade or business after the transference, treat that person, for the purposes of the provisions of this Act relating to the computation of standard profits, as if he had carried on the transferred trade or business or part of a trade or business as from the date of the commencement of that trade or business, subject, however, to such modifications (including modifications as respects the computation of capital) as may be just :

Provided that if the Commissioners refuse an application under this subsection or if the applicant is dissatisfied with any modifications made by the Commissioners, the applicant may appeal to the Board of Referees.

**17.—(1)** Where any interest, annuity or other annual payment, or any royalty or rent, is paid by one body corporate to another body corporate, and one of those bodies corporate is a subsidiary of the other, or both are subsidiaries of a third body corporate, the capital, profits and losses of both bodies corporate shall be computed for the purposes of this Part of this Act as if—

**PART III.**  
—*cont.*  
Provisions  
as to inter-  
connected  
companies

- (a) the interest, annuity, annual payment, royalty or rent were not payable;
- (b) any debt in respect of which any such interest is payable did not exist; and
- (c) any asset in respect of which any such royalty or rent is payable were the property of the body corporate paying the royalty or the rent.

(2) Where—

- (a) a body corporate (hereinafter referred to as “the principal company”) is resident in the United Kingdom and is not a subsidiary of any other body corporate resident in the United Kingdom; and
- (b) during the whole or any part of any chargeable accounting period of the principal company, another body corporate, whether or not resident or carrying on business within the United Kingdom (hereinafter referred to as “the subsidiary company”) is a subsidiary of the principal company,

the following provisions of this section shall have effect in relation to that chargeable accounting period.

(3) If the subsidiary company is a subsidiary of the principal company throughout the chargeable accounting period, such capital employed in, and profits or losses arising from, the trade or business of the subsidiary company as is employed or arise in—

- (i) the chargeable accounting period; or
- (ii) any year constituting or comprised in the standard period of the principal company,

shall be treated for the purposes of this Part of this Act as if it or they were capital employed in, or as the case may be, profits or losses arising from, the trade or business of the principal company.

PART III.  
—cont.

(4) If the subsidiary company is a subsidiary of the principal company during part only of the chargeable accounting period, the excess or deficiency of profits of the subsidiary company for that part of that period shall be treated as increasing or, as the case may be, decreasing the excess or deficiency of profits of the principal company for the whole period and shall not be deemed to be an excess or deficiency of profits of the subsidiary company.

In this subsection, the expressions "excess" and "deficiency" mean, in relation to profits, an excess or deficiency in relation to the standard profits of the subsidiary company or, as the case may be, the principal company.

(5) In any case in which subsection (3) or subsection (4) of this section applies, such alteration, if any, of the periods which would otherwise be the chargeable accounting periods of the subsidiary company shall be made as the Commissioners may direct.

(6) For the purposes of this section, a body corporate shall be deemed to be a subsidiary of another body corporate if and so long as not less than nine-tenths of its ordinary share capital is owned by that other body corporate, whether directly or through another body corporate or other bodies corporate, or partly directly and partly through another body corporate or other bodies corporate; and the provisions of subsections (2) and (3) of section forty-two of, and Part I of the Fourth Schedule to, the Finance Act, 1938, shall have effect for the purposes of this subsection as they have effect for the purposes of the said section forty-two.

Relation of  
excess  
profits tax  
to income  
tax.

**18.**—(1) The amount of the excess profits tax payable in respect of a trade or business for any chargeable accounting period shall, in computing for the purposes of income tax the profits and gains arising from that trade or business, be allowed to be deducted as an expense incurred in that period:

Provided that where, under the provisions of this Act relating to deficiencies of profits, relief is given by way of repayment from excess profits tax chargeable for any chargeable accounting period previous to that in which the deficiency occurs, the amount of the deduction allowed under this section shall not be altered but the amount repayable shall be taken into account in computing the profits and gains of the trade or business for

the purposes of income tax as if it were a profit of the trade or business accruing in the chargeable accounting period in which the deficiency occurs.

PART III.  
—cont.

(2) The provisions of this section do not apply to the computation of the profits of a trade or business for the purposes of the national defence contribution.

**19.**—(1) In the case of each chargeable accounting period to which this section applies, there shall be computed the total excess profits tax chargeable for that period and all previous chargeable accounting periods to which this section applies, and the total national defence contribution chargeable for all those periods.

Relation of  
excess  
profits tax  
to national  
defence con-  
tribution.

The said total excess profits tax shall be computed as if there were no national defence contribution and the said total national defence contribution shall be computed as if there were no excess profits tax.

(2) If, in the case of any chargeable accounting period to which this section applies, the total national defence contribution computed under subsection (1) of this section is the higher, the national defence contribution and not excess profits tax shall be charged in respect of that period, but in any other event excess profits tax, and not the national defence contribution, shall be charged in respect of that period :

Provided that the amount charged shall not in any event exceed the difference between the higher of the said totals and the total of the amounts, whether of national defence contribution or excess profits tax, charged (and not repaid) in respect of the previous chargeable accounting periods, if any, to which this section applies.

(3) Where the profits chargeable with excess profits tax arising in any chargeable accounting period to which this section applies are deemed to be reduced by reason of a deficiency occurring in any subsequent chargeable accounting period, the amount of excess profits tax repaid or otherwise allowed shall, notwithstanding the reduction, not exceed such an amount as will reduce the total excess profits tax chargeable for all the chargeable accounting periods (up to and including that in which the deficiency occurs) to the total national defence contribution which would have been chargeable in respect of all those periods if this Part of this Act had not been passed.

PART III.  
—cont.

(4) The chargeable accounting periods to which this section applies are the chargeable accounting periods (as defined by this Part of this Act in relation to excess profits tax) which fall before the first day of April, nineteen hundred and forty-two :

Provided that where a chargeable accounting period as so defined falls partly before and partly after the said date, this section shall have effect as if so much of that chargeable accounting period as falls before the said date were a separate chargeable accounting period as so defined, and as if the profits or losses of that separate chargeable accounting period were an apportioned part of the profits or losses arising in the whole period.

(5) Where a chargeable accounting period to which this section applies is not also a chargeable accounting period for the purposes of national defence contribution—

(a) references to the national defence contribution for that chargeable accounting period shall be taken to be references to a sum arrived at by apportioning and aggregating the amounts of national defence contribution payable in respect of any chargeable accounting period (as defined for the purposes of the national defence contribution) which falls wholly or partly within the first mentioned chargeable accounting period;

(b) effect shall be given to any provision of this section requiring relief to be given from the national defence contribution payable in respect of a chargeable accounting period to which this section applies by apportioning the amount of that relief among the chargeable accounting periods (as defined for the purposes of the national defence contribution) which fall wholly or partly within the first mentioned chargeable accounting period, and making reductions accordingly in the amounts payable by way of national defence contribution in respect of those periods.

(6) Any apportionment required to be made by this section shall be made by reference to the number of months or fractions of months in the period to which the apportionment relates.

Repeal of  
armament  
profits  
duty.

20. Armament profits duty shall not be charged and accordingly Part III of the Finance Act, 1939, and the Ninth Schedule to that Act are hereby repealed.



**21.**—(1) Excess profits tax shall be assessed and collected by the Commissioners, and shall be due and payable at the expiration of one month from the date of assessment, and shall be recoverable as a debt due to His Majesty from the person on whom it is assessed.

PART III.

—cont.

Assessment,  
collection,  
appeals, &c.

(2) The provisions of the Fifth Schedule to the Finance Act, 1937 (which relate to the assessment and the collection of the national defence contribution, appeals and supplementary provisions), including the provisions therein enabling the Commissioners to make regulations, shall have effect with respect to excess profits tax as they have effect with respect to the national defence contribution :

1 Edw. 8. &  
1 Geo. 6.  
c. 54.

Provided that—

- (a) no appeal shall lie to the General or Special Commissioners in respect of any matter with respect to which an appeal lies to the Board of Referees, or which is by this Part of this Act to be decided by that Board, or is left to the discretion of the Commissioners;
- (b) the Commissioners shall have the like power of making regulations with respect to the hearing of appeals and the deciding of any matters by the Board of Referees under this Part of this Act as they have of making regulations with respect to the hearing of appeals under Part II of the said Schedule.

**22.** For the purposes of this Part of this Act—

Interpre-  
tation of  
Part III.

- (a) the expression “the Commissioners” means the Commissioners of Inland Revenue;
- (b) the expression “the Board of Referees” means the Board of Referees for the purpose of Rule 6 of the Rules applicable to Cases I and II of Schedule D of the Income Tax Act, 1918;
- (c) the expressions “company” and “director”, and, except in the provisions of this Part of this Act relating to subsidiary companies, the expression “ordinary share capital”, have the same meanings as they have for the purposes of the Fourth Schedule to the Finance Act, 1937;

PART III.  
—cont.

- (d) the expression “the fixed rate”, in relation to share capital other than ordinary share capital, includes a rate fluctuating in accordance with the standard rate of income tax;
- (e) the expression “chargeable accounting period” means, in relation to excess profits tax—
- (a) any accounting period beginning on or after the first day of April, nineteen hundred and thirty-nine; and
- (b) so much of any accounting period beginning before that date as falls on or after that date;
- (f) the accounting periods of a trade or business shall be determined in the same manner as the accounting periods of a trade or business are directed by subsection (2) of section twenty of the Finance Act, 1937, to be determined for the purposes of the national defence contribution.

## PART IV.

## ESTATE DUTY.

Increased  
rates of  
Estate duty.

**23.** In the case of persons dying after the twenty-seventh day of September, nineteen hundred and thirty-nine, section twenty-nine of the Finance Act, 1939 (which relates to the rates of Estate duty) shall not apply, and the rates of Estate duty set out in the Second Schedule to the Finance Act, 1930, shall—

- (a) so far as they relate to estates the principal value of which exceeds ten thousand pounds but does not exceed fifty thousand pounds, be increased, in the case of each rate, by one-tenth of the amount thereof; and
- (b) so far as they relate to estates the principal value of which exceeds fifty thousand pounds, be increased, in the case of each rate, by one-fifth of the amount thereof:

57 & 58 Vict.  
c. 30.

Provided that, where an interest in expectancy within the meaning of Part I of the Finance Act, 1894, in any property (other than property deemed to pass on a death by virtue of section thirty-five of the Finance Act, 1930) has, before the twenty-eighth day of September,

nineteen hundred and thirty-nine, been bona fide sold or mortgaged for full consideration in money or money's worth—

PART IV.  
—cont.

- (i) no other duty on that property shall be payable by the purchaser or mortgagee when the interest falls into possession than would have been payable if this section had not passed; 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.

## PART V.

### GENERAL.

**24.**—(1) This Act may be cited as the Finance (No. 2) Act, 1939.

Short title,  
construc-  
tion and  
extent.

(2) Part I of this Act—

(a) so far as it relates to duties of customs, shall be construed as one with the Customs Consolidation Act, 1876, except that the expression “the United Kingdom” shall not include the Isle of Man; and

39 & 40 Vict.  
c. 36.

(b) so far as it relates to duties of excise, shall be construed as one with the Acts which relate to the duties of excise and to the management of those duties;

and in the said Part I the expression “the Commissioners” means the Commissioners of Customs and Excise.

(3) Part II of this Act shall be construed as one with the Income Tax Acts.

(4) Part IV of this Act shall be construed as one with Part I of the Finance Act, 1894.

(5) Any reference in this Act to any other enactment shall, unless the contrary is expressly provided or the context otherwise requires, be construed as a reference to that enactment as amended by any subsequent enactment, including this Act.

(6) Such of the provisions of this Act as relate to matters with respect to which the Parliament of Northern Ireland has power to make laws shall not extend to Northern Ireland.

## SCHEDULES

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Section 1

### FIRST SCHEDULE.

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#### BEER (RATES OF DUTY AND DRAWBACK).

##### PART I.

##### RATE OF EXCISE DUTY.

	£ s. d.
For every 36 gallons of worts of a specific gravity of 1,027 degrees or less - - - - -	2 8 0
For every 36 gallons of worts of a specific gravity exceeding 1,027 degrees—	
For the first 1,027 degrees - - - - -	2 8 0
For every additional degree in excess of 1,027 degrees - - - - -	0 2 0
And so in proportion for any less number of gallons.	

##### PART II.

##### RATE OF EXCISE DRAWBACK.

	£ s. d.
For every 36 gallons of beer of an original gravity of 1,027 degrees or less - - - - -	2 8 2
For every 36 gallons of beer of an original gravity exceeding 1,027 degrees—	
For the first 1,027 degrees - - - - -	2 8 2
For every additional degree in excess of 1,027 degrees - - - - -	0 2 0
And so in proportion for any less number of gallons.	

As respects beer of an original gravity of less than 1,027 degrees, the amount of drawback allowable shall not exceed by more than twopence for every 36 gallons the amount of duty which is shown to the satisfaction of the Commissioners to have been paid.

## PART III.

1ST SCH.  
—cont.RATE OF CUSTOMS DUTY IN CASE OF BEER BEING AN  
EMPIRE PRODUCT.

	£	s.	d.
For every 36 gallons, where the worts thereof were, before fermentation, of a specific gravity of 1,027 degrees or less - - - - -	2	8	5
For every 36 gallons, where the worts thereof were, before fermentation, of a specific gravity exceeding 1,027 degrees—			
For the first 1,027 degrees - - - - -	2	8	5
For every additional degree in excess of 1,027 degrees - - - - -	0	2	0

And so in proportion for any less number of gallons.

## PART IV.

RATE OF CUSTOMS DUTY IN CASE OF BEER NOT BEING  
AN EMPIRE PRODUCT.

	£	s.	d.
For every 36 gallons, where the worts thereof were, before fermentation, of a specific gravity of 1,027 degrees or less - - - - -	3	8	5
For every 36 gallons, where the worts thereof were, before fermentation, of a specific gravity exceeding 1,027 degrees—			
For the first 1,027 degrees - - - - -	3	8	5
For every additional degree in excess of 1,027 degrees - - - - -	0	2	0

And so in proportion for any less number of gallons.

## PART V.

RATE OF CUSTOMS DRAWBACK IN CASE OF BEER  
BEING AN EMPIRE PRODUCT.

	£	s.	d.
For every 36 gallons of an original gravity of 1,027 degrees or less - - - - -	2	8	2
For every 36 gallons of an original gravity exceeding 1,027 degrees—			
For the first 1,027 degrees - - - - -	2	8	2
For every additional degree in excess of 1,027 degrees - - - - -	0	2	0

And so in proportion for any less number of gallons.

1ST SCH.  
—cont.

As respects beer of an original gravity of less than 1,027 degrees, the amount of drawback allowable shall not exceed the amount of duty which is shown to the satisfaction of the Commissioners to have been paid, less threepence for every 36 gallons.

## PART VI.

### RATE OF CUSTOMS DRAWBACK IN CASE OF BEER NOT BEING AN EMPIRE PRODUCT.

	£	s.	d.
For every 36 gallons of an original gravity of 1,027 degrees or less - - - - -	3	8	2
For every 36 gallons of an original gravity exceeding 1,027 degrees—			
For the first 1,027 degrees - - - - -	3	8	2
For every additional degree in excess of 1,027 degrees - - - - -		0	2

And so in proportion for any less number of gallons.

As respects beer of an original gravity of less than 1,027 degrees, the amount of drawback allowable shall not exceed the amount of duty which is shown to the satisfaction of the Commissioners to have been paid, less threepence for every 36 gallons.

## SECOND SCHEDULE.

Section 2.

## SPIRITS (RATES OF ORDINARY CUSTOMS DUTY).

1. Description of Spirits.	2. Preferential Rates.		3. Full Rates.	
	In cask.	In bottle.	In cask.	In bottle.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
For every gallon computed at proof of—				
Brandy or rum . . .	4 2 10	4 3 10	4 5 4	4 6 4
Imitation rum or geneva	4 2 11	4 3 11	4 5 5	4 6 5
Unsweetened spirits other than those already enumerated . . .	4 2 11	4 2 11	4 5 5	4 5 5
For every gallon of perfumed spirits . . .	6 12 0	6 13 0	6 16 0	6 17 0
For every gallon of liqueurs, cordials, mixtures and other preparations in bottle entered in such manner as to indicate that the strength is not to be tested . . .	—	5 12 7	—	5 15 11
For every gallon computed at proof of spirits of any description not heretofore mentioned, including naphtha and methylic alcohol purified so as to be potable, and mixtures and preparations containing spirit . . .	4 2 11	4 3 11	4 5 5	4 6 5

## Section 3.

THIRD SCHEDULE.

## WINE (RATES OF CUSTOMS DUTY).

## PART I.

## NON-EMPIRE PRODUCTS.

Description of Wine.	Rate of duty per gallon.	
	<u>s.</u>	<u>d.</u>
Not exceeding 25 degrees proof spirit - - -	6	0
Exceeding 25 degrees proof spirit and not exceeding 42 degrees proof spirit - - - - -	12	0
For every degree or fraction of a degree above 42 degrees proof spirit, an additional duty - -	1	0
Sparkling, an additional duty - - - -	12	6
Still, in bottle, an additional duty - - - -	2	0

## PART II.

## EMPIRE PRODUCTS.

Description of Wine.	Rate of duty per gallon.	
	<u>s.</u>	<u>d.</u>
Exceeding 27 degrees proof spirit and not exceeding 42 degrees proof spirit - - - - -	8	0
For every degree or fraction of a degree above 42 degrees proof spirit, an additional duty - -	0	8
Sparkling, an additional duty - - - -	6	3
Still, in bottle, an additional duty - - - -	1	0



## FOURTH SCHEDULE.

Section 5.

## TOBACCO (RATES OF DUTY AND DRAWBACK).

## PART I.

## CUSTOMS DUTIES.

Description of Tobacco.	Rate of duty per pound.
—	—
	<i>s. d.</i>
<b>Tobacco unmanufactured—</b>	
containing 10 lbs. or more of moisture in every 100 lbs. weight thereof—	
unstripped - - - - -	13 6
stripped - - - - -	13 6½
containing less than 10 lbs. of moisture in every 100 lbs. weight thereof—	
unstripped - - - - -	14 6
stripped - - - - -	14 6½
<b>Tobacco manufactured, viz.—</b>	
Cigars - - - - -	22 1
Cigarettes - - - - -	18 7
Cavendish or Negrohead - - - - -	17 9
Cavendish or Negrohead manufactured in bond -	16 0
Other manufactured tobacco - - - - -	16 0
<b>Snuff—</b>	
containing more than 13 lbs. of moisture in every 100 lbs. weight thereof - - - - -	15 4
containing not more than 13 lbs. of moisture in every 100 lbs. weight thereof - - - - -	17 9
and so in proportion for any less quantity.	

## PART II.

## EXCISE DUTIES.

Description of Tobacco.	Rate of duty per pound.
—	—
	<i>s. d.</i>
<b>Tobacco unmanufactured—</b>	
containing 10 lbs. or more of moisture in every 100 lbs. weight thereof - - - - -	11 3½
containing less than 10 lbs. of moisture in every 100 lbs. weight thereof - - - - -	12 0¾
<b>Tobacco manufactured, viz.—</b>	
Cavendish or Negrohead manufactured in bond -	13 4¾
and so in proportion for any less quantity.	

4TH SCH.  
—cont.

## PART III.

## DRAWBACK

Description of Tobacco.	Rate per pound.	
	In respect of tobacco on which full customs duty has been paid.	In respect of tobacco on which customs duty at a preferential rate or excise duty has been paid.
	s. d.	s. d.
Cigars - - - - -	14 9	12 6
Cigarettes - - - - -	14 6	12 4
Cut, roll, cake or other manufactured tobacco - - - -	14 3	12 1
Snuff (not being offal snuff) - -	14 0	11 11
Stalks, shorts, or other refuse of tobacco, including offal snuff -	13 9	11 8

## FIFTH SCHEDULE.

Section 6.

## SUGAR &amp; C. (RATES OF DUTY AND DRAWBACK).

## PART I.

FULL RATES OF CUSTOMS DUTY AND AMOUNTS OF GENERAL  
PREFERENTIAL REDUCTIONS.

Article.	Full rate of Customs duty.	Amount of General Preferential Reduction.
Sugar of a polarisation exceeding 99° —the cwt.	<i>s.</i> <i>d.</i> 23 4	<i>s.</i> <i>d.</i> 5 10
Sugar of a polarisation exceeding—		
98° but not exceeding 99° - the cwt.	23 4	7 6·8
97° " " 98° - "	19 3·8	3 11·3
96° " " 97° - "	18 9·7	3 10·0
95° " " 96° - "	18 3·7	3 8·8
94° " " 95° - "	17 9·6	3 7·6
93° " " 94° - "	17 3·6	3 6·3
92° " " 93° - "	16 9·6	3 5·1
91° " " 92° - "	16 3·5	3 3·9
90° " " 91° - "	15 9·5	3 2·6
89° " " 90° - "	15 3·4	3 1·4
88° " " 89° - "	14 9·4	3 0·2
87° " " 88° - "	14 4·3	2 11·1
86° " " 87° - "	13 11·3	2 10·1
85° " " 86° - "	13 6·7	2 9·2
84° " " 85° - "	13 2·2	2 8·3
83° " " 84° - "	12 9·7	2 7·3
82° " " 83° - "	12 5·1	2 6·4
81° " " 82° - "	12 1·1	2 5·6
80° " " 81° - "	11 9·1	2 4·8
79° " " 80° - "	11 5·0	2 4·0
78° " " 79° - "	11 1·0	2 3·1
77° " " 78° - "	10 9·0	2 2·3
76° " " 77° - "	10 4·9	2 1·5
Sugar of a polarisation not exceeding 76° —the cwt.	10 0·9	2 0·6

5TH SCH.  
—cont.

Article.	Full rate of Customs duty.	Amount of General Preferential Reduction.
Molasses (except when delivered to a licensed distiller for use in the manufacture of spirits or yeast, or to a person for use in the manufacture of yeast in premises used solely for that purpose) :—	<i>s.</i> <i>d.</i>	<i>s.</i> <i>d.</i>
if containing—		
70 per cent. or more of sweetening matter - - - the cwt.	14   9½	3   8½
less than 70 per cent. and more than 50 per cent. of sweetening matter —the cwt.	10   7½	2   8
not more than 50 per cent. of sweetening matter - the cwt.	5   2½	1   3½
Glucose—		
Solid - - - - - "	14   9½	3   8½
Liquid - - - - - "	10   7½	2   8
Saccharin (including substances of a like nature or use) - - - the oz.	7   6	1   10½

## PART II.

## RATES OF CUSTOMS DUTY ON CERTIFICATED COLONIAL SUGAR

Article.	Rate of duty.
	<i>s.</i> <i>d.</i>
Sugar of a polarisation exceeding 99° - the cwt.	14   0·7
Sugar of a polarisation exceeding—	
98° but not exceeding 99° - - the cwt.	12   6·3
97°       "       "       98° - - - - - "	12   2·6
96°       "       "       97° - - - - - "	11   10·7
95°       "       "       96° - - - - - "	11   6·9
94°       "       "       95° - - - - - "	11   3·1
93°       "       "       94° - - - - - "	10   11·3
92°       "       "       93° - - - - - "	10   7·5
91°       "       "       92° - - - - - "	10   3·6
90°       "       "       91° - - - - - "	9   11·9
89°       "       "       90° - - - - - "	9   8·0
88°       "       "       89° - - - - - "	9   4·2
87°       "       "       88° - - - - - "	9   1·0

Article.	Rate of duty.	5TH SCH. —cont.
<b>Sugar of a polarisation exceeding—</b>	<b>s. d.</b>	
86° but not exceeding 87° - - the cwt.	8 9·8	
85° " " 86° - - "	8 6·9	
84° " " 85° - - "	8 4·1	
83° " " 84° - - "	8 1·2	
82° " " 83° - - "	7 10·3	
81° " " 82° - - "	7 7·8	
80° " " 81° - - "	7 5·3	
79° " " 80° - - "	7 2·6	
78° " " 79° - - "	7 0·1	
77° " " 78° - - "	6 9·6	
76° " " 77° - - "	6 7·0	
Sugar of a polarisation not exceeding 76° - "	6 4·5	

## PART III.

## RATES OF EXCISE DUTY.

## 1. Sugar.

Article.	Rate of duty.
	<b>s. d.</b>
Sugar of a polarisation exceeding 99° - the cwt.	16 3
<b>Sugar of a polarisation exceeding—</b>	
98° but not exceeding 99° - - the cwt.	14 7·1
97° " " 98° - - "	14 2·8
96° " " 97° - - "	13 10·3
95° " " 96° - - "	13 5·9
94° " " 95° - - "	13 1·4
93° " " 94° - - "	12 9·0
92° " " 93° - - "	12 4·5
91° " " 92° - - "	12 0·1
90° " " 91° - - "	11 7·6
89° " " 90° - - "	11 3·1
88° " " 89° - - "	10 10·7
87° " " 88° - - "	10 7·0

5TH SCH.  
—cont.

Article.		Rate of duty.
		s. d.
Sugar of a polarisation exceeding—		
86° but not exceeding 87°	- - the cwt.	10 3·3
85°	„ „ 86° - - „	9 11·9
84°	„ „ 85° - - „	9 8·6
83°	„ „ 84° - - „	9 5·2
82°	„ „ 83° - - „	9 1·9
81°	„ „ 82° - - „	8 10·9
80°	„ „ 81° - - „	8 7·9
79°	„ „ 80° - - „	8 5·0
78°	„ „ 79° - - „	8 2·0
77°	„ „ 78° - - „	7 11·0
76°	„ „ 77° - - „	7 8·1
Sugar of a polarisation not exceeding 76° - „		7 5·1

## 2. Molasses, &amp;c.

Article.	Rate of duty.
	s. d.
Molasses (including all sugar and extracts from sugar which cannot be completely tested by the polariscope), if containing—	
70 per cent. or more of sweetening matter - - - - -	the cwt. 10 3½
less than 70 per cent. and more than 50 per cent. of sweetening matter	„ 7 5
not more than 50 per cent. of sweetening matter - - - - -	„ 3 7½
Glucose—	
Solid - - - - -	„ 10 3½
Liquid - - - - -	„ 7 5
Saccharin (including substances of a like nature or use) - - - - -	the oz. 5 2½

## PART IV.

5TH SCH.  
—cont.

## RATES OF DRAWBACK.

TABLE 1.

SCALE APPLICABLE IN THE CASE OF SUGAR PRODUCED IN THE  
UNITED KINGDOM FROM MATERIAL ON WHICH DUTY HAS BEEN  
PAID.

Nature of Sugar.	Rate of Duty Paid.	Rate or Amount of Drawback.
	<i>s.</i> <i>d.</i>	<i>s.</i> <i>d.</i>
Sugar of a polarisation exceeding 98° produced from material on which the full duties of customs have been paid.	23 4 per cwt.	23 4 per cwt.
	less than 23 4 "	21 0 "
Sugar of a polarisation exceeding 99° produced from material on which customs duty at the general preferential rates has been paid.	17 6 "	17 6 "
	" " 17 6 "	16 8·7 "
Sugar of a polarisation exceeding 99° produced from material on which customs duty at the certificated colonial rates has been paid.	14 0·7 "	14 0·7 "
	" " 14 0·7 "	13 3·4 "
Sugar of a polarisation exceeding 99° produced from material on which excise duty has been paid.	16 3 "	16 3 "
	" " 16 3 "	15 5·7 "
Sugar of a polarisation not exceeding 98° produced from material on which the full duties of customs have been paid and sugar of a polarisation not exceeding 99° produced from material on which customs duty at the general preferential rates or the certificated colonial rates, or excise duty, has been paid.	Any rate of duty.	A drawback equal to the duty chargeable on sugar of the like polarisation.

5TH SCH.  
—cont.

TABLE 2.

SCALE APPLICABLE IN THE CASE OF MOLASSES PRODUCED IN  
THE UNITED KINGDOM FROM MATERIAL ON WHICH DUTY HAS  
BEEN PAID.

Nature of Molasses.	Amount of Drawback per cwt.			
	Produced from material on which full customs duty has been paid.	Produced from material on which customs duty at the general preferential rates has been paid.	Produced from material on which customs duty at the certificated colonial rates has been paid.	Produced from material on which excise duty has been paid.
	<i>s.</i> <i>d.</i>	<i>s.</i> <i>d.</i>	<i>s.</i> <i>d.</i>	<i>s.</i> <i>d.</i>
Containing more than 80 per cent. of sweetening matter	15 9	12 6½	9 11½	11 7
Containing more than 70 per cent. but not more than 80 per cent. of sweetening matter - - -	13 10½	11 0½	8 9	10 2½
Containing more than 60 per cent. but not more than 70 per cent. of sweetening matter - - -	10 1½	8 0½	6 4½	7 5½
Containing more than 50 per cent. but not more than 60 per cent. of sweetening matter - - -	7 7	6 0	4 9½	5 7
Containing not more than 50 per cent. of sweetening matter and weighing not less than fourteen pounds to the gallon	5 0½	4 0	3 2	3 8½

In this Part of this Schedule—

- (a) the expression “the general preferential rates” means the full rates of duty reduced by the amounts of the general preferential reductions specified in Part I of this Schedule;
- (b) the expression “the certificated colonial rates” means the rates of duty specified in Part II of this Schedule.



**SIXTH SCHEDULE.**Sections 7  
and 10.**PROVISIONS FOR GIVING EFFECT TO THE CHANGE IN  
THE STANDARD RATE OF INCOME TAX FOR THE  
YEAR 1939-40.**

1. The amount of tax payable by virtue of any assessment made before the passing of this Act shall, by virtue of this Act and without more, be treated as varied to such extent as is necessary to give effect to the change in the standard rate :

Provided that this paragraph shall not apply in the case of income chargeable under Schedule C, under Rule 6 or 7 of the Miscellaneous Rules applicable to Schedule D, or under Rule 21 of the General Rules.

2. In the case of such income as is mentioned in the proviso to paragraph 1 of this Schedule, any deficiency in the amount of tax deducted from any payment made before the first day of November, nineteen hundred and thirty-nine (being a deficiency arising by reason of the change in the standard rate) shall, so far as possible, be made good by increasing the deduction required or authorised by law to be made from the next payment and, if necessary, the deduction required or authorised by law to be made from subsequent payments (being a payment or payments made after the passing of this Act and before the first day of November, nineteen hundred and forty) by an amount equal to the amount of the deficiency, and the deficiency so made good shall be accounted for and assessed in the same manner as the tax deducted from the original payment.

3. Subject, in any case where paragraph 2 of this Schedule applies, to the provisions of that paragraph, section two hundred and eleven of the Income Tax Act, 1918 (which relates to the charge and deduction of tax in any year not charged or deducted before the passing of the annual Act) shall apply as if—

- (a) this Act were the Act imposing the tax for the year; and
- (b) a reference to the first day of November, nineteen hundred and thirty-nine, were, so far as relates to any deficiency in the amount of tax deducted from any payment made after the passing of this Act but before the date aforesaid, substituted for any reference to the passing of the Act imposing the tax for the year; and

6TH SCH.  
—cont.

- (c) in subsection (1) of the said section the words "half-yearly or quarterly" were omitted, and the words "or the person by or through whom the payments were made, as the case may be," were inserted after the words "the agents entrusted with the payment of the interest, dividends, or other annual profits or gains".

Section 14.

## SEVENTH SCHEDULE.

### COMPUTATION OF PROFITS AND CAPITAL FOR PURPOSES OF EXCESS PROFITS TAX.

#### PART I.

#### ADAPTATIONS OF INCOME TAX PRINCIPLES AS TO COMPUTATION OF PROFITS.

1. The profits shall be taken to be the actual profits arising in the accounting period, and the principles of computing profit by reference to any other period and of allowing losses sustained in any other period to be carried forward shall not be followed.

2. There may be deducted in respect of any accounting period a sum (ascertained on the like basis as the amount of a deduction for wear and tear is ascertained under Rule 6 of the Rules applicable to Cases I and II of Schedule D) which represents the diminution in value by reason of wear and tear during that period of any plant or machinery in respect of which a deduction can be made under the said Rule 6, plus, in the case of an accounting period which constitutes or includes the whole or any part of the standard period, ten per cent., and, in the case of any other accounting period, twenty per cent., of that sum.

3.—(1) Where any buildings, plant or machinery have, after the beginning of the year nineteen hundred and thirty-seven, been provided for the purpose of the trade or business by the person carrying on the trade or business, then, if either—

- (a) on such date as Parliament may hereafter determine, the buildings, plant or machinery have, wholly or partially, become obsolete or ceased to be required and the value thereof is less than the net cost thereof; or
- (b) the buildings, plant or machinery are sold before the said date at a price which is less than the net cost thereof,

and, in either case, the deficiency is wholly or mainly ascribable to conditions prevailing as a consequence of the present war.

there shall be allowed in respect of each accounting period which constitutes or includes a chargeable accounting period such proportion of the deficiency as is properly attributable to that accounting period, less the amount of any allowances for wear and tear or depreciation already made for that period in respect of the buildings, plant or machinery otherwise than under this paragraph, and if any plant or machinery provided as aforesaid is replaced, no allowance other than that made under this paragraph shall be made in respect of the amount expended in the replacement thereof.

7TH SCH.  
—cont.

The reference in this sub-paragraph to allowances for wear and tear already made for an accounting period shall be construed as including a reference to the additional percentage for which provision is made by paragraph 2 of this Part of this Schedule.

(2) Pending an ascertainment whether any allowance falls to be made under sub-paragraph (1) of this paragraph in respect of buildings, plant or machinery, the Commissioners, if they are satisfied that any buildings, plant or machinery provided as aforesaid are of such a character that it is likely that the conditions specified in the said sub-paragraph will be fulfilled in the case thereof, may allow in any accounting period which constitutes or includes a chargeable accounting period such sums as they think fit, not exceeding ten per cent. (or, if the accounting period is less than a year, a proportionately reduced amount) of the net cost of the buildings, plant or machinery, but any such allowance shall be provisional only, and on the coming of the said date, or, as the case may be, on the previous sale of the buildings, plant or machinery, the amount thereof shall be adjusted so as to accord with the provisions of the said sub-paragraph.

(3) In this paragraph, the expression "net cost" means, in relation to any buildings, plant or machinery, the cost of the provision thereof less any sum provided, or to be provided, directly or indirectly, out of the Consolidated Fund of the United Kingdom or of Northern Ireland, or out of moneys provided by the Parliament of the United Kingdom or the Parliament of Northern Ireland, towards the cost of the provision of the buildings, plant or machinery, or towards any depreciation thereof.

4. The principles of the Income Tax Acts under which deductions are not allowed for interest, annuities or other annual payments payable out of the profits, or for royalties, or (in certain cases) for rent, and under which the annual value of lands, tenements, hereditaments or heritages occupied for the purposes of a business is excluded, and under which a deduction may be allowed in respect of such annual value, shall not be followed :

7TH SCH.  
—cont.

Provided that—

- (a) nothing in this paragraph shall authorise any deduction in respect of any payment of dividend or distribution of profits;
- (b) for the purposes of this paragraph, any additional deduction allowable for income tax purposes by virtue of the proviso to paragraph (2) of Rule 5 of the Rules applicable to Cases I and II of Schedule D, and any deduction allowable for those purposes under section eighteen of the Finance Act, 1919, shall not be treated as a deduction in respect of annual value.

5. The provisions of subsection (4) of section twenty-seven of the Finance Act, 1920 (which disallows deductions on account of the payment of Dominion income tax) shall not apply.

6.—(1) Income received from investments shall be included in the profits in the cases and to the extent provided in subparagraph (2) of this paragraph and not otherwise.

(2) In the case of the business of a building society, or of a banking business, assurance business or business consisting wholly or mainly in the dealing in or holding of investments, the profits shall include all income received from investments, being income to which the persons carrying on the business are beneficially entitled.

(3) Where the person carrying on a trade or business is the beneficial owner of any investments, the income from which is by virtue of the provisions of this paragraph not to be taken into account in computing the profits of the trade or business, and a deduction would apart from the provisions of this paragraph fall to be made in respect of interest on borrowed money, the deduction (if any) to be made in respect of that interest shall be computed as if the principal of the borrowed money were reduced by the value of those investments :

Provided that where the person carrying on the trade or business is not a body corporate no such reduction shall be treated as made in the principal of any borrowed money in respect of any investments unless the investments are mortgaged, charged or pledged as security for the repayment of that money and interest thereon.

7. Subject to the provisions of the last foregoing paragraph, the profits shall include all such income arising from the trade or business as is chargeable to income tax under Case I of Schedule D, or would be so chargeable if the profits of the trade or business were chargeable under that Case, except income which is, or would be, exempted from income tax by virtue of section thirty-nine of the Income Tax Act, 1918, or section thirty of the Finance Act, 1921.

8. No deduction shall be made on account of liability to pay, or payment of, United Kingdom income tax, the national defence contribution, or excess profits tax.

9. No deduction shall be made in respect of any transaction or operation of any nature if and so far as it appears that the transaction or operation has artificially reduced or would artificially reduce the profits.

10.—(1) In the case of a trade or business carried on in any accounting period which constitutes or includes a chargeable accounting period by a company the directors whereof have a controlling interest therein,—

(a) if the standard profits of the company are computed by reference to the profits of a standard period, no deduction shall be allowed in respect of directors' remuneration in excess of the amount paid for directors' remuneration in respect of the standard period or, if the standard period is longer than the accounting period, in excess of so much of the sum paid for directors' remuneration in respect of the standard period as bears to the total amount thereof the like proportion as the length of the accounting period bears to that of the standard period;

(b) if the standard profits are not computed by reference to the profits of a standard period, no deduction shall be allowed in respect of directors' remuneration.

(2) In this paragraph the expression "directors' remuneration" does not include the remuneration of any director who is required to devote substantially the whole of his time to the service of the company in a managerial or technical capacity and is not the beneficial owner of, or able, either directly or through the medium of other companies or by any other indirect means, to control, more than five per cent. of the ordinary share capital of the company.

11. Where the performance of a contract extends beyond the accounting period, there shall (unless the Commissioners, owing to any special circumstances, otherwise direct) be attributed to the accounting period such proportion of the entire profit or loss which has resulted, or which it is estimated will result, from the complete performance of the contract as is properly attributable to the accounting period, having regard to the extent to which the contract was performed therein.

12. Where, in respect of any profits arising from a trade or business, relief from income tax chargeable in the United Kingdom is granted by virtue of arrangements with the Government of any other country, being arrangements which for the time being have effect either—

(i) under section eighteen of the Finance Act, 1923 (which as amended by section thirty-one of the Finance Act,

13 & 14  
Geo. 5. c. 14.  
14 & 15  
Geo. 5. c. 21.

7TH SCH.  
—cont.  
21 & 22  
Geo. 5. c. 28.

1924, and section nine of the Finance Act, 1931, provides for the relief of shipping and air transport from double taxation); or

- (b) under section seventeen of the Finance Act, 1930 (which provides for the relief of certain agencies from double taxation),

those profits shall not be included in the profits arising from that trade or business, if and so long as the profits of trades or businesses which, by virtue of those arrangements, are relieved from income tax chargeable in that other country, are relieved from all taxes chargeable in that other country on the profits of trades or businesses.

13. In computing the profits of a local authority from any trade or business carried on by that authority, a deduction shall be made equal to the total amount which is required to be raised by them for sinking fund purposes in connection with that trade or business in respect of the accounting period.

## PART II.

### PROVISIONS FOR COMPUTING CAPITAL.

1.—(1) Subject to the provisions of this Part of this Schedule, the amount of the capital employed in a trade or business (so far as it does not consist of money) shall be taken to be—

- (a) so far as it consists of assets acquired by purchase on or after the commencement of the trade or business, the price at which those assets were acquired, subject to the deductions hereafter specified;
- (b) so far as it consists of assets being debts due to the person carrying on the trade or business, the nominal amount of those debts, subject to the said deductions;
- (c) so far as it consists of any other assets which have been acquired otherwise than by purchase as aforesaid, the value of the assets when they became assets of the trade or business, subject to the said deductions.

(2) The price or value of any assets other than a debt shall be subject to the following deductions—

- (a) a deduction of any sum contributed, directly or indirectly, out of the Consolidated Fund of the United Kingdom or of Northern Ireland, or out of moneys provided by the Parliament of the United Kingdom or the Parliament of Northern Ireland, towards the acquisition of the asset;
- (b) any such deductions for wear and tear or for depreciation as are authorised by the Income Tax Acts or Part I of this Schedule,

and, in the case of a debt, the nominal amount of the debt shall be subject to any deduction which has been allowed in respect thereof for income tax purposes.

7TH SER.  
—cont.

(3) Where the price of any asset has been satisfied otherwise than in cash, the then value of the consideration actually given for the asset shall be treated as the price at which the asset was acquired.

(4) For the purposes of the provisions of sub-paragraph (2) of this paragraph relating to deductions for wear and tear or depreciation—

- (a) any additional percentage allowed under section eighteen of the Finance Act, 1932, or under that section as amended by section twenty-two of the Finance Act, 1938, or under paragraph 2 of Part I of this Schedule shall be treated as part of a deduction for wear and tear;
- (b) any additional deduction allowable for income tax purposes by virtue of the proviso to paragraph (2) of Rule 5 of the Rules applicable to Cases I and II of Schedule D, and any deduction allowable for those purposes under section eighteen of the Finance Act, 1919, and any allowance made under paragraph 3 of Part I of this Schedule shall be treated as a deduction for depreciation.

2.—(1) Any borrowed money and debts shall be deducted, and in particular any debt for income tax computed by reference to the standard rate or for the national defence contribution or excess profits tax in respect of the trade or business shall be deducted :

Provided that any such debt for income tax or the national defence contribution or excess profits tax shall, for the purposes of this Part of this Schedule, be deemed to have become due—

- (a) in the case of income tax, on the first day of January in the year of assessment for which the tax is assessable;
- (b) in the case of the national defence contribution or excess profits tax, on the first day after the end of the chargeable accounting period in respect of which the contribution or tax is assessable;

notwithstanding that the income tax, national defence contribution or excess profits tax may not have been assessed until after those dates respectively.

(2) Where any debt for the excess profits tax assessable in respect of any period is to be deducted under this paragraph,

7TH SCH.  
—cont.

the amount thereof shall not be reduced as the result of any relief to be given in respect of a deficiency of profits occurring in any subsequent period, and the amount of any such relief shall be treated as having become an asset of the trade or business on the first day after the end of the chargeable accounting period in which the deficiency occurred.

3. Any investments the income from which is by virtue of the provisions of Part I of this Schedule not to be taken into account in computing the profits of the trade or business, and any moneys not required for the purposes of the trade or business, shall be left out of account, but where any investments in the beneficial ownership of the person carrying on the trade or business are so left out of account, the sum (if any) to be deducted under the last preceding paragraph in respect of borrowed money shall be computed as if the principal of the borrowed money were reduced by the value of those investments :

Provided that where the person carrying on the trade or business is not a body corporate, no reduction shall be treated as made in the principal of any borrowed money in respect of any investments unless the investments are mortgaged, charged or pledged as security for the repayment of that money and the interest thereon.

4. For the purpose of ascertaining the average amount of capital employed in a trade or business during any period, the profits or losses made in that period shall, except so far as the contrary is shown, be deemed—

- (a) to have accrued at an even rate throughout the period; and
- (b) to have resulted, as they accrued, in a corresponding increase or decrease, as the case may be, in the capital employed in the trade or business.

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## CHAPTER 110.

An Act to amend the provisions of the Solicitors  
Act, 1932, relative to the Disciplinary Committee.  
[12th October 1939.]

**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present



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

**1.** In section four of the Solicitors Act, 1932, (which relates to the constitution of the Disciplinary Committee) the word "nine" shall be substituted for the word "seven" and accordingly the said section four shall have effect as set out in the Schedule to this Act.

Amendment of s. 4 of Solicitors Act, 1932. 22 & 23 Geo. 5. c. 37.

**2.** The Disciplinary Committee appointed under section four of the Solicitors Act, 1932, as amended by this Act may sit in two or more divisions. Each division shall be entitled to hear and determine any application under Part I of the said Act and shall be entitled to exercise all the powers of the Disciplinary Committee and any hearing by or determination or order of such a division shall be deemed to be a hearing by or determination or order of the Disciplinary Committee. A division shall act only while at least three members thereof are present. Each division shall appoint its own chairman.

Power for Disciplinary Committee to sit in divisions.

**3.**—(1) This Act may be cited as the Solicitors (Disciplinary Committee) Act, 1939, and the Solicitors Acts, 1932 to 1936, and this Act may be cited together as the Solicitors Acts, 1932 to 1939.

Short and collective titles and extent.

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

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## SCHEDULE.

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Section 1.

### SECTION 4 OF THE SOLICITORS ACT, 1932, AS AMENDED BY THIS ACT.

The Master of the Rolls shall appoint from among members of the Council of the Law Society and such former members of the Council as are practising as solicitors in England a disciplinary committee (in this Part of this Act referred to as "the Committee") consisting of such number of persons, not being less than three nor more than nine, as he may from time to time think fit, and may from time to time remove any member from the Committee and fill any vacancy therein and, subject to such limit as aforesaid, increase the number of the Committee.

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**CHAPTER 111.**

An Act to modify the provisions of the Education Act, 1936, in relation to the coming into operation of sections one to six of that Act, and for purposes connected with the said modification.

[12th October 1939.]

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

Suspension  
of operation  
of ss. 1 to 6  
of Educa-  
tion Act,  
1936.  
26 Geo. 5. &  
1 Edw. 8.  
c. 41.

**1.**—(1) Sections one to six of the Education Act, 1936 (which provide, subject to certain exceptions, for the raising of the compulsory school age to fifteen, and for matters connected therewith) shall, notwithstanding the provisions of subsection (2) of section sixteen of that Act, be deemed not to have come into operation on the first day of September nineteen hundred and thirty-nine, but shall come into operation upon such date after the commencement of this Act as the Board of Education may by order determine; and accordingly—

- (a) the said sections one to six and subsection (2) of the said section sixteen shall have effect, and shall be deemed always to have had effect, as if for any reference therein to the appointed day there were substituted a reference to such date as may be so determined; and
- (b) subsection (4) of section one of the said Act shall have effect as if for the reference therein to the first day of September nineteen hundred and twenty-five there were substituted a reference to the date of which the date determined as aforesaid is the fourteenth anniversary.

**11 & 12**  
**Geo. 5. c. 51.** (2) Any byelaw made under Part IV of the Education Act, 1921, which was sanctioned by the Board of Education on or after the first day of September nineteen hundred and thirty-nine and before the commencement of this Act, or which came into operation on or after the said day and before the commencement of this Act, shall be deemed never to have been made.

(3) Any liability incurred before the commencement of this Act by a local education authority, being a liability which would have been lawfully incurred if this Act had not been passed, shall, notwithstanding anything in this section, be deemed to have been lawfully incurred.

2. This Act may be cited as the Education (Emergency) Act, 1939, and this Act and the Education Acts, 1921 to 1937, may be cited together as the Education Acts, 1921 to 1939. Short title and citation.

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## CHAPTER 112.

An Act to modify the provisions of the Education (Scotland) Act, 1936, in relation to the coming into operation of section fourteen of the Education (Scotland) Act, 1918, and for purposes connected with the said modification.

[12th October 1939.]

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

1.—(1) Section fourteen of the Act of 1918 (which continues the obligation on every parent to provide efficient education for his children until they respectively attain the age of fifteen) shall, notwithstanding the provisions of subsection (1) of section one of the Education (Scotland) Act, 1936, be deemed not to have come into operation on the first day of September nineteen hundred and thirty-nine, but shall come into operation upon such date (hereinafter referred to as the appointed day) after the commencement of this Act as the Secretary of State may by order determine; and accordingly in the said Act of 1936—

(a) subsection (1) of section one shall have effect, and shall be deemed always to have had effect, as if for any reference therein to the first day of

Suspension of operation of s. 14 of Education (Scotland) Act, 1918. 26 Geo. 5. & 1 Edw. 8. c. 42.

September nineteen hundred and thirty-nine there were substituted a reference to the appointed day;

- (b) subsection (2) of section one shall have effect as if for the reference therein to the first day of September nineteen hundred and twenty-five there were substituted a reference to the date of which the appointed day is the fourteenth anniversary;
- (c) sections two and three, and the Schedule in so far as it amends paragraph (i) of subsection (6) of section fifteen of the Education (Scotland) Act, 1918, shall be deemed not to have come into operation but shall come into operation on the appointed day; and
- (d) subsection (1) of section four shall have effect as if for the reference therein to the thirty-first day of August nineteen hundred and thirty-nine there were substituted a reference to the day preceding the appointed day.

8 & 9 Geo. 5.  
c. 48.

(2) Any liability incurred before the commencement of this Act by an education authority, being a liability which would have been lawfully incurred if this Act had not been passed, shall, notwithstanding anything in this section, be deemed to have been lawfully incurred.

Conse-  
quential  
provisions.

2.—(1) Section seventeen of the Act of 1918 (which relates to the employment of school children in factories, workshops, mines or quarries) shall, notwithstanding the provisions of any order made in pursuance of subsection (2) of section thirty-three of that Act, be deemed not to have come into operation on the first day of September nineteen hundred and thirty-nine, but shall come into operation on the appointed day.

1 Edw. 8. &  
1 Geo. 6.  
c. 37.

(2) Any byelaw made under section twenty-eight of the Children and Young Persons (Scotland) Act, 1937, which came into operation on or after the first day of September nineteen hundred and thirty-nine and before the commencement of this Act, shall be deemed never to have been made, and any byelaw made under the said section or under section forty-four of the Children and Young Persons (Scotland) Act, 1932, which was in operation immediately before the said date shall, without prejudice to the making after the commencement of this Act

22 & 23  
Geo. 5. c. 47.

of any new byelaw under the said section twenty-eight, be deemed to have continued in operation.

(3) The amendments specified in the third column of the Schedule to this Act, being amendments of a consequential nature, shall be made in the enactments specified in the first and second columns of that Schedule.

**3.** This Act may be cited as the Education (Emergency) (Scotland) Act, 1939, and the Education (Scotland) Acts, 1872 to 1936, and this Act shall be construed as one and may be cited together as the Education (Scotland) Acts, 1872 to 1939.

Short title, construction and citation.

## SCHEDULE.

### AMENDMENT OF CERTAIN ENACTMENTS.

Section 2.

Session and Chapter.	Short Title.	Extent of Amendment.
8 & 9 Geo. 5. c. 48.	The Education (Scotland) Act, 1918.	In section fourteen, in subsection (3), as amended by the Schedule to the Education (Scotland) Act, 1936, the words "appointed day" shall be substituted for the words "first day of September, nineteen hundred and thirty-nine" in both places where those words occur.
1 Edw. 8. & 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act, 1937.	In section thirty-seven, in paragraph (a) the words "such day" as the Secretary of State "may, in pursuance of section "one of the Education (Emergency) (Scotland) Act, 1939, appoint to be the "appointed day for the purposes of section fourteen "of the Education (Scotland) "Act, 1918," shall be substituted for the words "the first "day of September, nineteen "hundred and thirty-nine."

Session and Chapter.	Short Title.	Extent of Amendment.
1 Edw. 8. & 1 Geo. 6. c. 37— <i>cont.</i>	The Children and Young Persons (Scotland) Act, 1937— <i>cont.</i>	In section thirty-eight, in subsection (5) the words "the date of which the day appointed by the Secretary of State in pursuance of section one of the Education (Emergency) (Scotland) Act, 1939, to be the appointed day for the purposes of section fourteen of the Education (Scotland) Act, 1918, is the fourteenth anniversary" shall be substituted for the words "the first day of September, nineteen hundred and twenty-five."

## CHAPTER 113.

An Act to confer on courts in Scotland certain powers in relation to remedies in respect of the non-payment of money and the non-performance of obligations (including powers in relation to bankruptcy and winding-up proceedings) and to make provision for purposes connected with the matters aforesaid. [12th October 1939.]

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

Restriction on enforcement of decrees and other rights.

**1.**—(1) Subject to the provisions of this section, a person shall not be entitled, except with the leave of the appropriate court, to enforce any decree of any court (whether pronounced before or after the passing of this Act) for the payment of a sum of money or for the recovery of possession of land :

Provided that nothing in this subsection shall apply to—

- (a) any decree for damages in respect of loss or damage arising from any wrongful or negligent act or omission;
- (b) any decree based upon a contract made after the second day of September nineteen hundred and thirty-nine;
- (c) any decree for expenses;
- (d) any decree for aliment, or any decree or order enforceable by virtue of any enactment in like manner as a decree for aliment; or
- (e) any order made in criminal proceedings or for the recovery of a penalty due in respect of contravention or non-compliance with any Act.

(2) Subject to the provisions of this section, a person shall not be entitled, except with the leave of the appropriate court—

- (a) to do any diligence (not being diligence used only on the dependence of an action or *ad fundandam jurisdictionem*);
- (b) to enforce any irritancy, legal or conventional;
- (c) to realise any security or forfeit any deposit;
- (d) to serve a demand under paragraph (1) of section one hundred and sixty-nine of the Companies Act, 1929;
- (e) to exercise any power of sale conferred by a heritable security;
- (f) to institute an action of maills and duties; or
- (g) to take or resume possession of any property by reason of any default by any person in the payment of money or the performance of any obligation:

19 & 20  
Geo. 5. c. 23.

Provided that nothing in this subsection shall apply to any remedy or proceedings available in consequence of any default in the payment of a debt, or the performance of an obligation, being a debt or obligation arising by virtue of a contract made after the second day of September nineteen hundred and thirty-nine:

Provided further that nothing in this subsection shall affect (a) any remedy competent to a heritable creditor in possession of the security subjects on the second day of September nineteen hundred and thirty-nine, or (b) any right or power of pawnbrokers to deal with pledges.

(3) If on any application under subsection (1) or subsection (2) of this section for leave to enforce any decree, or exercise any right or remedy, the appropriate court is of opinion that the person liable to implement such decree, or to perform the obligation in respect of which such right or remedy arises, is unable immediately to do so by reason of circumstances directly or indirectly attributable to any war in which His Majesty may be engaged, the appropriate court may refuse leave to enforce the decree or to exercise the right or remedy, or give leave therefor subject to such restrictions and conditions as the court thinks proper, and any order pronounced under this subsection may be suspended, rescinded or varied by a subsequent order.

(4) Where a petition for sequestration has been presented against any debtor or a winding-up petition has been presented against any company on the ground that it is unable to pay its debts, and the debtor or company proves to the satisfaction of the court before which such petition depends that his or its inability to pay his or its debts is due to circumstances directly or indirectly attributable to any war in which His Majesty is engaged, the court may sist the proceedings in the petition for such time and subject to such conditions as the court thinks fit.

(5) His Majesty may by Order in Council direct that, in relation to the exercise of any right or power of any person or class of persons having any goods in their custody to sell the goods by reason of any default in payment of a debt, the restriction imposed by subsection (2) of this section either shall not apply or shall apply subject to such limitations as may be specified in the Order; and any such Order in Council shall have effect notwithstanding anything inconsistent therewith contained in any Act other than this Act.

(6) An Order in Council under this section may be varied or revoked by a subsequent Order of His Majesty in Council.



2.—(1) The appropriate court for the purposes of any of the provisions of this Act shall be such court as may be designated by Act of Sederunt, and different courts may be so designated in relation to different classes of proceedings. Procedure.

(2) The Court of Session may, by Act of Sederunt, make rules prescribing the manner in which applications under this Act are to be made, and generally for regulating the conduct of proceedings under this Act.

3. For the purposes of this Act—

(a) a contract shall be deemed to have been made before the second day of September nineteen hundred and thirty-nine if an offer made before that day so as to be binding on a contracting party, if accepted within a specified period expiring on or after that day, is accepted at any time within that period;

(b) a person in right of a decree, who presents a petition for sequestration or a winding-up petition founded on the non-payment of money due under the decree, shall be deemed to be enforcing the decree; and

(c) the expression “heritable security” includes a security constituted by *ex facie* absolute disposition.

Inter-  
pretation.

4.—(1) This Act may be cited as the Courts (Emergency Powers) (Scotland) Act, 1939, and shall extend to Scotland only.

Short title,  
extent,  
duration  
and repeal.

(2) This Act shall continue in force until such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end.

(3) The Courts (Emergency Powers) Act, 1939, and the Possession of Mortgaged Land (Emergency Provisions) Act, 1939, shall cease to apply to Scotland, and any applications made under the said Acts shall be deemed to have been made under this Act.

2 & 3 Geo. 6.  
c. 67.  
2 & 3 Geo. 6.  
c. 108.

**CHAPTER 114.**

An Act to facilitate the execution of trusts during the period of the present emergency.

[12th October 1939.]

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

Power to  
delegate  
execution  
of trusts.

**1.**—(1) Notwithstanding anything in any enactment or any rule of law or equity, a trustee, personal representative, tenant for life or statutory owner may, subject to the provisions of subsection (3) of this section, delegate to any person, or to two or more persons jointly, the exercise, during the whole or any part of—

(a) any period during which he is engaged in war service; and

(b) a period of one month thereafter;

of any functions vested in him as such.

(2) Subject to the provisions of the next following subsection, a personal representative who under the last foregoing subsection delegates to any person the exercise of any functions relating to the administration of an estate may also delegate to that person the exercise of any functions which may in the future devolve on him by reason of his becoming a trustee of the estate when the administration thereof is completed.

(3) Nothing in the foregoing provisions of this section shall authorise—

(a) the delegation of the exercise of any functions to any person who would not as principal be competent to exercise those functions;

(b) the delegation of the exercise of any functions in relation to an implied or constructive trust;

(c) the delegation of the exercise of any functions by one of two trustees to the other, unless that other trustee is a trust corporation; or

- (d) the delegation of the exercise of any functions by one of two or more trustees to any person (not being a trust corporation) to whom the exercise of functions has been delegated, whether by virtue of this section or otherwise, by the other trustee or, as the case may be, all the other trustees.

In this subsection references to a trustee include references to a personal representative.

(4) Any functions delegated under this section shall be delegated by power of attorney, and section two hundred and nineteen of the Supreme Court of Judicature (Consolidation) Act, 1925 (which relates to the depositing of instruments creating powers of attorney in the central office of the Supreme Court) and section one hundred and twenty-five of the Law of Property Act, 1925 (which directs the filing of powers of attorney relating to land) shall apply accordingly.

15 & 16  
Geo. 5. c. 49.

15 & 16  
Geo. 5. c. 20

(5) The powers conferred by this section on trustees, personal representatives, tenants for life and statutory owners in relation to any period during which they are engaged in war service may also be exercised by any trustee, personal representative, tenant for life, or statutory owner not engaged in war service in relation to any period during which—

- (a) he is outside the United Kingdom; and  
(b) for any reason connected with the present war it is not reasonably practicable for him to return to the United Kingdom.

(6) The power of delegation conferred by this section shall be in addition to, and not in derogation from, any other power of delegation, whether conferred by statute or otherwise.

2.—(1) In any proceedings brought against the donor of a power of attorney in respect of any act or default of the donee of the power, it shall be a defence for the donor to prove that the donee was appointed by him in good faith and without negligence.

Liability of donor and donee of power of attorney for acts and defaults of donee.

(2) All jurisdiction and powers of any court shall apply to the donee of a power of attorney in the same manner, so far as respects the execution of the trust

or the administration of the estate to which the power of attorney relates, as if the donee were acting in relation to the trust or estate in the same capacity as the donor of the power.

Supplemen-  
tary pro-  
visions as  
to powers of  
attorney.

**3.**—(1) A power of attorney shall be attested by at least one witness, and may be made either before or after the commencement of the period during which the donor of the power is engaged in war service.

(2) In favour of any person dealing with the donee of a power of attorney, any act done or instrument executed by the donee shall, notwithstanding that the power has been revoked, whether by the act of the donor of the power or by operation of law, be as valid and effectual as if the power had remained unrevoked at the time when the act was done or the instrument executed, unless that person had at that time actual notice of the revocation of the power.

(3) A statutory declaration by the donee of a power of attorney relating to any trust or estate that the donor of the power is, or was at any specified date, engaged in war service, or that in any transaction the donee is acting in the execution of the trust or the administration of the estate, shall in favour of a person dealing with the donee of the power be conclusive evidence of that fact.

(4) In this section references to a period during which, or time at which, a person is engaged in war service shall be taken to include references to a period during which, or time at which, a person is outside the United Kingdom and it is not reasonably practicable, for any reason connected with the present war, for him to return to the United Kingdom.

Provisions  
as to  
transfer  
of stock.

**4.**—(1) The donee of a power of attorney relating to any trust or estate may himself delegate the power to transfer any inscribed stock.

(2) The fact that it appears from any power of attorney, or from any evidence required for the purposes of any power of attorney or otherwise, that in dealing with any stock the donee of the power is acting in the execution of a trust shall not be deemed for any purpose to affect any person in whose books the stock is inscribed or registered with any notice of the trust.

(3) The fact that in dealing with any stock the donee of a power of attorney purports to be acting in exercise of the power shall, in favour of any person in whose books the stock is inscribed or registered, be conclusive evidence that the dealing is authorised by the power, unless that person has at the time of the dealing notice that it is not so authorised.

(4) In this section the expression "stock" includes shares and any fund, annuity or security transferable in books kept by any person or by any instrument of transfer, either alone or accompanied by other formalities, and any share or interest therein.

### 5. Where an infant dies—

(a) while engaged in war service; or

(b) while he is outside the United Kingdom, and at a time when immediately before his death it was not reasonably practicable, for any reason connected with the present war, for him to return to the United Kingdom;

any act done or instrument executed after his death in purported exercise of the powers conferred by section twenty-six of the Settled Land Act, 1925, shall, in favour of any person who had not at the time the act was done or the instrument executed actual notice of the death, be as valid and effectual as if the infant were at that time still living.

Exercise of Settled Land Act powers in case of death of infant engaged on war service or prevented from returning to United Kingdom.  
15 & 16 Geo. 5. c. 18

6. No person shall be deemed, for the purposes of this Act, to have actual notice of the death of any other person by reason only of a report to the effect that that other person is missing, or is missing and is believed to have been killed, unless the death of that other person has been presumed by order of a court of competent jurisdiction and the person in question has notice of the order.

Provisions as to notice of death of persons reported missing.

7. In this Act the following expressions have the meanings hereby respectively assigned to them:—

Interpretation.

"functions" includes discretions, powers and duties;

"personal representative", "settled land", "settlement", "statutory owner", "tenant for life",

“ trust corporation ” and “ trustee of the settlement ” have the same meaning as in the Settled Land Act, 1925;

“ power of attorney ” means a power of attorney given under section one of this Act;

“ the period of the present emergency ” means the period beginning with the first day of September nineteen hundred and thirty-nine and ending with such date as His Majesty may by Order in Council declare to be the date on which the emergency which was the occasion of the passing of this Act came to an end; and

“ war service ” means—

(a) service during the period of the present emergency (whether within or outside the United Kingdom) in any of His Majesty's naval, military or air forces or the nursing service or other auxiliary service of any of those forces;

(b) any other service during that period (whether within or outside the United Kingdom) in any British ship;

(c) any other work or employment during that period outside the United Kingdom in connection with the present war.

Provision  
as to  
Northern  
Ireland.  
10 & 11 Geo. 5.  
c. 67.

**8.** Notwithstanding anything in the Government of Ireland Act, 1920, the Parliament of Northern Ireland shall have power to make laws for purposes similar to the purposes of this Act.

Short title  
and extent.

**9.**—(1) This Act may be cited as the *Execution of Trusts (Emergency Provisions) Act, 1939.*

(2) This Act shall not extend to Scotland.

(3) No provision of this Act, except the provisions of the last foregoing section, shall extend to Northern Ireland.

**CHAPTER 115.**

An Act to postpone elections of local authorities, to postpone the preparation of the register of electors, to suspend certain powers relating to the alteration of the areas or of the constitution of local authorities, and for purposes connected with the matters aforesaid. [31st October 1939.]

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

1. While this Act is in force, no local election shall be held and any alderman, councillor or elective auditor in office at the commencement of this Act shall continue in office:

Postpone-  
ment of  
local  
elections  
and exten-  
sion of term  
of office of  
existing  
councillors  
and others.

Provided that the foregoing provisions shall not prevent the vacation of the office of an alderman, councillor or elective auditor otherwise than by effluxion of time; and in the event of any such office being vacant while this Act is in force, a person to fill the vacancy shall be elected as soon as conveniently may be—

- (a) in the case of an alderman, in like manner as if this Act had not been passed;
- (b) in the case of a councillor, by the council among the members of which the vacancy has so occurred, and
- (c) in the case of an elective auditor, by the council of the borough;

so, however, that no person shall be so elected to fill any such vacancy if he does not possess the qualifications which, by virtue of any enactment or rule of law, are necessary for holding the office in which the vacancy has occurred, or if he is subject to any disqualification for holding that office.

2.—(1) The register of electors prepared, under section eleven of the Representation of the People Act, 1918, in the year nineteen hundred and thirty-eight,

Postpone-  
ment of  
preparation  
of registers

of electors  
and jurors  
books.

7 & 8 Geo. 5.  
c. 64.

shall remain in force until the fifteenth day of November nineteen hundred and thirty-nine.

(2) Notwithstanding anything in the Representation of the People Act, 1918, as amended by any other enactment, the register of electors to be prepared under section eleven of the said Act in the year nineteen hundred and thirty-nine may be published at any time not later than the fifteenth day of November nineteen hundred and thirty-nine.

(3) The register so published shall come into force on the fifteenth day of November nineteen hundred and thirty-nine, and shall remain in force until the fifteenth day of October next following the expiry of this Act; and no further register of electors shall be prepared under the said section eleven while this Act is in force.

12 & 13  
Geo. 5. c. 11.

(4) Notwithstanding anything in the Juries Act, 1922, or in any other enactment, the jurors book prepared for a county for the year beginning with the first day of January nineteen hundred and forty shall be the jurors book for that county until the end of the year beginning with the day after that with which this Act expires; and no further jurors book shall be prepared for any county while this Act is in force.

(5) This section shall be deemed to have come into force on the third day of September nineteen hundred and thirty-nine.

Exemption of  
certain persons from  
duties relating  
to local  
elections and  
to preparation  
of registers  
and jurors  
books.

**3.** No person shall, by virtue of any enactment or rule of law, be, or be deemed to have been, required to perform any duty solely for the purpose of a local election which by virtue of this Act is not to be held, or solely with a view to the preparation of a register of electors or a jurors book which by virtue of this Act is not to be prepared.

Special  
provision  
as to City  
of London.

**4.** The foregoing provisions of this Act, in so far as they relate to councillors, shall apply to the Common Council of the City of London as if the references therein to a local election included references to the election of a common councilman, and as if the references therein to a councillor included references to a common councilman.



5. Where by a charter of incorporation granted before the passing of this Act an urban or rural district has been or is to be created a borough, and the first councillors of the borough would, if this Act had not been passed, have been required to be elected on the first day of November nineteen hundred and thirty-nine, then, notwithstanding any enactment or any provision in the charter—

Provisions as to incorporation of certain boroughs.

- (a) the councillors of that district who are in office on that date shall be deemed to have been duly elected councillors of the borough and shall take office accordingly;
- (b) if the number of councillors so taking office is less than the number fixed by the charter as the number of councillors of the borough, the vacancies shall, before any election of the mayor or aldermen of the borough takes place, be filled in the manner provided in section one of this Act for the filling of a casual vacancy in the office of a councillor; and
- (c) the first aldermen of the borough shall be elected in the manner in which they would have been required to be elected if this Act had not been passed.

6.—(1) While this Act is in force, no Order in Council or order made under or confirmed by any Act passed before the first day of August nineteen hundred and thirty-nine shall come into operation so as to —

Suspension of power to make orders altering areas or constitution of local authorities.

- (a) alter or define the boundaries of any county, borough, urban or rural district or parish,
- (b) divide any borough or urban district or parish into wards, or alter the boundaries of any ward in a borough or urban district or parish,
- (c) group any parishes or dissolve any group of parishes or establish a separate parish council for any parish,
- (d) alter the boundaries of the electoral divisions of any county,
- (e) alter the number of councillors of any county council, borough council, urban or rural district council or parish council or dissolve any parish council,

- (f) form a new urban or rural district or parish,
- (g) divide any county or urban or rural district or parish,
- (h) unite any county with any other county or with any county borough, or unite any county borough with a county, or unite any borough with any other borough, or unite any urban or rural district with any other such district, whether urban or rural, or unite any parish with another parish,
- (i) include in a borough an urban or rural district,
- (j) transfer a part of a non-county borough to an urban or rural district, or transfer the whole or part of an urban or rural district to a non-county borough,
- (k) transfer any part of an urban or rural district to another such district, whether urban or rural, or transfer any part of a parish to another parish, or
- (l) convert any rural district or any part of a rural district into an urban district or any urban district or any part of an urban district into a rural district.

(2) Notwithstanding anything in any enactment, no person or body shall, while this Act is in force, be required to perform any duty with a view to the making of an Order in Council or order for giving effect to any such change as is mentioned in the last foregoing subsection, or with a view to considering the desirability of making such an Order in Council or order.

(3) In this section the expression "order" includes any act or instrument whereby a county council fixes the number of parish councillors for a parish.

Interpreta-  
tion.

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

"Alderman" means a county alderman or a borough alderman;

"Borough" includes a metropolitan borough;

"Councillor" means a county councillor, borough councillor, urban or rural district councillor, or parish councillor;

“ Elective auditor ” means an elective auditor of a borough ;

“ Enactment ” includes any order, rule or regulation made under the provisions of any Act ; and

“ Local election ” means an election of an alderman of a county or borough, or of a councillor of a county, borough, urban or rural district or parish, or of an elective auditor of a borough.

**8. In the application of this Act to Scotland—**

Application  
to Scotland.

(a) the expression “ councillor ” means a member (other than an *ex officio* member) of a town council, and the expression “ local election ” means an election of a member (other than an *ex officio* member) of a town council ;

(b) nothing in section one of this Act shall operate to continue any councillor in the office of bailie or judge of police beyond the date at which he would have ceased to be a councillor if this Act had not been passed, and any reference in any enactment to the day of an annual election of councillors shall be construed as a reference to the day on which such election would have been held if this Act had not been passed ;

(c) where the boundaries of any burgh have been altered by any Act or Order passed or made before the commencement of this Act, and no election of councillors has been held subsequently to such alteration, the Secretary of State may by Order provide for the apportionment of the existing councillors among the wards of such burgh ;

(d) subsection (4) of section two and section five of this Act shall not apply ;

(e) in section six of this Act—

(i) the expression “ order ” includes a scheme made under section twenty-five of the Local Government (Scotland) Act, 1929, but does not include a Provisional Order under the Private Legislation Procedure (Scotland) Act, 1936 ; and

19 & 20  
Geo. 5. c. 25.  
26 Geo. 5. &  
1 Edw. 8.  
c. 52.

(ii) for paragraphs (a) to (l) of subsection (1) the following paragraphs shall be substituted :—

- (a) alter the boundaries of any county, burgh or district;
- (b) divide any burgh or electoral division into wards, or alter the number or boundaries of the wards in a burgh or electoral division;
- (c) alter the number of councillors of any county, burgh or district;
- (d) alter the boundaries of the electoral divisions of any county, or
- (e) form a new burgh.

Provisions relating to Northern Ireland.

**9.**—(1) The register of electors which, under the provisions of sections eleven and forty-four of the Representation of the People Act, 1918, as amended by any other enactment, comes into force in Northern Ireland on the fifteenth day of December nineteen hundred and thirty-nine, shall remain in force until the fifteenth day of December next following the expiry of this Act; and no further register of electors shall be prepared in Northern Ireland under the said provisions while this Act is in force; and section three of this Act shall have effect accordingly.

10 & 11  
Geo. 5. c. 67.

(2) The last foregoing subsection, so far as it relates to matters with respect to which the Parliament of Northern Ireland has power to make laws, shall, for the purposes of section six of the Government of Ireland Act, 1920, be deemed to be an enactment passed before the appointed day.

(3) Save as provided in this section, this Act shall not extend to Northern Ireland.

Short title and expiry.

**10.**—(1) This Act may be cited as the Local Elections and Register of Electors (Temporary Provisions) Act, 1939.

(2) Subject as hereinafter provided, this Act shall expire with the thirty-first day of December nineteen hundred and forty :

Provided that, where the term of office of an alderman, councillor or elective auditor has been continued by this Act after the time at which it would otherwise have expired, that term shall not expire by effluxion of time until six months after the expiry of this Act, unless Parliament otherwise determines.

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## CHAPTER 116.

An Act to postpone the operation of the Cotton Industry (Reorganisation) Act, 1939.

[31st October 1939.]

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

1. For subsection (2) of section forty-one of the Cotton Industry (Reorganisation) Act, 1939 (which provides that the Act shall come into operation not later than three months from the passing thereof) there shall be substituted the following subsection :—

Postpone-  
ment of  
operation  
of principal  
Act.  
2 & 3 Geo. 6.  
c. 54.

“(2) The provisions of this Act shall come into operation on such date as the Board of Trade may by order appoint, and orders made by the Board of Trade may appoint different dates for the coming into operation of different provisions of this Act.”

2. This Act may be cited as the Cotton Industry (Reorganisation) (Postponement) Act, 1939. Short title.

**CHAPTER 117.**

An Act to confer on the Treasury powers to raise money and exchange securities, and for purposes connected therewith. [16th November 1939.]

Most Gracious Sovereign,

**W**E, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved that money be raised in manner provided by this Act; and do therefore most humbly beseech Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power of  
Treasury  
to raise  
money.

**1.—(1) Any money required—**

- (a) for raising any supply granted to His Majesty for the service of the year ending the thirty-first day of March nineteen hundred and forty, and, in addition, a sum not exceeding two hundred and fifty million pounds; or
- (b) for the repayment of any maturing securities issued under the War Loan Acts, 1914 to 1919, or of any Treasury Bills or Ways and Means advances;

may be raised in such manner as the Treasury think fit.

(2) For the purpose of raising money under this section, the Treasury may create and issue such securities as they think fit.

(3) For the avoidance of doubt it is hereby declared—

- (a) that the power to raise money under this section extends to raising money either within or outside the United Kingdom and either in sterling or in any other currency; and
- (b) that the reference in this section to securities issued under the War Loan Acts, 1914 to 1919,

includes a reference to any securities which, by virtue of any Act, are to be deemed to have been created and issued under those Acts or any of the provisions thereof.

(4) The power to raise money under this section shall be in addition to and not in derogation of any other power to borrow exercisable by the Treasury; and notwithstanding anything in section fifty-nine of the Finance Act, 1920 (which relates to national savings certificates), any money borrowed under that section after the commencement of this Act, and before such date as His Majesty may by Order in Council appoint may be applied for any purpose for which money may be raised under this section. 10 & 11  
Geo. 5. c. 18.

(5) The power of the Treasury under section five of the War Loan (Supplemental Provisions) Act, 1915, to make regulations as respects money raised through the Post Office shall extend to money so raised under this section. 5 & 6 Geo. 5.  
c. 93.

(6) The enactments set out in the First Schedule to this Act (which authorise the Treasury to borrow for the purposes of those enactments in any manner in which the Treasury are authorised to raise money under and for the purposes of subsection (1) of section one of the War Loan Act, 1919), shall have effect as if they authorised the Treasury to borrow for the said purposes in any manner in which the Treasury may raise money under this Act; and any securities created and issued under any such enactment as amended by this subsection shall be deemed for all purposes to have been created and issued under this Act. 9 & 10  
Geo. 5. c. 37.

2.—(1) The Treasury may, for the purpose of carrying out any arrangement made by them for the exchange (whether on or before maturity, and whether with or without any further payment) of any securities of His Majesty's Government in the United Kingdom, create and issue such other securities as the Treasury think fit. Exchange of  
securities.

(2) The Treasury may make rules with respect to the exchange of securities in pursuance of any such arrangement, and may by those rules provide, with the necessary modifications, for any of the matters for which provision could be made under section twenty-nine of the National 51 & 52 Vict.  
c. 2.

Debt (Conversion) Act, 1888, and may also by those rules apply, with the necessary modifications, any of the provisions of Part IV of that Act (whether repealed or not) which they think it expedient to apply.

(3) The Treasury may cancel any securities surrendered to them in pursuance of any such arrangement, and may also undertake to make payments, upon such terms and conditions as they think fit, to holders of securities so surrendered.

45 & 46 Vict.  
c. 61.

(4) A warrant given by the Bank of England or the Bank of Ireland for making any such payment shall be deemed to be a cheque within the meaning of the Bills of Exchange Act, 1882, and shall be exempt from stamp duty.

(5) The Treasury may issue out of the Consolidated Fund of the United Kingdom or the growing produce thereof (hereafter in this Act referred to as "the Consolidated Fund") any money required by them for the purpose of carrying out any such arrangement, and any money received by the Treasury in pursuance of any such arrangement shall be paid into the Exchequer.

General  
provisions  
as to  
securities.

**3.**—(1) Securities issued under this Act shall bear such rate of interest, and be subject to such conditions as to repayment, redemption and other matters (including provision for a sinking fund), as the Treasury may determine.

(2) The money which may be raised under section one of this Act shall include any money required for the repayment of any maturing securities issued under this Act.

(3) The principal of and interest on any securities issued under this Act, and any sums required to be set aside for the purpose of any sinking fund established under this Act, and any expenses incurred in connection with the raising of money or the issue or redemption of securities under this Act, shall be charged on and issued out of the Consolidated Fund.

(4) The interest on any securities issued under this Act shall be paid out of the permanent annual charge for the National Debt.

(5) There shall be paid to the Banks of England and Ireland respectively, out of the Consolidated Fund, such



sums in respect of the management in any financial year of any securities issued under this Act as may be agreed upon between the Treasury and those Banks respectively.

(6) The provisions of the Second Schedule to this Act shall have effect with respect to any securities issued under this Act.

4.—(1) A trustee shall not be liable for any loss resulting from any subscription to, or investment in, any securities issued under this Act, or from the sale of any securities for the purpose of any such subscription or investment, or from the exercise of any option to convert any securities into securities so issued; and trustees are hereby expressly authorised to exercise such powers of subscription, investment, sale or conversion notwithstanding anything to the contrary in any instrument creating the trust, and without the consent of any other person, notwithstanding that such consent is required by the instrument creating the trust.

Power of trustees, &c., to invest in securities.

(2) In the foregoing subsection the expression "trustee" means any person acting in a fiduciary capacity, whether pursuant to a deed or other instrument or by virtue of the duties incident to the holding by that person of any office (including the office of personal representative), but does not include a person so acting under an implied or constructive trust, not being a resulting trust arising from the failure or determination of an express trust.

(3) Any limitation on the powers of any company or body of persons, or of the persons responsible for the direction or management of any company or body of persons, to lend money to the Government or to invest in or hold or purchase securities issued under this Act, whether imposed by statute or by their constitution or by any memorandum or articles of association or regulations affecting the company or body of persons or otherwise, shall not have effect; and the persons responsible for the direction or management of the company or body are hereby authorised to invest in, hold or purchase any such securities without regard to any such limitation.

5.—(1) This Act may be cited as the National Loans Act, 1939.

Short title, construction, extent and repeals.

(2) Any reference in this Act to any other enactment shall be construed, unless the context otherwise requires,

as a reference to that enactment as amended by any subsequent enactment.

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

(4) The enactments mentioned in the first and second columns of the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

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## SCHEDULES.

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### FIRST SCHEDULE.

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Section 1.

#### ENACTMENTS AUTHORISING TREASURY TO BORROW AS UNDER WAR LOAN ACTS.

Section twenty-four of the Finance Act, 1932 (22 & 23 Geo. 5. c. 25).

Section one of the North Atlantic Shipping Act, 1934 (24 & 25 Geo. 5. c. 10).

Section four of the British Shipping (Assistance) Act, 1935 (25 & 26 Geo. 5. c. 7).

Section thirty of the Finance Act, 1935 (25 & 26 Geo. 5. c. 24).

Section twenty-six of the Tithe Act, 1936 (26 Geo. 5. & 1 Edw. 8. c. 43).

Section one of the Defence Loans Act, 1937 (1 Edw. 8. & 1 Geo. 6. c. 13).

Section two of the Anglo-Turkish (Armaments Credit) Agreement Act, 1938 (1 & 2 Geo. 6. c. 60).

Section thirty-two of the Finance Act, 1939 (2 & 3 Geo. 6. c. 41).

Section four of the Overseas Trade Guarantees Act, 1939 (2 & 3 Geo. 6. c. 47).

Section seventeen of the War Risks Insurance Act, 1939 (2 & 3 Geo. 6. c. 57).

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## SECOND SCHEDULE.

Section 3.

APPLICATION OF CERTAIN ENACTMENTS TO SECURITIES  
ISSUED UNDER THIS ACT.

1. Stock or registered bonds issued under this Act shall be transferable in like manner as other stock to which the National Debt Act, 1870, applies, and shall be subject to the provisions of that Act so far as is consistent with the tenor of this Act, and the expression "stock" in section seventeen of the Finance Act, 1911 (which relates to transfers by deed), shall include registered bonds issued under this Act. 33 & 34 Vict. c. 71. 1 & 2 Geo. 5. c. 48.

2. Part VII of the National Debt Act, 1870 (which relates to unclaimed dividends), shall have effect as if capital sums secured on bearer bonds issued under this Act were stock within the meaning of the said Part VII and as if the bonds and coupons attached thereto were respectively stock certificates and coupons issued under the National Debt Act, 1870.

For the purposes of this paragraph a bond shall be deemed to have been issued if it has been made out and paid for, notwithstanding that it has not been taken up by the person entitled thereto.

3. Section five of the Sinking Fund Act, 1875 (which relates to the application of the old sinking fund), shall apply to any securities issued under this Act as it applies to annuities charged on the Consolidated Fund. 38 & 39 Vict. c. 45.

4. Subsection (2) of section forty-nine of the Income Tax Act, 1918 (which relates to the payment of interest on certain securities without deduction of income tax), shall have effect as if the securities therein mentioned included securities issued under this Act. 8 & 9 Geo. 5. c. 40.

5. The definitions of "Government stock" in the following enactments, namely—

(a) subsection (2) of section five of the Savings Bank Act, 1893; 56 & 57 Vict. c. 69.

(b) section fifty-one of the Finance Act, 1921; and 11 & 12 Geo. 5. c. 32.

(c) subsection (3) of section two of the Government Annuities Act, 1929; 19 & 20 Geo. 5. c. 29.

shall be amended so as to include securities issued under this Act; and such securities shall also be included among the Government securities mentioned in subsection (2) of section fifty-four of the last mentioned Act (which relates to the application and investment of sums paid for annuities or insurances).

## Section 5.

## THIRD SCHEDULE.

## ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal
5 & 6 Geo. 5. c. 55.	The War Loan Act, 1915.	In section one, in subsection (1), the words from "or for the raising" to the words "powers of this Act."
6 & 7 Geo. 5. c. 24.	The Finance Act, 1916.	Section sixty.
6 & 7 Geo. 5. c. 67.	The War Loan Act, 1916.	In section one, in subsection (1), the words from "or for the raising" to the words "powers of this Act."
7 & 8 Geo. 5. c. 41.	The War Loan Act, 1917.	In section one, in subsection (1), the words from "or for the raising" to the words "powers of this Act."
8 & 9 Geo. 5. c. 25.	The War Loan Act, 1918.	In section one, in subsection (1), the words from "or for the raising" to the words "powers of this Act."
9 & 10 Geo. 5. c. 37.	The War Loan Act, 1919.	In section one, in subsection (1), the words from "or for the repayment" to the words "any Ways and Means advances."
11 & 12 Geo. 5. c. 32.	The Finance Act, 1921.	Section forty-seven.

## CHAPTER 118.

An Act to prevent the price of goods of such descriptions as may be specified by the Board of Trade being raised above a basic price for those goods by more than an amount referable to increases in certain specified expenses, and for purposes consequential thereon and incidental thereto.

[16th November 1939.]

**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

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

1. It shall be unlawful for any person to sell, agree to sell or offer to sell, any price-regulated goods in the course of any business at a price which exceeds the permitted price, that is to say the basic price together with the amount of any permitted increase.

Prohibition of sale of price-regulated goods at more than permitted price.

2. In this Act the expression “ price-regulated goods ” means goods of a description defined in an order made by the Board of Trade under this section and for the time being in force.

Price-regulated goods.

3.—(1) In this Act the expression “ basic price ” means, in relation to price-regulated goods of any description sold, agreed to be sold or offered for sale, the price at which, in the ordinary course of the business in the course of which those goods were sold, agreed to be sold, or offered for sale, goods of that description similar to those goods were being offered for sale at the twenty-first day of August nineteen hundred and thirty-nine (or other the date as at which the basic price is, under subsection (4) of this section, to be ascertained).

Basic price.

(2) In relation to price-regulated goods sold, agreed to be sold or offered for sale, in the course of a business which included both a wholesale and a retail branch, or both a manufacturing and a merchanting branch, or two or more branches in localities of a different character or otherwise howsoever distinguishable, the reference in subsection (1) of this section to the business in the course of which those goods were sold, agreed to be sold or offered for sale, shall be construed as a reference to the particular branch of that business in the course of which the transaction was effected.

(3) In relation to price-regulated goods sold, agreed to be sold or offered for sale, in the course of a business, or of a branch of a business, which was not being carried on at the date as at which the basic price for those goods is to be ascertained, or in the course of which goods of the relevant character were not being offered for sale at that date, the preceding provisions of this section shall have effect with the substitution, for the reference in subsection (1) thereof to the business in the course of which those goods were sold, agreed to be sold or offered

for sale, of a reference to some business similar to that business, or to a branch of some business similar to that branch of that business, which was then being carried on, or in the course of which goods of the relevant character were then being offered for sale, as the case may be.

(4) If, having regard either—

- (a) to any exceptional circumstances affecting the price at which goods of any description were being offered for sale at the said twenty-first day of August;
- (b) to the lapse of time since that day and any resulting difficulty in ascertaining the price at which goods of any description were being offered for sale at that day; or
- (c) to the fact that goods of any description are subject to a seasonal variation of price;

it appears to the Board of Trade to be expedient that the basic price for goods of that description should be ascertained as at a date other than the said twenty-first day of August, the Board may by order direct that the basic price therefor shall, as regards a sale, agreement or offer, made whilst the order is in force, be ascertained as at such date, or, in the case of goods subject to a seasonal variation of price, as at such different dates in the case of transactions effected at different seasons, as may be specified in the order.

Permitted  
increase.

4. In this Act the expression “permitted increase” means, in relation to any price-regulated goods sold, agreed to be sold or offered for sale, in the course of any business, an amount not exceeding such increase as is reasonably justified in view of changes in the business, since the date as at which the basic price for the goods is to be ascertained, in relation to the matters specified in the First Schedule to this Act taken as a whole.

Power of  
Board of  
Trade to  
specify  
basic price,  
permitted  
increase, or  
permitted  
price.

5.—(1) If, on the application of any body of persons appearing to the Board of Trade to be representative of traders in goods of any description, or on the application with respect to goods of any description of the central price-regulation committee appointed under section eight of this Act, it appears to the Board, after consultation with that committee in the case of an application

not made by them, to be expedient and practicable so to do, the Board may by order specify—

- (a) a price representing a basic price for goods of that description;
- (b) a percentage representing a standard of permitted increase for goods of that description; or
- (c) a price representing a permitted price for goods of that description;

and a sale of, or an agreement or offer to sell, goods of a description as to which an order under paragraph (a), (b) or (c), of this subsection is in force shall, notwithstanding anything in the preceding provisions of this Act, be deemed to be lawful, so far as regards the provisions of section one of this Act, if it is made at a price which does not exceed—

- (i) the price specified under the said paragraph (a) together with the amount of any permitted increase;
- (ii) the basic price together with an amount equal to the percentage thereof specified under the said paragraph (b); or
- (iii) the price specified under the said paragraph (c);

as the case may be.

(2) As soon as may be after making such an order as aforesaid, the Board shall publish in such manner as they think best for informing persons appearing to the Board to be likely to be affected a notice specifying the effect thereof.

(3) An appeal shall lie against such an order as aforesaid to the referee appointed in accordance with the provisions of the Second Schedule to this Act, at the instance of any persons appearing to the referee to be representative of traders in, or buyers of, goods of the description in question :

Provided that an appeal against such an order shall not be entertained unless notice of the intention of the persons appealing to make the appeal is given to the Board within fourteen days from the first publication of the notice required by the last preceding subsection.

(4) The referee shall have power, on an appeal against such an order as aforesaid, to direct the Board to revoke the order, or to vary it either by reducing or increasing

the price or percentage therein specified, and the Board shall give effect to any such direction.

(5) The provisions in that behalf of the Second Schedule to this Act shall have effect with respect to the appointment of assessors for the purposes of an appeal under this section, and with respect to the procedure on such an appeal.

(6) The Board may by order prescribe a mark appearing to them to be suitable for indicating that goods to which the mark may be applied are goods of a description as to which an order specifying a price under paragraph (c) of subsection (1) of this section is in force and that the price at which they are offered for sale does not exceed the specified price, and the use of a mark so prescribed shall be taken for the purposes of the Merchandise Marks Act, 1887, to be a trade description within the meaning of that Act indicating those facts.

50 & 51 Vict.  
c. 28.

Basic price  
for new  
descriptions  
of goods.

6.—(1) In relation to a description of price-regulated goods in the case of which the provisions of section three of this Act cannot operate by reason of that description of goods having come into existence after the twenty-first day of August nineteen hundred and thirty-nine, the Board of Trade may by order specify a price which shall be deemed for the purposes of this Act to be the basic price for goods of that description sold, agreed to be sold or offered for sale, whilst the order is in force.

(2) The provisions of subsections (2) to (5) of the last preceding section shall have effect in relation to an order made under this section as they have effect in relation to an order made under subsection (1) of that section.

Penalty for  
selling at  
more than  
permitted  
price.

7.—(1) Subject to the provisions of subsection (3) of this section, if any person contravenes any of the provisions of section one of this Act, he shall be guilty of an offence and shall—

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



Provided that, where it is proved that an offer or agreement made in contravention of section one of this Act has been followed by an agreement or sale so made in pursuance of that offer or agreement, those transactions together shall be taken to constitute a single offence.

(2) On the third or any subsequent occasion on which a person is found guilty of an offence under the preceding subsection, the court may, on the application of the Attorney General, or on the application of the prosecutor made with the consent of the Attorney General, make such order, having effect during such period as the court thinks fit, for preventing the offender carrying on, or being concerned in any manner directly or indirectly with the carrying on of, the business in the course of which the transaction constituting the offence was effected, or any branch of that business, or any business or branch of a business of a similar character, and if any person contravenes an order made under this subsection, he shall be guilty of an offence and shall—

(a) on summary conviction, be liable to imprisonment for a term not exceeding three months; or

(b) on conviction on indictment, be liable to penal servitude for a term not exceeding five years.

(3) It shall be a defence for a person charged with a contravention of any of the provisions of section one of this Act to prove that in relation to the matter in respect of which he is charged he acted in the course of his employment as a servant or agent of another person on the instructions of his employer or of some other specified person.

8.—(1) The Board of Trade shall appoint a central price-regulation committee, and such number of local price-regulation committees, having power to exercise their functions in respect of such localities, as the Board may think requisite or expedient for the effective enforcement of the provisions of this Act.

Enforce-  
ment by  
price-  
regulation  
committees.

(2) It shall be the duty of the local price-regulation committee for any locality to enforce the provisions of this Act in that locality, and to give to any person who alleges a contravention in that locality of any of the provisions of section one of this Act an opportunity of

making representations to them, and, if so requested by that person, of being heard by them.

(3) A local price-regulation committee shall also keep under review the prices at which goods which are not for the time being price-regulated are being offered for sale in their locality, and, if it appears to them to be expedient that an order under section two of this Act should be made in relation to any such goods, they shall make a representation to that effect to the central price-regulation committee.

(4) It shall be the duty of the central price-regulation committee to secure uniformity in the manner of the discharge of their functions by local price-regulation committees, to exercise a general supervision over the enforcement of the provisions of this Act, to enforce the said provisions themselves in cases in which it appears to them to be expedient so to do on the ground that questions as to the contravention thereof in relation to goods of any description are likely to arise in numerous localities or on other grounds, and to give advice and assistance to the Board in the discharge of their functions under this Act.

(5) Where it appears to a local price-regulation committee that there has been a contravention in their locality of any of the provisions of section one of this Act and the committee, after giving to the alleged offender an opportunity of making representations to them, and, if so requested by him, of being heard by them, are of opinion that a prosecution ought to be instituted in respect thereof, the committee shall report the alleged contravention to the central price-regulation committee, who, if they are of the same opinion, shall request the Board of Trade to institute proceedings accordingly, and the central price-regulation committee shall make a like request in a case in which they think fit to investigate an alleged contravention themselves and are of opinion, after giving to the alleged offender such an opportunity as aforesaid, that a prosecution ought to be instituted.

(6) A prosecution for a contravention of any of the provisions of section one of this Act shall not be instituted except by the Board of Trade upon request made to them as aforesaid :

Provided that a prosecution may be instituted by the Director of Public Prosecutions either—

(a) if it appears to him that the prosecution ought to be instituted and that the local price-regulation committee, having been made aware of the alleged contravention, have failed to report it to the central price-regulation committee, or that that committee, having received a report thereof or having themselves investigated the alleged contravention, have failed to request the Board to institute proceedings; or

(b) if the Board so request.

(7) A price-regulation committee may by notice in writing require any person carrying on a business which includes the sale of any price-regulated goods to produce to, and allow to be examined by, a person appointed by the committee, such accounts, books and other documents in the custody of the person so required or under his control relating to that business as may be specified or described in the notice, being accounts, books or other documents, the examination of which may be reasonably required for the purposes of this Act, and to furnish to the person appointed such information as he may reasonably require for the purposes of this Act.

(8) A price-regulation committee shall be constituted in such manner as the Board may determine.

(9) The Board may appoint a secretary to each price-regulation committee, and each such committee may employ such officers and servants as the Board may, with the approval of the Treasury, determine.

(10) There shall be paid by the Board, to the members of each price-regulation committee such remuneration (if any) and such travelling and subsistence allowances, to the secretary so appointed and to the officers and servants so employed such remuneration, and such other expenses of the committee, as the Board with the approval of the Treasury may determine.

(11) Any expenses of the Board under the last preceding subsection shall be defrayed out of moneys provided by Parliament.

**9.** On a prosecution of a person for a contravention of any of the provisions of section one of this Act, when proving that price

charged is  
within  
permitted  
price.

the sale of, or agreement or offer to sell, the goods in question and the price at which it was made have been proved, then, if it is also proved that that price exceeds the basic price for those goods, or for other similar goods sold or agreed to be sold in the course of any business at or about the same date and in similar circumstances, it shall lie on that person to prove that the price at which the sale, agreement or offer, in question was made did not exceed the permitted price, or to prove that, having regard to the specification under section five of this Act of a price or percentage in relation to goods of the description to which the goods in question belong, the sale, agreement or offer is to be deemed by virtue of that section to be lawful.

Right of  
buyer to  
avoid pro-  
hibited  
transaction,  
or to re-  
cover excess  
price.

**10.**—(1) Where a prosecution has been instituted in respect of a sale of, or an agreement or offer to sell, any price-regulated goods in the course of any business at a particular price, and the person charged has been found guilty, then—

(a) if the prosecution was in respect of a sale or agreement, the buyer under that sale or agreement, and

(b) whether the prosecution was in respect of a sale or agreement or of an offer, the buyer under any sale of similar goods, or under any agreement to sell similar goods, effected at the same or a higher price in the course of that business in contravention of section one of this Act before the date of the finding,

shall have the following rights, exercisable, subject as hereinafter provided, at his option.

(2) He shall have the right to treat the sale or agreement as avoided, and to recover from the seller, as money received by him for the use of the buyer, any amount paid by the buyer as consideration therefor:

Provided that the buyer shall not be entitled to exercise the right conferred by this subsection if any rights acquired by a third party would be prejudiced by his so doing, or after the lapse of an unreasonable time from the date of the sale or agreement, or, in the case of a sale, unless he tenders the goods to the seller in substantially the same state as that in which they were when the property passed to the buyer.

(3) He shall have the right to affirm the sale or agreement, but to recover as aforesaid to the extent of any loss sustained by him by reason of the contravention, regard being had to any consideration received or to be received by him for a re-sale of, or an agreement to re-sell, the goods.

(4) Any sum recoverable by virtue of this section shall be recoverable with interest thereon at the rate of five per cent. per annum from the date when it was paid.

(5) The rights conferred by this section shall not be exercisable by a person who is himself liable to punishment by reason of his having aided, abetted, counselled or procured, the contravention in question.

**11.** Where a person makes an offer to enter into a transaction for a consideration to be given as a whole in respect both of a sale of any price-regulated goods and of some other matter (whether or not being, or including, a sale of other price-regulated goods), the person making the offer shall state in writing the price which he assigns to those goods, if he is required so to do by any person to whom the offer is made, and the offer shall be deemed for the purposes of this Act to be an offer to sell those goods at the price so stated.

Obligation to state price separately on composite offer.

**12.—(1)** Subject to the provisions of subsection (3) of this section, a person carrying on a business in the course of which price-regulated goods of any description are normally sold, and having in his possession a stock of goods of that description, shall not refuse an offer to buy goods of that description at the permitted price made with a tender of immediate payment therefor.

Prohibition of holding up of stocks.

(2) For the purposes of the preceding subsection, a person shall be deemed to have refused an offer if he proposes acceptance thereof subject to a condition requiring the buying of any other goods, whether being price-regulated goods or not, or the making of any payment in respect of any services, or to any other condition.

(3) A person shall be entitled to refuse such an offer as is mentioned in subsection (1) of this section if the acceptance thereof, or the acceptance thereof without the fulfilment of a condition proposed by him, would, having regard to the quantity of goods to which the offer relates or to any other consideration, be contrary to

the normal practice of his business, or would involve a breach of some obligation lawfully binding on him, or would interfere with arrangements made by him for an orderly disposal of his stocks amongst his regular customers.

Penalty for  
contraven-  
tion of sec-  
tion 11 or  
12.

**13.**—(1) If any person contravenes any of the provisions of either of the two last preceding sections, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine.

(2) The provisions of subsections (2), (4), (5) and (6), of section eight of this Act shall have effect in relation to a contravention of either of the two last preceding sections as they have effect in relation to a contravention of section one of this Act.

Exception  
for sales  
by auction,  
or for  
export.

**14.**—(1) Except in the case of goods of a description as to which there is for the time being in force an order made by the Board of Trade directing that this subsection shall not have effect in relation thereto, this Act shall not apply to a sale, or to an agreement or offer to sell, for an amount fixed by auction.

(2) This Act shall not apply to a sale of, or to an agreement or offer to sell, goods intended for export. and on a prosecution of a person for a contravention of any of the preceding provisions of this Act, it shall be a defence for that person to prove that he had reasonable cause to believe that the goods in question were intended for export.

Saving for  
rights of  
innocent  
parties.

**15.** The illegality by virtue of this Act of any transaction shall not prejudice any rights acquired by any person other than a person who is guilty of a contravention of this Act in respect of the transaction, or who is liable to punishment by reason of his having aided, abetted, counselled or procured, such a contravention.

Penalty for  
failure to  
furnish in-  
formation  
required.

**16.**—(1) Any person who fails to produce or furnish any account, book or other document, or any information, which he is required under this Act to produce or furnish, shall be liable, on summary conviction, to a fine not exceeding fifty pounds and also to a fine not exceeding ten pounds for every day on which the failure continues.

(2) Any person who, being required under this Act to produce any account, book or other document, with intent to deceive produces any account, book or other document, which he knows to be false in a material particular, or who, being required under this Act to furnish any information, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular, shall, unless indicted therefor, be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(3) Any person who refuses or who wilfully neglects to attend, or to give evidence, in obedience to a summons issued under the Second Schedule to this Act shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

**17.**—(1) No information with respect to any particular business which has been obtained under this Act shall, without the consent of the person carrying on that business, be disclosed otherwise than in connection with the execution of this Act:

Restriction on disclosure of information.

Provided that nothing in this section shall apply to a disclosure of information made for the purposes of any criminal proceedings which may be taken whether by virtue of this Act or otherwise, or for the purposes of a report of any such proceedings.

(2) If any person discloses any information in contravention of this section, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine.

**18.** Where a person convicted of a contravention of any of the provisions of this Act is a body corporate, every person who, at the time of the contravention, was a director or officer of the body corporate shall be deemed to be guilty of that contravention, unless he proves that the contravention was committed without

Offences by corporations.

his consent or connivance and that he exercised all such diligence to prevent the contravention as he ought to have exercised having regard to the nature of his functions as a director or officer of that body and to all the circumstances.

Powers of  
Board of  
Trade  
for purposes  
of this Act.

**19.**—(1) Any order authorised under this Act to be made by the Board of Trade may be made by the President of the Board or in his absence by a Secretary of State, and any other thing 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.

(2) Any order made by the Board of Trade under this Act may be varied or revoked by a subsequent order made by the Board:

Provided that, in relation to an order varying an order made under subsection (1) of section five or under section six of this Act, otherwise than in pursuance of a direction given by the referee, the provisions of subsections (2) to (5) of section five of this Act shall have effect as they have effect in relation to an order made under subsection (1) of that section.

(3) The definition in an order for any of the purposes of this Act of a description of goods may be framed by reference to any circumstances whatsoever.

(4) An order made by the Board of Trade in exercise of the power conferred on them by the First Schedule to this Act to specify matters to which regard is to be had in fixing the permitted increase may provide that this Act shall have effect in relation to transactions effected before the coming into operation of the order, in like manner as if that matter had been specified in the said Schedule as originally enacted.

(5) The Board may make regulations for prescribing the procedure to be followed in relation to anything required or authorised to be done under this Act, otherwise than in relation to proceedings in any court or on an appeal under this Act to the referee, and generally for giving effect to the provisions of this Act.



**20.** In this Act references to an offer to sell goods shall be construed as including a reference to a notification by a person of the price proposed by him for a sale of goods, made by the publication of a price list, by exposing the goods for sale in association with a mark indicating price, by the furnishing of a quotation, or otherwise howsoever, and the reference in section eleven of this Act to an offer to enter into a transaction shall be construed similarly as including a reference to a notification of the consideration proposed for the transaction.

Meaning in this Act of the expression "offer".

**21.** For the purposes of the application of this Act to Scotland—

Application to Scotland.

(a) subsection (2) of section seven of this Act shall have effect as if for any reference to an application by or with the consent of the Attorney General, there were substituted a reference to an application by or on behalf of the Lord Advocate;

(b) for subsections (5) and (6) of section eight of this Act the following subsections shall be substituted:—

“(5) Where it appears to a local price-regulation committee that there has been a contravention in their locality of any of the provisions of section one of this Act and the committee, after giving to the alleged offender an opportunity of making representations to them, and, if so requested by him, of being heard by them, are of opinion that a prosecution ought to be instituted in respect thereof, the committee shall report the alleged contravention to the central price-regulation committee, who, if they are of the same opinion, shall report it to the Board of Trade, and the central price-regulation committee shall make a like report in a case in which they think fit to investigate an alleged contravention themselves and are of opinion, after giving to the alleged offender such an opportunity as aforesaid, that a prosecution ought to be instituted in respect thereof.

(6) On receiving any such report as aforesaid, the Board of Trade may, if they think fit, request the Lord Advocate to institute

proceedings accordingly, and a prosecution for such a contravention shall not be instituted except upon request made to him as aforesaid:

Provided that such a prosecution may be instituted if it appears to the Lord Advocate that the prosecution ought to be instituted and that the local price-regulation committee, having been made aware of the alleged contravention, have failed to report it to the central price-regulation committee, or that that committee, having received a report thereof or having themselves investigated the alleged contravention, have failed to report to the Board."

Application  
to Northern  
Ireland.

**22.**—(1) For the purposes of the application of this Act to Northern Ireland—

(a) references to the Attorney General and to the Director of Public Prosecutions shall be construed as references to the Attorney General for Northern Ireland, or, in a case in which the Attorney General for Northern Ireland is unable to act, to the deputy appointed under section two of the Office of Attorney General Act (Northern Ireland), 1923, to act as Attorney General for Northern Ireland;

(b) the expression "summary conviction" means conviction subject to, and in accordance with, the Petty Sessions (Ireland) Act, 1851, and any Act (including any Act of the Parliament of Northern Ireland) amending that Act.

14 & 15 Vict.  
c. 93.

(2) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall be deemed to be an Act passed before the appointed day.

10 & 11  
Geo. 5. c. 67.

Short title  
and  
duration.

**23.**—(1) This Act may be cited as the Prices of Goods Act, 1939.

(2) This Act shall continue in force until such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end, and shall then expire except as respects things previously done or omitted to be done.

## SCHEDULES.

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### FIRST SCHEDULE.

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Sections  
4, 19.

#### MATTERS TO BE REGARDED IN FIXING PERMITTED INCREASE.

Cost of the provision of materials, whether raw or semi-manufactured, and of stocks of goods, requisite for the carrying on of the business.

Expense of manufacturing and processing operations.

Cost of premises and plant, expense of maintenance and improvement thereof, and rent.

Insurance premiums.

Wages and salaries.

Administration and establishment expenses.

Pensions, benevolent and welfare schemes.

Liability for duties of customs and excise, rates, and interest on money borrowed.

Transport charges.

Expense of advertising, employment of salesmen on commission, and other marketing measures.

Provision for bad debts.

The total volume of the business over which the overhead expenses thereof fall to be spread.

Any other matter specified in an order made by the Board of Trade under this Schedule.

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### SECOND SCHEDULE.

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Sections  
5, 16.

#### PROVISIONS AS TO APPEALS AGAINST ORDERS SPECIFYING PRICES.

1.—(1) The Lord Chancellor shall appoint a person, who shall be a member of the legal profession, as referee to hear and determine all appeals against orders made under section five or six of this Act, or against orders varying such orders.

2ND SCH.  
—cont.

(2) The person so appointed shall be appointed for a specified period, subject to such conditions with respect to the vacation of his office as may be imposed before the time of his appointment, and on ceasing to hold his office shall be eligible for reappointment thereto.

(3) In the case of illness, incapacity or absence, of the referee, the Lord Chancellor may appoint some other person to act as deputy for the referee, and a person so appointed shall when so acting have all the functions of the referee.

2.—(1) There shall be constituted three panels, each consisting of six persons appointed by the Board of Trade, being, in the case of the said panels respectively—

- (a) persons who appear to the Board to be experienced in matters of finance or accountancy;
- (b) persons who appear to the Board to have technical knowledge of matters relating to trading in different descriptions of price-regulated goods; and
- (c) persons who appear to the Board to be qualified to represent the interests of buyers of such goods on such appeals as aforesaid.

(2) A person appointed to be a member of any of the said panels shall be appointed to be a member thereof for a specified period, subject to such conditions with respect to the vacation of his office as may be imposed before the time of his appointment, and a person ceasing to hold office as a member of a panel shall be eligible for reappointment thereto.

3.—(1) The referee shall, for the purposes of each appeal, obtain the assistance as assessor of one person from each of the said panels.

(2) In selecting an assessor from the panel consisting of persons having technical knowledge of matters relating to trading, the referee shall have regard to the nature of the particular appeal, so that, as nearly as may be, the person so selected shall be conversant with and have knowledge of the technicalities that may arise in dealing with that appeal.

4. For the purpose of dealing with any appeal, the referee may by summons require any person to attend, at such time and place as is specified in the summons, to give evidence or to produce any documents in his custody or under his control which the referee considers it necessary to examine, and may take evidence on oath, and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined :

Provided that no person shall be required, in obedience to such a summons, to go more than ten miles from his place of residence, unless the necessary expenses of his attendance are paid or tendered to him.

2ND SCH.  
—cont.

5. Subject to the preceding provisions of this Schedule, the Lord Chancellor may make rules for regulating the procedure on such appeals as aforesaid, and, without prejudice to the generality of this paragraph, such rules may make provision for limiting the time within which any act to be done in relation to an appeal must be done.

6.—(1) The Board of Trade may pay to the referee appointed under this Schedule, and to a person selected to act as an assessor for the purposes of any appeal, such remuneration as the Board, with the approval of the Treasury, may determine, and such expenses of the referee and of any person so selected as the Board and the Treasury may approve shall be defrayed by the Board.

(2) Any expenses of the Board under this paragraph shall be defrayed out of moneys provided by Parliament.

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## CHAPTER 119.

An Act to make provision for promoting economy and efficiency in the carrying on under war conditions of the work of certain chartered and other bodies not being local authorities; for enabling certain Universities and colleges to adapt themselves to war conditions; and for purposes connected with the matters aforesaid.

[16th November 1939.]

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

1. Subject to the provisions of this Act, His Majesty may by Order in Council authorise the Lord President of the Council to give, on the application of any corporation incorporated by Royal Charter, or of the governing body of any such corporation, directions modifying the

Power to modify provisions of charters as to the constitution or

functions of  
chartered  
corpora-  
tions.

provisions of any charter, byelaws, regulations, or other instruments as to the constitution of the corporation or of any body of persons formed for the purpose of discharging any of its functions, or as to the discharge of the functions of any such corporation or body, where the Lord President is satisfied that such directions are necessary or expedient for the purposes of securing economy or efficiency in the carrying on of the work of the corporation under war conditions.

Power to  
reduce  
number of  
members of  
statutory  
bodies, &c.

**2.**—(1) Subject to the provisions of this Act, His Majesty may by Order in Council—

- (a) on an application made on behalf of any corporation or body of persons constituted by any Act or Order in Council, or by any Minister of the Crown or government department acting in pursuance of any Act, make such provision for extending the term of office of members or officers of the corporation or body, or postponing the date of election of new members or officers of the corporation or body, or for the filling of vacancies among such members or officers; and
- (b) make, with respect to any corporation or body of persons specified in the Schedule to this Act, such provision for reducing the number of persons required to constitute the corporation or body or to perform any of its functions,

as appears to His Majesty to be necessary or expedient for the purposes of securing economy or efficiency in the carrying on of the work of the corporation or body under war conditions.

(2) Any Order in Council made for the purposes specified in paragraph (a) of the last foregoing subsection, with respect to any corporation or body, may give such directions as to any special register of electors kept for the purpose of the election of members or officers of that body, as appear to His Majesty to be expedient; and any Order in Council made under this section may contain such incidental and consequential provisions, as appear to His Majesty to be expedient, and shall have effect notwithstanding the provisions of any enactment relating to the constitution or functions of the body to which the Order relates.

(3) If at any time the draft of an order, directing that the Schedule to this Act shall have effect as if the name of any corporation or body of persons were added thereto, is approved by a resolution passed by each House of Parliament, an order may be made in the terms of the draft and the said Schedule shall have effect accordingly.

**3.—**(1) Subject to the provisions of this Act, His Majesty may, on an application made on behalf of any University or University college in Great Britain, by Order in Council make provision for enabling emergency statutes for the University or college, or for any college in the University, to be made, varied and revoked, subject to and in accordance with the provisions of the Order, by such bodies, in such manner, and for such purposes, as may appear to His Majesty to be necessary or expedient having regard to circumstances arising out of war conditions; and any such Order may enable emergency statutes to have effect notwithstanding any instrument or thing whatsoever (including any Act of Parliament) regulating the constitution, endowments, or functions of the University or college and may enable emergency statutes relating to such matters as may be specified in the Order to continue in operation notwithstanding the expiry of this Act until any date not later than one year after that expiry.

Emergency statutes for Universities and colleges.

(2) In the application of this section to the University of London, references to a college in the University shall be construed as including references to a school of the University.

(3) This section shall not apply with respect to the University of Oxford or the University of Cambridge or any college in either of those Universities.

**4.—**(1) Any direction given in pursuance of the powers conferred under section one of this Act, and any Order in Council made under section two of this Act, shall, if the direction or Order so provides, have effect as from such date as may be specified therein, not being a date earlier than the first day of September nineteen hundred and thirty-nine; and any Order in Council made under section three of this Act providing for the making of emergency statutes may enable such statutes to be made so as to have effect as from such date as may be

Date of operation, variation and revocation of instruments issued under Act.

allowed by the Order in Council, not being a date earlier than the said first day of September.

(2) Any direction given in pursuance of the powers conferred under section one of this Act, and any Order in Council made under the powers conferred by this Act, may be varied or revoked by a subsequent direction or Order made in like manner.

Savings.

**5.** The powers conferred by this Act shall not be exercised with respect to the corporation of any city or borough, or the council of any county, county borough, county district or rural parish, or with respect to the British Broadcasting Corporation; or, save as otherwise expressly provided by the last two foregoing sections, with respect to any University, University college or college in a University.

Orders in Council to be laid before Parliament.

**6.**—(1) Every Order in Council made under this Act shall be laid before Parliament as soon as may be after it is made, and if either House of Parliament, within the next twenty-eight days on which that House has sat after such an Order in Council as aforesaid is laid before it, resolves that the Order be annulled, the Order shall thereupon cease to have effect except as respects things previously done or omitted to be done, without prejudice, however, to the making of a new Order.

56 & 57 Vict. c. 66.

(2) Section one of the Rules Publication Act, 1893, shall not apply to any Order in Council made under this Act.

Application to Scotland.

**7.** In the application of this Act to Scotland, for references to a county borough and to a county district or rural parish there shall be substituted respectively references to a burgh and to a district, and any reference to a statute shall include a reference to an ordinance.

Short title, extent and duration.

**8.**—(1) This Act may be cited as the Chartered and Other Bodies (Temporary Provisions) Act, 1939.

(2) It is hereby declared that this Act extends to Northern Ireland so, however, that the powers thereby conferred shall not be exercised with respect to any corporation or body of persons by which functions are exercisable only in Northern Ireland.



(3) This Act shall continue in force until such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end, and shall then expire except as respects things previously done or omitted to be done.

## SCHEDULE.

Section 2.

Name of corporation or body.	Act by or under which constitution is regulated.
The Electricity Commissioners.	The Electricity (Supply) Act, 1919.
The British Overseas Airways Corporation.	The British Overseas Airways Act, 1939.

## CHAPTER 120.

An Act to restrict the distribution of circulars, and the publication of advertisements, relating to the insurance of property against war risks, to provide for the imposition of certain conditions and requirements in cases where permission for such distribution or publication is granted, and for purposes connected with the matters aforesaid. [23rd November 1939.]

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

**1.**—(1) Subject to the provisions of this section, any person who on or after such day as may be fixed by order of the Board of Trade—

(a) distributes or causes to be distributed any circulars containing—

(i) any invitation to persons to insure any property in the United Kingdom in which they are interested against any war risks, or

Restriction of circulars and advertisements relating to insurance against war risks

- (ii) any information calculated to lead to the recipient of the information insuring any property in the United Kingdom in which he is interested against any war risks; or
- (b) has in his possession for the purpose of distribution any circulars of such a nature as to show that the object or principal object of distributing them would be to communicate such an invitation or such information as aforesaid; or
- (c) causes or permits any advertisement to appear which contains such an invitation or such information as aforesaid,

shall, unless permission for the distribution of the circular or the appearance of the advertisement has been granted by the Board of Trade and any conditions imposed by the Board of Trade in relation thereto have been complied with, be guilty of an offence under this Act.

(2) Nothing in this section shall render unlawful—

- (a) anything done for the purposes of the War Risks Insurance Act, 1939; or
- (b) anything done with a view to inducing persons to enter into any contract of insurance, if the Minister of Shipping could, under section one or section two of that Act, lawfully re-insure the person liable under that contract; or
- (c) anything done with a view to inducing persons to enter into any contract of insurance—

(i) of goods consigned for carriage by sea or by air from a place outside the United Kingdom to a place in the United Kingdom, while the goods are in transit between the ship or aircraft and their destination; or

(ii) of goods consigned for carriage by sea or by air from a place in the United Kingdom to a place outside the United Kingdom, while the goods are in transit between the premises from which they are consigned and the ship or aircraft.

**2.**—(1) Where the Board of Trade grant any such permission as is mentioned in subsection (1) of the preceding section, they may, in addition to imposing conditions in relation to the distribution or appearance

Require-  
ments as to  
carrying on  
business  
where

of the circular or advertisement in question, at the same time by order specify requirements which, if the persons to whom the permission is granted avail themselves thereof, are to be complied with in the carrying on of the business in connection with which the circulars are to be distributed or the advertisements are to appear, being requirements designed to secure that any representations made in the circulars or advertisements are complied with, including, if the Board of Trade think fit,—

permission  
granted  
under s. 1.

- (a) requirements as to the total or partial separation of the funds respectively available for the payment of claims and the payment of expenses;
- (b) requirements as to the proportion of the premiums or other similar payments which is to be allocated to the payment of claims;
- (c) requirements as to the manner in which any fund available for the payment of claims is to be maintained and dealt with;
- (d) requirements as to the keeping, drawing-up, auditing and publication of accounts.

(2) If the persons to whom permission is granted as aforesaid avail themselves thereof, every person thereafter concerned in carrying on the business shall comply with any requirements specified as aforesaid except so far as the Board of Trade may dispense with compliance therewith, and any person who contravenes the provisions of this subsection shall be guilty of an offence under this Act.

**3.**—(1) For the purpose of advising them as to the exercise of their functions under this Act, the Board of Trade shall appoint an advisory committee consisting of such persons as the Board think fit.

Advisory  
committee.

(2) Every application for any such permission as is mentioned in subsection (1) of section one of this Act shall be referred by the Board to the said advisory committee, and the Board shall not—

- (a) grant the permission except on the recommendation of the committee;

- (b) if the committee recommend that the permission be granted subject to conditions or that if it is granted requirements should be imposed in relation to the carrying on of the business in question, grant that permission without imposing those conditions or those requirements,

but nothing in this subsection shall be taken to limit the discretion of the Board to refuse altogether to grant the permission or, if they grant the permission, to impose further conditions or requirements.

(3) The committee shall not recommend the granting of any such permission as aforesaid unless, having regard to all relevant circumstances, and, in particular, to the nature and situation of the property which is proposed to be eligible for insurance, and to the classes of persons whom it is proposed to invite to insure, the committee are satisfied that the granting of the permission, subject to the imposition of such conditions or requirements, if any, as they may include in their recommendation, would not be contrary to the public interest.

Offences.

4.—(1) Any person who commits an offence under this Act shall be liable—

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

(2) Where any offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) No prosecution in respect of an offence under this Act shall, in England or Northern Ireland, be instituted otherwise than with the consent of the Board of Trade.

(4) In the application of this section to Northern Ireland, the expression "summary conviction" means

conviction subject to, and in accordance with, the Petty Sessions (Ireland) Act, 1851, and any Act (including any Act of the Parliament of Northern Ireland) amending that Act. 14 & 15 Vict.  
c. 93.

**5.** Anything required or authorised under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President. Supple-  
mentary.

**6.—(1)** In this Act—

- (a) the expression “ war risks ” means risks arising from action taken by an enemy or from action taken in combating an enemy or in repelling an imagined attack by an enemy;
- (b) any reference to the insuring of any property by any person includes a reference to the making by him of any contract or arrangement (not being a contract for the sale or bailment of that property) under which he is, in the event of damage to that property, entitled or eligible, either absolutely or conditionally, to or for any form of indemnification, whether total or partial, and whether by way of a money payment or not, in respect of that damage.

Interpreta-  
tion.

(2) Documents shall not for the purposes of this Act be deemed not to be circulars by reason only that they are in the form of a newspaper, journal, magazine or other periodical publication; but a person shall not be taken to contravene this Act by reason only that he distributes, or causes to be distributed, to purchasers thereof, or has in his possession for the purpose of distribution to purchasers thereof, copies of any newspaper, journal, magazine or other periodical publication of which he is not the publisher.

(3) In the application of subsection (1) of this section to Scotland, the expression “ bailment ” means delivery of goods in pursuance of a contract of loan, deposit, pledge, hire, hire purchase, carriage, or locatio operis faciendi or any other contract which involves

delivery by one person to another of the possession of goods for delivery to a third person or re-delivery to the owner when the purpose of the contract is at an end.

Short title  
and extent.

7.—(1) This Act may be cited as the Restriction of Advertisement (War Risks Insurance) Act, 1939.

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

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## CHAPTER 121.

An Act to amend section six of the Official Secrets Act, 1920. [23rd November 1939.]

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

1. For section six of the Official Secrets Act, 1920, there shall be substituted the following section :—

“ 6.—(1) Where a chief officer of police is satisfied that there is reasonable ground for suspecting that an offence under section one of the principal Act has been committed and for believing that any person is able to furnish information as to the offence or suspected offence, he may apply to a Secretary of State for permission to exercise the powers conferred by this subsection and, if such permission is granted, he may authorise a superintendent of police, or any police officer not below the rank of inspector, to require the person believed to be able to furnish information to give any information in his power relating to the offence or suspected offence, and, if so required and on tender of his reasonable expenses, to attend at such reasonable time and place as may be specified by the superintendent or other officer; and if a person required in pursuance of such an authorisation to give information, or to attend as aforesaid, fails to comply with any such requirement or knowingly gives false information, he shall be guilty of a misdemeanour.

Amend-  
ment of  
10 & 11  
Geo. 5. c. 75,  
s. 6.

(2) Where a chief officer of police has reasonable grounds to believe that the case is one of great emergency and that in the interest of the State immediate action is necessary, he may exercise the powers conferred by the last foregoing subsection without applying for or being granted the permission of a Secretary of State, but if he does so shall forthwith report the circumstances to the Secretary of State.

(3) References in this section to a chief officer of police shall be construed as including references to any other officer of police expressly authorised by a chief officer of police to act on his behalf for the purposes of this section when by reason of illness, absence, or other cause he is unable to do so."

2.—(1) This Act may be cited as the Official Secrets Act, 1939, and this Act and the Official Secrets Acts, 1911 and 1920, shall be construed as one, and may be cited together as the Official Secrets Acts, 1911 to 1939.

Short title, construction, citation, and application to Northern Ireland.

(2) It is hereby declared that this Act extends to Northern Ireland; and, in the application thereof to Northern Ireland, this Act shall have effect subject to the following modifications, that is to say, for references to a chief officer of police there shall be substituted references to a district inspector, for references to a Secretary of State there shall be substituted references to the Minister of Home Affairs, and for the reference to the rank of inspector there shall be substituted a reference to the rank of head constable.

3 &amp; 4 GEO. 6.

**CHAPTER 1.**

An Act to continue certain expiring laws.

[14th December 1939.]

**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) in the case of all those Acts except the Special Areas (Amendment) Act, 1937, on the thirty-first day of December nineteen hundred and thirty-nine;
- (b) in the case of the Special Areas (Amendment) Act, 1937, on the thirty-first day of March nineteen hundred and forty:

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

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

Continu-  
ance of  
Acts in  
Schedule.

**1.**—(1) The Acts mentioned in the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December nineteen hundred and forty.

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

Short title  
and applica-  
tion to  
Northern  
Ireland.

**2.**—(1) This Act may be cited as the Expiring Laws Continuance Act, 1939.

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



**SCHEDULE.**

Section 1.

1.	2.	3.	4.
Session and Chapter.	Short Title.	How far continued.	Amending Acts.
(1) 4 Edw. 7. c. 24	The Wireless Telegraphy Act, 1904.	The whole Act -	6 Edw. 7. c.13. 15 & 16 Geo. 5. c. 67. 16 & 17 Geo. 5. c. 54.
(2) 2 & 3 Geo. 5. c. 2.	The Coal Mines (Minimum Wage) Act, 1912.	The whole Act -	—
(3) 9 & 10 Geo. 5. c. 92.	The Aliens Restriction (Amendment) Act, 1919.	Section one -	—
(4) 9 & 10 Geo. 5. c. 97.	The Land Settlement (Scotland) Act, 1919.	Section two -	12 & 13 Geo. 5. c. 52.
(5) 16 & 17 Geo. 5. c. 28.	The Mining Industry Act, 1926.	Section eighteen -	—
(6) 20 & 21 Geo. 5. c. 50.	The Public Works Facilities Act, 1930.	The following provisions, that is to say, section two, except the words "or statutory undertakers", wherever those words occur; in section three, the words from the beginning of the section to the word "undertaking"; section five; subsections (1) and (2) of section six; sections seven and eight; and the First Schedule except paragraph 2 of Part I.	—

1.	2.	3.	4.
Session and Chapter.	Short Title.	How far continued.	Amending Acts.
(7) 24 & 25 Geo. 5. c. 30.	The Cotton Manufacturing Industry (Temporary Provisions) Act, 1934.	Sections one and two.	—
(8) 24 & 25 Geo. 5. c. 31.	The Debts Clearing Offices and Import Restrictions Act, 1934.	The whole Act -	—
(9) 24 & 25 Geo. 5. c. 50.	The Road Traffic Act, 1934.	Section one -	1 Edw. 8. & 1 Geo. 6. c. 5.
(10) 1 Edw. 8. & 1 Geo. 6. c. 31.	The Special Areas (Amendment) Act, 1937.	The whole Act -	—

## CHAPTER 2.

An Act to postpone the commencement of the House to House Collections Act, 1939, the Marriage (Scotland) Act, 1939, and certain provisions of the Adoption of Children (Regulation) Act, 1939, to amend sections eight and fifteen of the last mentioned Act, and to amend the provisions of section one hundred and forty of the Law of Property Act, 1922, with respect to the period within which applications may be made under that section. [14th December 1939.]

**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

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

1.—(1) The coming into operation of the Acts mentioned in the Schedule to this Act, except such provisions thereof as are specified in the third column of that Schedule, shall be postponed until such date as His Majesty may by Order in Council appoint. Postpone-  
ment of  
operation of  
certain  
Acts.

(2) Different dates may be appointed by an Order in Council under this section in relation to the said Acts respectively or to different provisions thereof.

2.—(1) Section eight of the Adoption of Children (Regulation) Act, 1939, shall have effect as if the subsection thereby substituted for subsection (5) of section two of the Adoption of Children Act, 1926, were in the following terms, that is to say :— Amendment  
of 2 & 3  
Geo. 6.  
c. 27, ss. 8  
& 15.

“(5) An adoption order shall not be made—

- (a) in favour of any applicant who is not both domiciled in England and Wales or in Scotland and resident in England or in Wales, or
- (b) in respect of any infant who is not both a British subject and resident in England or in Wales.”

(2) Paragraph (d) of section fifteen of the Adoption of Children (Regulation) Act, 1939, shall have effect as if the subsection thereby substituted for subsection (5) of section two of the Adoption of Children (Scotland) Act, 1930, were in the following terms, that is to say :—

“(5) An adoption order shall not be made—

- (a) in favour of any applicant who is not both domiciled in Scotland or in England and Wales and resident in Scotland, or
- (b) in respect of any infant who is not both a British subject and resident in Scotland.”

Postpone-  
ment of  
applications  
under  
12 & 13  
Geo. 5.  
c. 16, s. 140.

**3.** Section one hundred and forty of the Law of Property Act, 1922 (which authorises the making of applications for the determination of compensation for the extinguishment of manorial incidents at any time before the expiration of fifteen years from the first day of January nineteen hundred and twenty-six) shall have effect subject to the following provisions, that is to say,—

- (a) no application under the said section made on or after the twenty-ninth day of November nineteen hundred and thirty-nine and before such date as His Majesty may by Order in Council appoint shall be of any effect;
- (b) notwithstanding anything in the said section, such an application as aforesaid may be made at any time during the period of twelve months beginning on the date appointed under the foregoing paragraph; and
- (c) in accordance with the foregoing provisions, paragraph (c) of the said section shall have effect as if for the words “before the expiration of the said period of fifteen years” there were substituted the words “before the twenty-ninth day of November nineteen hundred and thirty-nine or during the period of twelve months beginning on the date appointed by Order in Council under section three of the “Postponement of Enactments (Miscellaneous Provisions) Act, 1939.”

Short title.

**4.** This Act may be cited as the Postponement of Enactments (Miscellaneous Provisions) Act, 1939.

## SCHEDULE.

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Section 1.

### ACTS THE COMING INTO OPERATION OF WHICH IS POSTPONED.

Session and Chapter.	Short Title.	Provisions excepted from postponement.
2 & 3 Geo. 6. c. 27.	The Adoption of Children (Regulation) Act, 1939.	Section eight. In section fifteen, para- graph (d), and, in para- graph (h), the definition of "the principal Act." In section sixteen, in sub- section (2), the definition of "the principal Act." The Schedule.
2 & 3 Geo. 6. c. 34.	The Marriage (Scotland) Act, 1939.	---
2 & 3 Geo. 6. c. 44.	The House to House Col- lections Act, 1939.	---



# TABLE III.

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A  
CHRONOLOGICAL LIST  
OF  
THE SHORT TITLES OF THE MEASURES  
PASSED BY THE NATIONAL ASSEMBLY OF THE CHURCH  
OF ENGLAND WHICH RECEIVED THE ROYAL  
ASSENT DURING THE YEAR  
1939.

2 & 3 Geo. 6.

No. 1. The Queen Anne's Bounty (Powers) Measure, 1939,  
p. iii.

No. 2. The Ecclesiastical Officers Remuneration Measure,  
1939, p. vi.

No. 3. The Clergy (National Emergency Precautions)  
Measure, 1939, p. viii.

3 & 4 Geo. 6.

No. 1. The House of Laity (Postponement of Election)  
Measure, 1939, p. xii.





# M E A S U R E S

PASSED BY THE NATIONAL ASSEMBLY OF THE  
CHURCH OF ENGLAND WHICH RECEIVED  
THE ROYAL ASSENT DURING THE YEAR  
1939.

2 & 3 GEO. 6.

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No. 1.

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

To confer upon Queen Anne's Bounty additional powers relating to the application of augmentation moneys and securities, the abatement and extinguishment of charges upon benefices, and other matters connected therewith.

[28th April 1939.]

1. Queen Anne's Bounty shall have power to apply from time to time moneys or securities in their hands appropriated for the augmentation of any benefice in or towards any one or more of the following purposes :—

- (i) division of the residence house of the benefice into two or more parts;
- (ii) improvements to the residence house and any cottage and outbuildings belonging thereto, including drainage and the supply of water, gas and electricity;
- (iii) building, rebuilding, constructing or improving any house, cottage or other buildings on land

Additional powers for Queen Anne's Bounty relating to the application of augmentation moneys or securities.

belonging to the benefice, including the drainage thereof and the supply of water, gas and electricity thereto;

- (iv) making up roads and footpaths adjoining any property belonging to the benefice and improvements to the drive, paths and garden of the residence house of the benefice;
- (v) redemption of fee farm rents, quit rents and other fixed annual payments charged in perpetuity upon property of a benefice and of annuities arising under the Tithe Act, 1936, charged upon such property;
- (vi) payment of compensation for and the costs of the extinguishment of any manorial incidents to which the glebe or other property of the benefice was formerly subject; and
- (vii) compounding of liability for the repair of a chancel for which Queen Anne's Bounty are liable by reason of tithe rent-charge having been vested in them for the benefice prior to the Tithe Act, 1936:

26 Geo. 5. &  
1 Edw. 8.  
c. 43.

Provided that—

(a) after the application of moneys or securities in or towards the purpose mentioned in paragraph (i) the bishop of the diocese in which the benefice is situate shall have power to declare that one of the said parts shall from the date of such declaration be the residence house of the benefice; and

(b) in cases of compounding by Queen Anne's Bounty under paragraph (vii), subsection (3) of section fifty-two of the Ecclesiastical Dilapidations Measure, 1923. shall not apply.

Extension  
of section 8  
of the Queen  
Anne's  
Bounty  
(Powers)  
Measure,  
1937.

2. The right of Queen Anne's Bounty under section eight of the Queen Anne's Bounty (Powers) Measure, 1937, to deduct from the money or stock appropriated to a benefice or ecclesiastical corporation under the provisions of the Third Schedule to the Tithe Act, 1936, expenses and charges incurred by them in connection with the

preparation and transmission of particulars required under section five of the Tithe Act, 1936, including surveyors' charges, shall extend to all undischarged liabilities and expenses for work done before the passing of the said Act in the verification and revision of the tithe collection list.

**3.** The powers of abating charges conferred upon Queen Anne's Bounty by paragraph 4 of Part II of the Third Schedule to the Tithe Act, 1936, are hereby extended so as to include any such charge coming into operation after, but created by an instrument dated on or before, the first day of October, one thousand nine hundred and thirty-six, and all such powers shall be exercisable by Queen Anne's Bounty notwithstanding any provisions for the stabilisation of a charge contained in the instrument creating the same.

Extension of powers of abating charges on benefices in favour of other benefices.

**4.** Queen Anne's Bounty shall have power, with the consent in the case of each benefice concerned, of the incumbent and of the bishop of the diocese in which the benefice is situate, to extinguish any permanent charge upon the whole or any part of the revenues of a benefice in favour of another benefice, by transferring from the benefice charged to the benefice entitled to the charge such part of the moneys or securities appropriated or held by them for the augmentation of the benefice charged as will produce an annual income equal at the date of transfer to the annual amount of the charge.

Power to extinguish charges on benefices in favour of other benefices.

**5.**—(1) Subject to the provisions of subsection (2) of this section, Queen Anne's Bounty, in estimating the net income of a benefice for the purposes of section two of the Queen Anne's Bounty (Powers) Measure, 1937, may include in Part I or Part II of the Schedule thereto (as the case may be) any moneys payable under a permanent charge upon the revenues or endowments of a benefice or any part thereof in favour of any other benefice, and may make all such adjustments as to times of payment and otherwise as may be necessary to bring the same within the operation of the said Measure.

Payment of charges on benefices.

(2) The powers conferred by this section shall only be exercisable—

- (i) at the request of the beneficiary under the said Measure and of the incumbent of the benefice so charged as aforesaid; or

- (ii) after three months' notice in writing shall have been given to such beneficiary and incumbent of the intention of Queen Anne's Bounty to exercise the said power.

Indemnity in respect of certain payments.

**6.** Queen Anne's Bounty shall not be held liable in respect of any payments made by them between the years nineteen hundred and thirty-two and nineteen hundred and thirty-seven to their chairman of committees or their joint treasurers which may not have been authorised by their Charter or the rules and regulations made thereunder and they and the said chairman of committees and joint treasurers are hereby freed and indemnified from and against all claims and demands to make good any such payments or otherwise in relation to the same.

Interpretation.

**7.** In this Measure the expressions "beneficiary," "benefice" and "ecclesiastical corporation" have the same meaning as in the Queen Anne's Bounty (Powers) Measure, 1937.

Extent.

**8.** This Measure shall extend to the whole of the Provinces of Canterbury and York (except the Channel Islands and the Isle of Man).

Short title.

**9.** This Measure may be cited as the Queen Anne's Bounty (Powers) Measure, 1939.

## No. 2.

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

To provide for the establishment of tables of the fees to be taken by ecclesiastical officers as remuneration for the performance of their duties, including any duties imposed by Measures.  
[28th April 1939.]

Power by Order to establish tables of fees.

**1.** The Archbishop of Canterbury and the Archbishop of York, with the assistance of the vicars-general of the said Archbishops, may from time to time, and whether by way of substitution for or variation of any

existing table of fees or otherwise, by Order establish tables of fees to be demanded, taken and received by any chancellor, registrar, secretary or other diocesan officer, or by any archdeacon's official or registrar, as remuneration for the performance by him of the duties of his office, including duties imposed by any Measure passed before or after this Measure either on him or on any other person who delegates those duties to him, and may from time to time revoke, alter or add to any such Order.

**2.—(1)** No Order made in pursuance of this Measure shall come into force until it has been submitted for approval to and approved by the Church Assembly.

Order to be approved by Church Assembly and laid before Parliament.

(2) Every Order purporting to be made and approved as aforesaid shall forthwith be laid before both Houses of Parliament, and if either House of Parliament within the next subsequent twenty-eight days on which that House has sat resolves that any such Order shall be annulled, such Order shall forthwith be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new Order.

**3.—(1)** The provisions of section three of the Rules Publication Act, 1893, shall have effect in relation to an Order made in pursuance of this Measure and approved by the Church Assembly, as they have effect in relation to statutory rules, with the substitution of a reference to the date when the Order comes into force for the reference in the said section three to the date on which statutory rules are made.

Printing and proof of Orders. 56 & 57 Vict. c. 66.

(2) *Primâ facie* evidence of any Order made and approved as aforesaid may be given by producing a copy of such Order purporting to be printed by the King's Printer of Acts of Parliament.

**4.—(1)** This Measure shall extend to the whole of the provinces of Canterbury and York, except the Channel Islands and the Isle of Man.

Extent and short title.

(2) This Measure may be cited as the Ecclesiastical Officers Remuneration Measure, 1939.

## No. 3.

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

To enable the Archbishops of Canterbury and York to make regulations for the more effective exercise of the cure of souls in the event of war, and to enable the Ecclesiastical Commissioners and Queen Anne's Bounty to make financial provision in respect thereof.

[28th July 1939.]

Interpreta-  
tion.

1. In this Measure—

The expression "period of emergency" means a period during which a state of war may exist between His Majesty and any foreign power and a period of three months thereafter:

The term "bishop" means the bishop of a diocese in the provinces of Canterbury and York, and in relation to the diocese of an archbishop includes an archbishop:

The expression "clerk in Holy Orders" includes any bishop diocesan or other within the said provinces.

Power  
to Arch-  
bishops to  
make  
Regulations.

2.—(1) In the event of a period of emergency it shall be lawful during such period for the Archbishops of Canterbury and York (or for either of them during a vacancy in one of the archiepiscopal sees or in the event of the incapacity of the other archbishop to act under this Measure) from time to time to make, vary and rescind such Regulations as they or he may think proper for the more effective exercise of the cure of souls within the provinces of Canterbury and York, and in particular for enabling a bishop during the period of emergency—

(a) to give directions from time to time, after consultation, if possible, with the rural dean of the deanery concerned, as to the use or disuse of any church, chapel or other place of public

worship within his diocese or for limiting the number of services to be held therein;

- (b) to grant unlimited leave of absence from his parish to any incumbent within his diocese; and
- (c) to require any clerk in Holy Orders serving in any parish or place within his diocese to serve in some other parish or place in the same diocese where the bishop, after consultation, if possible, with the archdeacons of the diocese, may be of opinion that his help is more needed, or (with the consent of the clerk and of the bishop of the other diocese concerned) in any other diocese.

(2) No clerk in Holy Orders shall be liable to any penalty or to any action or other legal proceeding, in respect of the omission of all or any public services or duties in or in connection with any church, chapel, or other place of public worship, if the omission of those services or duties is for the time being directed or authorised in writing by the bishop of the diocese in pursuance of any Regulation made under this Measure.

(3) Where under this Measure or any Regulations made thereunder the services in any church, chapel or other place of worship are entirely suspended, banns of marriage of persons entitled to be married therein may be published, and marriages of such persons may be solemnized in such other church, chapel or place of worship within his diocese as the bishop shall in writing direct.

(4) During a vacancy in any bishopric or in the event of the incapacity of any bishop to act under this Measure any powers exercisable by a bishop under this Measure may be exercised by such other ecclesiastical person as the said Archbishops or either of them may appoint in that behalf.

(5) Notice of the making of Regulations under the Measure shall be published, forthwith after they are made, in each diocese in the Provinces of Canterbury and of York, by means of a notice in some newspaper circulating in the diocese, stating that the Regulations have been made and that a copy of them has been

deposited and may be inspected at the office of the registrar of the diocese and stating also the place where copies can be purchased.

(6) Every Regulation made under this Measure shall forthwith be laid before both Houses of Parliament, and if either House of Parliament within the next subsequent twenty-eight days on which that House has sat resolves that any such Regulation shall be annulled, such Regulation shall forthwith be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new Regulation.

Powers of  
Eccle-  
siastical  
Commis-  
sioners and  
Queen  
Anne's  
Bounty.

3.—(1) In the event of a period of emergency it shall be lawful during such period for the Ecclesiastical Commissioners and Queen Anne's Bounty from time to time at their discretion to make such variations in the disposal of the income of any funds held or administered by them respectively as may best accord with any varied arrangements for the exercise of the cure of souls, having regard to the financial exigencies of the time; and in particular—

- (a) The Ecclesiastical Commissioners and Queen Anne's Bounty or either of them may make additional provision for any clerk in Holy Orders whose financial position appears to them to be prejudiced by this Measure or by any Regulations made thereunder; and
- (b) If a clerk in Holy Orders holding any benefice or other preferment receives remuneration as chaplain to the Forces or otherwise in respect of work undertaken by him in substitution for or in addition to the duty of his benefice or other preferment, the Ecclesiastical Commissioners or Queen Anne's Bounty or either of them may at their discretion (but wherever possible after consultation with the clerk concerned and the bishop of his diocese) abate any payments falling due to him in respect of his benefice or other preferment by amounts not exceeding in the aggregate the net amount received by him as remuneration for the substituted or additional duty performed during the period to which the payment so abated related, or any period previous thereto.



(2) All sums retained by the Ecclesiastical Commissioners or Queen Anne's Bounty under paragraph (b) of the last preceding subsection shall be expended for the purposes mentioned in paragraph (a) of that subsection or otherwise in making additional provision for the cure of souls.

(3) For the purposes of this section any payment made towards the maintenance of an assistant curate shall be deemed to be a payment falling due to that assistant curate in respect of his assistant curacy.

4. Nothing in this Measure or in any Regulations Saving. made thereunder shall affect the status or rights of any clerk in Holy Orders except during the continuance of a period of emergency.

5. This Measure shall expire at the end of five Duration. years from its passing: Provided that if at the end of such five years a period of emergency shall be in existence, this Measure shall not then expire but shall continue until the period of emergency shall terminate.

6. This Measure may be cited as the Clergy Short title. (National Emergency Precautions) Measure, 1939.

## 3 & 4 GEO. 6.

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### No. 1.

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

To postpone the election of members of the House  
of Laity due to be held in the year 1940.

[14th December 1939.]

Postpone-  
ment of  
election of  
the House  
of Laity.  
19 & 20  
Geo. 5.  
No. 2.

**1.**—(1) Notwithstanding anything contained in the Constitution or in the Representation of the Laity Measure, 1929, the election of members of the House of Laity due to be held in the year one thousand nine hundred and forty shall be postponed until such time, not being later than in the year one thousand nine hundred and forty-five, as the Archbishops of Canterbury and York shall direct, and the term of office of the existing members of the House of Laity and of the members elected or co-opted during such postponement shall be extended accordingly.

(2) The next election following the postponed election shall be held in the year one thousand nine hundred and forty-five unless the postponed election is held after the thirtieth June, one thousand nine hundred and forty-three, in which case the next election shall be held in the year one thousand nine hundred and fifty.

(3) Notice of any direction given by the Archbishops of Canterbury and York under this Measure shall forthwith be published in the London Gazette.

Short title.

**2.** This Measure may be cited as the House of Laity (Postponement of Election) Measure, 1939.

## TABLE IV.

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Showing the EFFECT of the LEGISLATION of the FOURTH  
and (in part) the FIFTH SESSIONS of the THIRTY-  
SEVENTH PARLIAMENT of the UNITED  
KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND.

(NOVEMBER 8, 1938—DECEMBER 31, 1939.)

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### ACTS (IN CHRONOLOGICAL ORDER) REPEALED, AMENDED OR OTHERWISE AFFECTED BY ENACTMENTS OF 2 & 3 AND (IN PART) 3 & 4 GEO. 6.

[NOTE.—References in the fourth column are to chapters of the session 2 & 3 Geo. 6 unless otherwise stated.]

Session and Chapter.	Short Title.	How affected.	Chapter.
22 Hen. 8 : c. 5	Bridges	Ss. 6 and in part 3 repealed (London).	40, ss. 207 (1), 208, sch. 8.
31 Eliz. : c. 5	Informers	S. 5 repealed ( <i>prosp.</i> )	21, s. 34 (2)-(4), sch.
7 James 1 : c. 18	Use of sea-sand (Devon and Cornwall).	Power to restrict removal	39.
21 James 1 : c. 16	Limitation Act, 1623.	Ss. 3, 4, 7 repealed ( <i>prosp.</i> )	21, s. 34 (2)-(4), sch.
4 & 5 Anne : c. 3	Administration of justice.	Ss. 17-9 repealed ( <i>prosp.</i> ) (E.).	21, s. 34 (2)-(4), sch.
9 Anne : c. 25	Municipal Offices Act, 1710.	Repealed as to London (except City).	40, ss. 205, 207 (1), 208, schs. 7, 8.
12 Geo. 2 : c. 29	County Rates Act, 1738.	Ss. 7-9, 11, and in part ss. 6, 14, repealed as to London.	40, ss. 207 (1), 208, sch. 8.

Session and Chapter.	Short Title.	How affected.	Chapter.
8 Geo. 3 : c. 37	Droitwich Canal	Repealed in part	lx, ss. 3, 4, 61-2, sch. 6.
9 Geo. 3 : c. 16	Crown Suits Act, 1769.	Repealed ( <i>prosp.</i> )	21, s. 34 (2)-(4), sch.
12 Geo. 3 : c. 24	Dockyards, &c., Protection Act, 1772.	Applicable to Min. of Supply.	38, ss. 2 (3), 20 (2), sch. Part II; and see S.R. & O. 1939 No. 877.
27 Geo. 3 : c. 56	River Cart navigation.	Ss. 3-9, 11-5, 17-33 repealed, &c.	ii, ss. 4 (c), 26, sch. 6, &c.
31 Geo. 3 : c. 59	Worcester and Birmingham Canal.	Droitwich Canal closed, Act applied, ss. 80-1 repealed, &c.	lx, ss. 3, 4, 8 (1), 18 (1) (3).
43 Geo. 3 : c. 59	Bridges Act, 1803.	S. 1 repealed in part (London).	40, ss. 207 (1), 208, sch. 8.
54 Geo. 3 : c. 159	Harbours Act, 1814.	Ss. 14, 28 repealed (except as to N.I.).	39, ss. 1 (10), 5 (2) (3), sch. 2.
55 Geo. 3 : c. 42	Jury Trials (Scotland) Act, 1815.	Ss. 20-1, 23, 26-7, 29 amended ( <i>temp.</i> ).	79, ss. 3 (1) (3) (a), 7 (2).
c. 51	County Rates Act, 1815.	S. 17 repealed (London)	40, ss. 207 (1), 208, sch. 8.
c. 143	Bridges Act, 1815.	Ss. 1, 5 repealed in part (London).	40, ss. 207 (1), 208, sch. 8.
58 Geo. 3 : c. 69	Vestries Act, 1818	S. 6 repealed (London)	40, ss. 207 (1), 208, sch. 8.
59 Geo. 3 : c. 12	Poor Relief Act, 1819.	S. 17 repealed (London)	40, ss. 207 (1), 208, sch. 8.
6 Geo. 4 : c. 22	Jurors (Scotland) Act, 1825.	Ss. 1, 16 amended ( <i>temp.</i> )	79, ss. 3 (1) (3) (b) (4), 7 (2).
c. 50	Juries Act, 1825	Ss. 1, 24, 26 amended ( <i>temp.</i> ).	78, ss. 7, 11.
7 Geo. 4 : c. 46	Country Bankers Act, 1826.	S. 15 final proviso repealed	7, ss. 4 (1), 5 (3), sch.
c. 63	County Buildings Act, 1826.	Repealed (London), except as to assize courts, sessions houses and judges' lodgings.	40, ss. 205, 207 (1), 208, schs. 7, 8.
9 Geo. 4 : c. 14	Statute of Frauds Amendment Act, 1828.	Ss. 1, 3, 4, 8 repealed as to England ( <i>prosp.</i> ).	21, s. 34 (2)-(4), sch.
3 & 4 Will. 4 : c. 27	Real Property Limitation Act, 1833.	Repealed as to England	21, s. 34 (2)-(4), sch.
c. 42	Civil Procedure Act, 1833.	Ss. 3-7 repealed	21, s. 34 (2)-(4), sch.
c. 98	Bank of England Act, 1833.	S. 4 repealed	7, ss. 4 (1), 5, sch.
6 & 7 Will. 4 : c. 85	Marriage Act, 1836.	S. 4 applied	33, ss. 1 (1) (b) (2), 2 (1).

Session and Chapter.	Short Title.	How affected.	Chapter.
7 Will. 4 & 1 Vict. : c. 24	County Buildings Act, 1837.	Repealed (London) except as to assize courts, sessions houses and judges' lodgings.	40, ss. 207 (1), 208, sch. 8.
c. 28	Real Property Limitation Act, 1837.	Repealed as to England ( <i>prosp.</i> ).	21, s. 34 (2)-(4), sch.
c. 83	Parliamentary Documents Deposit Act, 1837.	Repealed as to London	40, ss. 207 (1), 208, sch. 8.
2 & 3 Vict. : c. 84	Poor Rate Act, 1839.	S. 3 repealed (London)	40, ss. 207 (1), 208, sch. 8.
4 & 5 Vict. : c. 38	Schools Sites Act, 1841.	S. 6 in part repealed (London).	40, ss. 207 (1), 208, sch. 8.
5 & 6 Vict. : c. 47	Customs Act, 1842	S. 59 restricted	36, s. 1 (1).
c. 56	Customs (Amendment) Act, 1842.	S. 6 repealed	36, s. 2 (2).
c. 94	Defence Act, 1842	S. 19, procedure modified ( <i>temp.</i> ).	24, ss. 3 (1), 6, 25, ss. 8 (1), 21 (but see c. 81, ss. 12, 21 (2)).
		Applicable to Min. of Supply.	38, ss. 2 (2), 20 (2), sch. Part I; and see S.R. & O. 1939 No. 877.
c. 97	Limitations of Actions and Costs Act, 1842.	S. 5 repealed as to England ( <i>prosp.</i> ).	21, s. 34 (2)-(4), sch.
6 & 7 Vict. : c. 54	Limitation of Actions Act, 1843.	S. 3 repealed as to England ( <i>prosp.</i> ).	21, s. 34 (2)-(4), sch.
7 & 8 Vict. : c. 32	Bank Charter Act, 1844.	S. 4 repealed	7, ss. 4 (2), 5 (3), sch.
c. 101	Poor Law Amendment Act, 1844.	S. 61 repealed (London)	40, ss. 207 (1), 208, sch. 8.
c. 105	Duchy of Cornwall estates.	Ss. 71-80 repealed ( <i>prosp.</i> )	21, s. 34 (2)-(4), sch.
8 & 9 Vict. : c. 18	Lands Clauses Consolidation Act, 1845.	Ss. 84-90 excluded (camps) (E.). Incorporated and in part excluded (civil defence) (E.). Incorporated, ss. 92, 127-33 excluded (London govt.). Incorporated, s. 133 excluded (Heston and Kenley aerodromes).	22, ss. 2 (4), 8 (2). 31, ss. 50 (4), 63 (1) (5), 92 (1), sch. 2. 40, ss. 99, 101 (6), 102 (2), 183 (3), sch. 4. 59, s. 2 (a).
c. 19	Lands Clauses Consolidation (Scotland) Act, 1845.	Ss. 83-8 excluded (camps) Incorporated and in part excluded (civil defence).	22, ss. 2 (4), 7 (a). 31, ss. 50 (4), 63, 91 (22) (35), sch. 2.
c. 20	Railways Clauses Consolidation Act, 1845.	Ss. 77-85 incorporated (London govt.).	40, ss. 101 (6), 102 (2), 208, sch. 4 Part I.

Session and Chapter.	Short Title.	How affected.	Chapter.
8 & 9 Vict.: c. 83 -	Poor Law (Scotland) Act, 1845.	Powers of Dept. transferred to Secy. of State, ss. 5, 14 repealed, 11, 13, 63 repealed in part, ss. 9, 12, 74 modified (by order of Secy. of State).	20, ss. 1 (1) (4) (5), 5, 6 (1). sch.; and see S.R. & O. 1939 No. 782.
9 & 10 Vict.: c. 37 -	Coroners (Ireland) Act, 1846.	S. 22 modified ( <i>temp.</i> ) (N.I.)	105, ss. 8 (1), 11 (2), 12 (2).
10 & 11 Vict.: c. 27 -	Harbours, Docks and Piers Clauses Act, 1847.	S. 28 applied to Min. of Supply.	38, ss. 2 (3), 20 (2), sch. Part II; and see S.R. & O. 1939 No. 877.
c. 28 -	County Buildings Act, 1847.	Repealed (London), except as to assize courts, sessions houses and judges' lodgings.	40, ss. 207 (1), 208, sch. 8.
c. 63 -	Royal Marines Act, 1847.	S. 1 excluded ( <i>temp.</i> ) S. 5 restricted ( <i>temp.</i> )	68, ss. 2, 7 (a). 88.
11 & 12 Vict.: c. 42 -	Indictable Offences Act, 1848.	S. 21 amended ( <i>temp.</i> )	78, ss. 9 (1), 11 (2).
13 & 14 Vict.: c. 101 -	Poor Law Amendment Act, 1850.	S. 6 repealed (London)	40, ss. 205, 207 (1), 208, schs. 7, 8.
14 & 15 Vict.: c. 93 -	Petty Sessions (Ireland) Act, 1851.	S. 14 amended (N.I.) ( <i>temp.</i> ).	105, ss. 9 (1), 11 (2), 12.
15 & 16 Vict.: c. 85 -	Burial Act, 1852 -	Ss. 13-5, 17, 19, 20, 24, 28 repealed, 16, 26, 31 repealed in part (London).	40, ss. 207 (1), 208, sch. 8.
16 & 17 Vict.: c. 73 -	Naval Volunteers Act, 1853.	S. 16 extended ( <i>temp.</i> )	24, ss. 1 (1) (2) (a) (3) (b), 6.
17 & 18 Vict.: c. 67 -	Defence Act, 1854	Applied to Min. of Supply -	38, ss. 2 (2), 20 (2), sch. Part I; and see S.R. & O. 1939 No. 877.
c. 80 -	Registration of Births, Deaths and Marriages (Scotland) Act, 1854.	Ss. 3, 4 repealed, powers of Dept. transferred to Secy. of State, power for him to appoint Registrar General's staff. Ss. 48-9, sch. K repealed, s. 6 extended ( <i>prosp.</i> ).	20, ss. 1, 4, 5, 6 (1), sch. 34, ss. 1 (5), 6 (2), 9 ( <i>see</i> 3 & 4 Geo. 6, c. 2, s. 1, sch.).
18 & 19 Vict.: c. 117 -	Ordnance Board Transfer Act, 1855.	Applicable to Min. of Supply.	38, ss. 2 (2), 20 (2), sch. Part I.
c. 120 -	Metropolis Management Act, 1855.	Ss. 8-10, 28, 30, 57, 60-6, 92, 139, 149, 155-6, 183, 185-91, 220, 223, 235, schs. E, F repealed, ss. 144, 202, 206-7, 222 repealed in part.	40, ss. 205, 207 (1), 208, schs. 7, 8.

Session and Chapter.	Short Title.	How affected.	Chapter.
19&20Vict.: c. 96	Marriage (Scotland) Act, 1856.	Repealed ( <i>prosp.</i> ).	34, ss. 8, 9, sch. 2 ( <i>see</i> 3 & 4 Geo. 6, c. 2, s. 1, sch.).
c. 97	Mercantile Law Amendment Act, 1856.	Ss. 9-14 repealed as to England ( <i>prosp.</i> ).	21, s. 34 (2)-(4), sch.
c. 112	Metropolis Management Act, 1856.	Ss. 9, 10 repealed	40, ss. 207 (1), 208, sch. 8.
c. 117	Poor Law (Scotland) Act, 1856.	S. 1 amended	20, ss. 1 (1), 5, 6 (1), sch.
c. 119	Marriage and Registration Act, 1856.	S. 8 amended	33, s. 3; and <i>see</i> s. 2 (1) (3).
20 Vict.: c. 1	Royal Marines Act, 1857.	S. 1 excluded ( <i>temp.</i> )	68, ss. 2, 7 (a).
20&21Vict.: c. 71	Lunacy (Scotland) Act, 1857.	General Board of Control reorganised, ss. 4, 13, 16 and in part s. 3 repealed.	20, ss. 2, 5, 6 (1), sch.
c. 81	Burial Act, 1857	Ss. 19-21 repealed (London).	40, ss. 207 (1), 208, sch. 8.
22 Vict.: c. 12	Defence Act, 1859	Applied to Min. of Supply	38, ss. 2 (2), 20 (2), sch. Part I; and <i>see</i> S. R. & O. 1939 No. 877.
22&23Vict.: c. 40	Royal Naval Reserve (Volunteer) Act, 1859.	S. 4 extended ( <i>temp.</i> ) Applied (ss. 2, 3, 6 modified) to R.N. Special Reserve ( <i>temp.</i> ).	24, ss. 1 (1) (2) (3) (a), 6. 25, ss. 9, 21; but <i>see</i> c. 81, ss. 12, 21 (2).
23&24Vict.: c. 53	Duchy of Cornwall estates and suits.	Ss. 1, 2 repealed ( <i>prosp.</i> )	21, s. 34 (2)-(4), sch.
c. 85	Registration of Births, Deaths and Marriages (Scotland) Act, 1860.	Powers of Dept. transferred to Secy. of State, s. 4 repealed.	20, ss. 1 (1), 5, 6 (1), sch.
c. 106	Lands Clauses Consolidation Acts Amendment Act, 1860.	S. 7 applied to Min. of Supply. Incorporated (London govt.).	38, ss. 2 (2), 20 (2), sch. Part I; and <i>see</i> S. R. & O. 1939 No. 877. 40, ss. 101 (6), 102 (2), 208, sch. 4.
c. 112	Defence Act, 1860	S. 45 applied ( <i>temp.</i> ) S. 45 applied ( <i>temp.</i> ) Applied to Min. of Supply	24, ss. 3 (1), 6. 25, ss. 8, 21; but <i>see</i> c. 81, ss. 12, 21 (2). 38, ss. 2 (2), 20 (2), sch. Part I; and <i>see</i> S. R. & O. 1939 No. 877.

Session and Chapter.	Short Title.	How affected.	Chapter.
23 & 24 Vict.: c. 135 -	Metropolitan Police Act, 1860.	Applied to Min. of Supply	38, ss. 2 (3), 20 (2), sch. Part II; and see S. R. & O. 1939 No. 877.
c. 136 -	Charitable Trusts Act, 1860.	S. 2 extended (fuel allotments) (E.).	26, ss. 1 (1), 2 (2).
24 & 25 Vict.: c. 51 -	Metropolitan Police Act, 1861.	Power to apply Act, s. 3 applied, to Min. of Supply.	38, ss. 2 (3), 20 (2), sch. Part II; and see S. R. & O. 1939 No. 877.
c. 62 -	Crown Suits Act, 1861.	Repealed (E.) ( <i>prosp.</i> )	21, s. 34 (2)-(4), sch.
c. 100 -	Offences against the Person Act, 1861.	Effect of conviction under ss. 47-56 (house to house collections).	44, ss. 2 (3) (d), 12 (2) (4), sch. (but see 3 & 4 Geo. 6, c. 2, s. 1, sch.).
c. 125 -	Parochial Offices Act, 1861.	Repealed (London)	40, ss. 205, 207 (1), 208, schs. 7, 8.
25 & 26 Vict.: c. 69 -	Harbours Transfer Act, 1862.	S. 16 "fourteen and" repealed (except as to N.I.).	39, s. 5 (2) (3), sch. 2.
c. 102 -	Metropolis Management Amendment Act, 1862.	Ss. 5-8, 13, 19, 20, 23, 37, 39, 114, sch. C repealed, ss. 72, 90 repealed in part.	40, ss. 205, 207 (1), 208, schs. 7, 8.
26 & 27 Vict.: c. 7 -	Manufactured Tobacco Act, 1863.	Scale of drawback under s. 1.	109, s. 5 (3) (4), sch. 4 Part III (superseding c. 41, s. 1 (3) (4), sch. 1, Part III).
c. 13 -	Town Gardens Protection Act, 1863.	S. 3 repealed (London)	40, ss. 207 (1), 208, sch. 8.
c. 108 -	Vaccination (Scotland) Act, 1863.	S. 12 in part repealed, powers of Dept. transferred to Secy. of State.	20, ss. 1 (1), 5, 6 (1), sch.
27 & 28 Vict.: c. 25 -	Naval Prize Act, 1864.	Applied to aircraft and goods therein, ss. 2, 16-7, 31, 40-1, 47, 55 (1) (5) amended, 48A added, 30, 34-5, 37-9, 42-6, 48 excluded.	65, ss. 1, 4, sch.
c. 89 -	Defence Act Amendment Act, 1864.	Applicable to Min. of Supply.	38, ss. 2 (2), 20 (2), sch. Part I.
28 & 29 Vict.: c. 72 -	Navy and Marines (Wills) Act, 1865.	S. 5 excluded ( <i>temp.</i> )	87.
c. 125 -	Dockyard Ports Regulation Act, 1865.	Admiralty powers saved	39, ss. 2 (1), 5 (3).
29 & 30 Vict.: c. 39 -	Exchequer and Audit Departments Act, 1866.	Ss. 11-5 amended ( <i>temp.</i> )	101, ss. 1, 3 (2), sch.



Session and Chapter.	Short Title.	How affected.	Chapter.
29&30Vict.: c. 122 -	Metropolitan Commons Act, 1866.	S. 26 repealed - - -	40, ss. 207 (1), 208, sch. 8.
30&31Vict.: c. 128 -	War Department Stores Act, 1867.	Applied to Min. of Supply, s. 20 adapted.	38, ss. 2 (3), 20 (2), sch. Part II; and <i>see</i> S. R. & O. 1939 No. 877.
31&32Vict.: c. 37 -	Documentary Evi- dence Act, 1868.	Extended under— Reorganisation of Offices (S.) Act. Ministry of Supply Act - Ministers of the Crown (Emergency Appts.) Act.	20, s. 1 (9). 38, s. 15 (4). 77, s. 4 (4).
c. 72 -	Promissory Oaths Act, 1868.	Sch. Part I extended -	38, s. 1 (4) (Min. of Supply). 77, s. 2 (Emer- gency Minis- ters).
c. 100 -	Court of Session Act, 1868.	S. 91, alternative action (civil defence). S. 44, &c., amended ( <i>temp.</i> )	31, ss. 73, 91 (27). 79, ss. 3 (1) (3) (c), 7 (2), &c.
33&34Vict.: c. 23 -	Forfeiture Act, 1870.	S. 2 repealed as to members of local authorities in London.	40, ss. 207 (1), 208, sch. 8.
c. 71 -	National Debt Act, 1870.	Part VII (unclaimed divi- dends) arrangements. S. 35 amended ( <i>temp.</i> ) -	41, s. 34. 100, ss. 2, 3 (2) (3). 117, ss. 3 (6), 5 (3), sch. 2.
34&35Vict.: c. 65 -	Juries Act (Ire- land), 1871.	Ss. 41-2 amended ( <i>temp.</i> ) -	105, ss. 6 (2), 11 (2), 12.
35&36Vict.: c. 62 -	Education (Scot- land) Act, 1872.	Powers of Dept. transferred to Secy. of State, ss. 2, 65 and in part s. 1 re- pealed, 75 amended.	20, ss. 1 (1) (6) (b) (i), 5, 6 (1), sch.
c. 77 -	Metalliferous Mines Regulation Act, 1872.	S. 17 (inspectors' powers) extended ( <i>temp.</i> ) - -	104, ss. 4, 10 (2) (3).
c. 91 -	Borough Funds Act, 1872.	Repealed as to London -	40, ss. 205, 207 (1), 208, schs. 7, 8.
c. 93 -	Pawnbrokers Act, 1872.	S. 27 excluded - -	102, ss. 4, 8 (4).
36&37Vict.: c. 19 -	Poor Allotments Management Act, 1873.	S. 15 repealed as to London	40, ss. 205, 207 (1), 208, schs. 7, 8.
c. 66 -	Supreme Court of Judicature Act, 1873.	S. 25 (2) repealed ( <i>prosp.</i> ) -	21, s. 34 (2)-(4), sch.
c. 68 -	Militia (Lands and Buildings) Act, 1873.	S. 7 applied to Min. of Supply.	38, ss. 2 (2), 20 (2), sch. Part I; and <i>see</i> S. R. & O. 1939 No. 877.

Session and Chapter.	Short Title.	How affected.	Chapter.
36&37Vict.: c. 72	Defence Acts Amendment Act, 1873.	Applied to Min. of Supply	38, ss. 2 (2), 20 (2), sch. Part I; and see S. R. & O. 1939 No. 877.
37&38Vict.: c. 20	Rating Exemptions (Scotland) Act, 1874.	Saved (premises used for civil defence).	31, s. 91 (34).
c. 42	Building Societies Act, 1874.	Powers of registrar under Prevention of Fraud (Investments) Act. Ss. 40 extended, 44 saved	16, ss. 11, 26 (1), 28 (2). 55, ss. 13 (2) (3), 18 (3) (4).
c. 57	Real Property Limitation Act, 1874.	Repealed as to England ( <i>prosp.</i> ).	21, s. 34 (2)-(4), sch.
38&39Vict.: c. 17	Explosives Act, 1875.	S. 72 repealed in part as to London.	40, ss. 207 (1), 208, sch. 8.
c. 45	Sinking Fund Act, 1875.	S. 5 applied - - -	117, ss. 3 (6), 5 (3), sch. 2.
c. 55	Public Health Act, 1875.	S. 343, quoad re-enacting s. 34 of 1872 Act, repealed as to London. S. 172— <i>see</i>	40, ss. 207 (1), 208, sch. 8. 56.
c. 61	Entail Amendment (Scotland) Act, 1875.	S. 3 ("improvements") extended (war damage).	80, ss. 6, 11.
c. 83	Local Loans Act, 1875.	Applicable (as modified) by regs. to— civil defence borrowing	31, s. 42 (3), sch. 1, Part I, para. 3 (4).
c. 89	Public Works Loans Act, 1875.	airways stock - - - Extended (civil defence) -	61, s. 14 (3). 31, s. 29 (4).
39&40Vict.: c. 36	Customs Consolidation Act, 1876.	Applied, s. 42 (table) extended (duck and geese). S. 57 modified as applied (wheat). Ss. 139 extended, 207 amended, 218 (as substituted by ss. 11, 14, sch. of 42 & 43 Vict. c. 21) excluded ( <i>temp.</i> ).	19, ss. 3 (1) (2), 4, 5 (3). 37, s. 19 (2) (5). 69, ss. 1 (5), 4, 5, 9 (3).
c. 56	Commons Act, 1876	S. 19 excluded, provisos repealed and replaced.	26.
c. 61	Divided Parishes and Poor Law Amendment Act, 1876.	Ss. 1-9 repealed as to London.	40, ss. 205, 207 (1), 208, schs. 7, 8.
c. 62	Sale of Exhausted Parish Lands Act, 1876.	Repealed as to London (except City).	40, ss. 205, 207 (1), 208, schs. 7, 8.
c. 75	Rivers Pollution Prevention Act, 1876.	S. 15 and in part s. 14 repealed as to London.	40, ss. 207 (1), 208, sch. 8.

Session and Chapter.	Short Title.	How affected.	Chapter.
40& 41Vict.: c. 2	Treasury Bills Act, 1877.	S. 6 excluded - - -  S. 8 para. (1) amended ( <i>temp.</i> ).	12, s. 3 (2); 52, s. 2 (2); 63, s. 2 (2). 101, ss. 2, 3 (2).
c. 48	Universities of Oxford and Cambridge Act, 1877.	S. 55, &c. excluded ( <i>temp.</i> )	106, ss. 4 (1), 6, 8 (2).
c. 53	Prisons (Scotland) Act, 1877.	Powers of Dept. transferred to Secy. of State, ss. 10-1, 66 amended, 10, 57 modified by order.	20, s. 1 (1) (4), 5, 6 (1), sch.; and <i>see</i> S.R. & O. 1939 No. 782.
c. 56	County Officers and Courts (Ireland) Act, 1877.	S. 79 amended (N.I.) ( <i>temp.</i> ).	105, ss. 4 (2), 11 (2), 12 (2).
c. 57	Supreme Court of Judicature Act (Ireland), 1877.	Ss. 30, 32, 61-2 amended, 30 applied (N.I.) ( <i>temp.</i> ).	105, ss. 1 (3) (4), 2, 11 (2), 12 (2).
41& 42Vict.: c. 43	Marriage Notice (Scotland) Act, 1878.	Powers of Dept. transferred to Secy. of State. Ss. 7, 9 extended - -  S. 5 applied (Quakers) ( <i>prosp.</i> ).	20, s. 1. 33, ss. 1 (1) (a) (d) (2), 2 (2). 34, ss. 3, 9 ( <i>see</i> 3 & 4 Geo. 6, c. 2, s. 1, sch.).
c. 51	Roads and Bridges (Scotland) Act, 1878.	Ss. 111-2 repealed - -	28, s. 3, sch.
c. 76	Telegraph Act, 1878.	Ss. 6, 7 extended (A.R.P.) -	31, ss. 87, 92 (1) (2).
42& 43Vict.: c. 21	Customs and Inland Revenue Act, 1879.	S. 11 excluded ( <i>temp.</i> ) -	69, ss. 1 (5), 9 (3).
c. 44	Lord Clerk Register (Scotland) Act, 1879.	S. 8 repealed as to right of appointment vested in Registrar General.	20, ss. 4, 5, 6 (1), sch.
c. 49	Summary Jurisdiction Act, 1879.	S. 31 applied as modified (child adoption) (F.) ( <i>prosp.</i> ).	27, ss. 3 (4), 17 (2) (3).
c. 54	Poor Law Act, 1879.	Ss. 4-7 repealed as to London.	40, ss. 205, 207 (1), 208, schs. 7, 8.
43& 44Vict.: c. 35	Wild Birds Protection Act, 1880.	S. 3 amended, s. 8 and sch. extended, ss. 8, 9 restricted.	19, ss. 1, 2 (1) (2), 4, 5 (3).
c. 47	Ground Game Act, 1880.	S. 6 amended (F.) - -	43, ss. 5 (2), 6 (3).
44& 45Vict.: c. 51	Wild Birds Protection Act, 1881.	S. 1 (2) excluded (duck and greese).	19, ss. 3 (3), 4 (b) (c), 5 (3).

Session and Chapter.	Short Title.	How affected.	Chapter.
44&45Vict.: c. 58 (as amended).	Army Act - -	Ss. 180 (2) (e) repealed, 108A (3A) added, sch. 2 Part I, para. (2) in part and para. (3) substituted, ss. 44 (3), 90 (2) (4), 108A (4) (6), 175 (9), 190 (23) amended, sch. 2, Part II, para. (7) extended. Ss. 81, 96 restricted ( <i>temp.</i> )	17, ss. 4-6, 8-10.  25, ss. 2 (4), 6 (4), 21. 68, ss. 3 (1) (2), 7 (a). 81, ss. 4 (1), 9, 21 (2).
45&46Vict.: c. 48 -	Reserve Forces Act, 1882.	Ss. 12 extended, 13 excluded ( <i>temp.</i> ).  Ss. 12-3 extended, 4 excluded ( <i>temp.</i> ).	24, ss. 1 (1) (2) (3) (d) (5), 6; but <i>see</i> c. 81, ss. 12, 21 (2). 68, ss. 3 (5), 5 (1) (3), 7 (a).
c. 50 -	Municipal Corporations Act, 1882.	S. 254 applied to Min. of Supply.  Part IV except ss. 86 and 104, applied to London.	38, ss. 2 (2), 20 (2), sch. Part I; and <i>see</i> S. R. & O. 1939 No. 877. 40, s. 46 (1).
c. 56 -	Electric Lighting Act, 1882.	S. 8 and sch. repealed in part as to London.	40, ss. 207 (1), 208, sch. 8.
c. 78 -	Fishery Board (Scotland) Act, 1882.	Fishery Board powers transferred to Secy. of State, ss. 4, 8, repealed, 5 (3) amended.	20, ss. 1 (1) (6) (b) (i), 5, 6 (1), sch.
46&47Vict.: c. 15 -	Lands Clauses (Umpire) Act, 1883.	Incorporated - - -	40, ss. 101 (6), 102 (2), 208, sch. 4, Part I.
c. 52 -	Bankruptcy Act, 1883.	S. 32 (1) (e) repealed as to London, ss. 32 (1) (d), 34 repealed as to London except City.	40, ss. 207 (1), 208, sch. 8.
c. 55 -	Revenue Act, 1883	S. 10 amended - - -	36, s. 1 (2).
47&48Vict.: c. 46 -	Naval Enlistment Act, 1884.	S. 4 extended ( <i>temp.</i> ) -	24, ss. 1 (1) (2) (3) (c), 6; but <i>see</i> c. 81, ss. 12, 21 (2). 68, ss. 1, 7 (a).
c. 70 -	Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	S. 2 (2) extended, 2 (1) excluded ( <i>temp.</i> ). Provisions referred to in s. 37 excluded.	40, s. 46 (1) (a).
48&49Vict.: c. 10 -	Elections (Hours of Poll) Act, 1885.	Repealed as to London except for Parliamentary elections.	40, ss. 207 (1), 208, sch. 8.
c. 33 -	Metropolis Management Amendment Act, 1885.	Ss. 7, 8 repealed - - -	40, ss. 207 (1), 208, sch. 8.

Session and Chapter.	Short Title.	How affected.	Chapter.
48&49Vict.: c. 61	Secretary for Scotland Act, 1885.	S. 6 repealed, powers of Dept. of Health for S., &c., transferred to Secy. of State.	20, ss. 1 (1), 5, 6 (1), sch.
c. 70	Sea Fisheries (Scotland) Amendment Act, 1885.	Ss. 4, 6, modified by order consequentially.	20, s. 1 (4); and see S.R. & O. 1939 No. 782.
49&50Vict.: c. 29	Crofters Holdings (Scotland) Act, 1886.	S. 32 amended	20, ss. 5, 6 (1), sch.
c. 49	Peterhead Harbour of Refuge Act, 1886.	S. 23 amended by Act and consequential order.	20, ss. 1 (4), 5, 6 (1), sch.; and see S.R. & O. 1939 No. 782.
50&51Vict.: c. 9	Police Disabilities Removal Act, 1887.	Saved, as applied by 1893 Act (London).	40, sch. 2 Part II, para. 14 (3).
c. 16	National Debt and Local Loans Act, 1887.	Applied, &c.	2, ss. 1 (2), 2.
c. 28	Merchandise Marks Act, 1887.	"Trade description" extended ( <i>temp.</i> ).	118, ss. 5 (6), 23 (2).
c. 35	Criminal Procedure (Scotland) Act, 1887.	S. 38 amended ( <i>temp.</i> )	79, ss. 3 (3) (d), 7 (2).
c. 65	Military Tramways Act, 1887.	Applied to Min. of Supply	38, ss. 2 (3), 20 (2), sch. Part II; and see S.R. & O. 1939 No. 877.
51&52Vict.: c. 31	National Defence Act, 1888.	S. 4 applied to Min. of Supply.	38, ss. 2 (3), 20 (2), sch. Part II; and see S. R. & O. 1939 No. 877.
c. 36	Bail (Scotland) Act, 1888.	S.7 amended ( <i>temp.</i> )	79, ss. 5 (1), 7 (2).
c. 41	Local Government Act, 1888.	Ss. 1, 2, 3 (iii) (vi) (vii), 4, 5 (7), 10, 15, 40 (1) (4) (5), 41 (6), 54, 57, 59 (1) (3)-(6), 60-2, 65, 68, 74, 75 (2)-(4) (7) (8) (10) (11) (15) (16) (e) (g) (17)-(21), 79 (1), 80, 83 (6) (12), 87 (3) (5), 88, 92 (1), 118-20, 122, 124 repealed, 3 (i) (iv) (ix) (x), 64 (3), 75, 79 (3), 83 (4) (11), 87 (1), 100 repealed in part, as to London.	40, ss. 205, 207 (1), 208, schs. 7, 8.
c. 59	Trustee Act, 1888	Repealed as to England ( <i>prosp.</i> ).	21, s. 34 (2)-(4), sch.
52&53Vict.: c. 23	Herring Fishery (Scotland) Act, 1889.	Ss. 6 (2), 7 (1) amended, 6 modified by consequential order.	20, ss. 1 (4), 5, 6 (1), sch.; and see S. R. & O. 1939 No. 782.
c. 50	Local Government (Scotland) Act, 1889.	S. 9 (2) (b) repealed	28, ss. 1, 3, sch.

Session and Chapter.	Short Title.	How affected.	Chapter.
53&54 Vict.: c. 5	Lunacy Act, 1890.	Ss. 174, 256 repealed as to London except City, 224 (3), 240 repealed in part as to London.	40, ss. 205, 207 (1), 208, schs. 7, 8.
c. 8	Customs and Inland Revenue Act, 1890.	S. 8 (2) applied	109, s. 3 (2) (4).
c. 27	Colonial Courts of Admiralty Act, 1890.	Ss. 2 (3) (b), 12—see	65, s. 3.
c. 71	Bankruptcy Act, 1890.	S. 9 from "It is hereby declared" repealed as to London.	40, ss. 207 (1), 208, sch. 8.
54&55 Vict.: c. 39	Stamp Act, 1891	S. 112 modified S. 114 excluded S. 97 restricted Repealed as to London	16, s. 10 (8) (a). 41, s. 37 (4). 57, ss. 18 (3), 21. 40, ss. 207 (1), 208, sch. 8.
c. 68	County Councils (Elections) Act, 1891.		
c. 69	Penal Servitude Act, 1891.	S. 8 extended (G.B.) ( <i>temp.</i> )	50, ss. 4 (2), 5 (2).
55&56 Vict.: c. 15	Charity Inquiries (Expenses) Act, 1892.	S. 1 (2) repealed as to London.	40, ss. 207 (1), 208, sch. 8.
c. 43	Military Lands Act, 1892.	Byelaw powers (ss. 14-8, &c.) applied (civil defence). Part II applied to Min. of Supply.	31, s. 61. 38, ss. 2 (2), 20 (2), sch. Part I; and see S.R. & O. 1939 No. 877.
		Ss. 4, 11 (1) (b) (d) repealed as to London.	40, ss. 207 (1), 208, sch. 8.
c. 53	Public Libraries Act, 1892.	Ss. 15 (2) in part and (3), 19 (1) in part and (2), repealed as to London except City.	40, ss. 207 (1), 208, sch. 8.
c. 55	Burgh Police (Scotland) Act, 1892.	Powers of Dept. of Health transferred to Secy. of State, s. 318 modified by order. Ss. 408, 410 (begging, &c.)—see Ss. 195-9 applied (war damage to land).	20, s. 1 (1) (4); and see S.R. & O. 1939 No. 782. 44, ss. 2 (3) (c), 10 (b). 80, s. 5.
56&57 Vict.: c. 39	Industrial and Provident Societies Act, 1893.	Registration restricted, ss. 9 (1) extended, 7, 9 (4) excluded (G.B.).	16, ss. 10, 26 (1), 28 (2).
c. 55	Metropolis Management (Plumstead and Hackney) Act, 1893.	Ss. 3 (4), 4-9, 11-3, repealed, 3 (2) (3) repealed in part.	40, ss. 207 (1), 208, sch. 8.
c. 61	Public Authorities Protection Act, 1893.	S. 1 para. (a), except as to criminal proceedings repealed, scheduled enactments further repealed as to limitations, as to England ( <i>prosp.</i> ).	21, ss. 21, 34 (2)-(4), sch.; and see s. 21 (2).

Session and Chapter.	Short Title.	How affected.	Chapter.
56&57Vict.: c. 66	Rules Publication Act, 1893.	Section 1 (prior notice) excluded.	24, s. 2 (6) (Reserve, &c., Forces). 25, s. 15 (4). (Mily. Training). 31, s. 88 (4) (Civil Defence) 38, ss. 6 (3), 20 (2) (Supply). 48, s. 37 (4) (Agric. Devel.). 62, ss. 2 (3), 8 (1) (Emergency Powers). 69, s. 2 (3) (Import, &c.). 70, s. 8 (2) (Ships and Aircraft). 81, s. 19 (4) (Nat. Service). 92, s. 1 (3) (Unemp. Insurance). 93, ss. 1 (4), 5 (2) (Unemp. Assistance). 104, s. 5 (1) (Control of Employment). 119, s. 6 (2) (Chartered Bodies). 82, ss. 2 (4), 9 (2) (3) (Personal Injuries). C.A.M. No. 2, s. 3 (1). 117, ss. 3 (6), 5 (3), sch. 2.
c. 69	Savings Bank Act, 1893.	S. 5 (2) ("Government stock") extended.	40, ss. 207 (1), 208, sch. 8.
c. 73	Local Government Act, 1894.	Ss. 31, Part III (ss. 36-42), 46, 48, 68-9, 72-3, 80, 83, 85-9 repealed as to London.	
57&58Vict.: c. 24	Wild Birds Protection Act, 1894.	Ss. 4, 6 applied (wild geese).	19, ss. 2, 4, 5 (3).
c. 30	Finance Act, 1894.	Ss. 2 (1) (d), 4, 7 (1) (a) amended, 2 (1) (c) extended, 3 excluded.	41, ss. 30-1, 38 (4) (7).
c. 39	Prize Courts Act, 1894.	S. 2 extended	65, ss. 2-4.
c. 47	Building Societies Act, 1894.	Ss. 4 applied, 21 substituted	55, ss. 12 (3), 15 (4), 18 (4).
c. 57	Diseases of Animals Act, 1894.	Ss. 33 (2), 40 (2) (i) repealed as to London, ss. 33 (3) in part and 40 (1) repealed as to London except City.	40, ss. 207 (1), 208, sch. 8.
c. 58	Local Government (Scotland) Act, 1894.	S. 20 (1) (b) and (2) (applied to district councils by 19 & 20 Geo. 5. c. 25. s.26) repealed.	28, ss. 1, 3, sch.

Session and Chapter.	Short Title.	How affected.	Chapter.
57&58 Vict.: c. 60	Merchant Shipping Act, 1894.	S. 696 applied ( <i>temp.</i> ) - Ss. 76 applied, 53 excluded ( <i>temp.</i> ) S. 176 applied - - -	69, ss. 6 (2) (4), 9 (3). 70, ss. 1 (2), 2, 11, 13 (2). 83, ss. 6 (3), 11 (2).
58&59 Vict.: c. 16	Finance Act, 1895	S.12 excluded (Brit. Overseas Airways).	61, s. 44 (b).
c. 32	Local Government (Stock Transfer) Act, 1895.	Repealed as to London -	40, ss. 207 (1), 208, sch. 8.
c. 36	Fatal Accidents Inquiry (Scotland) Act, 1895.	S. 4 amended (restrictions on juries) ( <i>temp.</i> ).	79, ss. 4 (3), 7 (2).
c. 42	Sea Fisheries Regulation (Scotland) Act, 1895.	Ss. 4 to end of para. (1), 4 (3) repealed, 16, 20, 22 (1) repealed in part, 10 (2) modified by order.	20, ss. 1 (4), 5, 6 (1), sch.; and see S. R. & O. 1939 No. 782.
60&61 Vict.: c. 30	Police (Property) Act, 1897.	Applied (investment circulars).	16, ss. 13 (11), 27 (2), 28 (2).
c. 38	Public Health (Scotland) Act, 1897.	Ss. 147 (s. 1 of Cancer Act included) and expenses provisions extended. Powers of Dept. transferred to Secy. of State, ss. 11 repealed, 79, 147 amended, 6 modified by order.	13, s. 7 (d) (e). 20, ss. 1 (1) (4), 5, 6 (1), sch.; and see S. R. & O. 1939 No. 782.
c. 53	Congested Districts (Scotland) Act, 1897.	Ss. 16 (5) extended (mine dumps), 22 restricted. Powers of Dept. transferred to Secy. of State, s. 4 (2) amended.	23. 20, ss. 1 (1), 5, 6 (1), sch.
62&63 Vict.: c. 14	London Government Act, 1899.	Ss. 1-3, 5 (3) (4), 6 (5) (6), 7-9, 10 (3), 15-8, 19 (1) (2), 20-1, 24-7, 28 (1), 31 (4), 32-3, sch. 1 repealed, ss. 4 (1), 10 (1), 11 (1), sch. 2, Part II repealed in part.	40, ss. 205, 207 (1), 208, schs. 7, 8.
c. 27	Marriages Validity Act, 1899.	Validity where banns published in Eire.	35.
c. 44	Small Dwellings Acquisition Act, 1899.	S. 9 (3) (10) repealed in part as to London.	40, ss. 207 (1), 208, sch. 8.
63&64 Vict.: c. 13	County Councils (Elections) Amendment Act, 1900.	Repealed as to London -	40, ss. 207 (1), 208, sch. 8.
c. 49	Town Councils (Scotland) Act, 1900.	S. 13 (5) repealed - - Ss. 11, 19, &c. suspended ( <i>temp.</i> )	28, ss. 1, 3, sch. 115, ss. 6, 8.
c. 54	Lunacy Board (Scotland) Salaries and Clerks Act, 1900.	S. 1 extended - - -	20, ss. 2 (8), 6 (1).
c. 56	Military Lands Act, 1900.	Byelaw powers applied (civil defence).	31, s. 61.



Session and Chapter.	Short Title.	How affected.	Chapter.
2 Edw. 7 : c. 17	Midwives Act, 1902	S. 15 repealed as to London	40, ss. 207 (1), 208, sch. 8.
3 Edw. 7 : c. 6	Naval Forces Act, 1903.	Regs. under s. 1 restricted ( <i>temp.</i> ).	25, ss. 2 (4), 6 (4), 21.
c. 9	County Councils (Bills in Parlia- ment) Act, 1903.	Repealed as to London	40, ss. 207 (1), 208, sch. 8.
c. 14	Borough Funds Act, 1903.	Repealed as to London	40, ss. 207 (1), 208, sch. 8.
c. 15	Local Government (Transfer of Powers) Act, 1903.	Repealed as to London	40, ss. 207 (1), 208, sch. 8.
4 Edw. 7 - c. 7	Finance Act, 1904	Schedule (allowance of drawback) applied.	109, s. 5 (3) (4) (superseding c. 41, s. 1 (3) (4)).
c. 21	Capital Expendi- ture (Money) Act, 1904.	Extended - - -	42, s. 1 (4).
6 Edw. 7 : c. 25	Open Spaces Act, 1906.	Ss. 17 (a) (b) and in part 18 repealed as to London.	40, ss. 207 (1), 208, sch. 8.
c. 33	Local Authorities (Treasury Powers) Act, 1906.	S. 1 (1) repealed in part as to London.	40, ss. 207 (1), 208, sch. 8.
c. 35	Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act, 1906.	Jury restricted ( <i>temp.</i> )	79, ss. 4 (3), 7 (2).
c. 40	Marriage with Foreigners Act, 1906.	S. 5 para. (4) repealed	34, ss. 8, 9, sch. 2 ( <i>see</i> 3 & 4 Geo. 6, c. 2, s. 1, sch.).
c. 49	Census of Produc- tion Act, 1906.	Ss. 3 (1) amended, pro- visos (b) (c) repealed, 6 restricted.	15.
c. 55	Public Trustee Act, 1906.	Applied (fees), s. 4 (2) adapted. General deposit fund— <i>see</i>	49, ss. 2, 3 (3), sch. 2. 51.
7 Edw. 7 : c. 9	Territorial and Reserve Forces Act, 1907.	S. 17 (1) extended, s. 17 (1) in part and (2) excluded ( <i>temp.</i> ). Ss. 30 extended, 9 restric- ted ( <i>temp.</i> ).  Ss. 7, 17 extended, 7, 9 excluded, 20 modified; Act excluded, &c., as applied to aux. air force ( <i>temp.</i> ). S. 30 saved - - -	24, ss. 1 (1) (3) (e) (5), 6.  25, ss. 2 (4), 6 (1) (4); but <i>see</i> c. 81, ss. 12, 21 (2).  68, ss. 4 (3) (5) (6), 6 (3) (4).  81, ss. 12 (6), 21 (2).
c. 23	Criminal Appeal Act, 1907.	S. 1 (2) (sittings, &c.), emergency arrangements ( <i>temp.</i> ).	78, ss. 4, 6 (1)- (3) (5) (d), 11 (2).

Session and Chapter.	Short Title.	How affected.	Chapter.
7 Edw. 7 : c. 27 -	Advertisements Regulation Act, 1907.	S. 3 (6) except as to City, and in part s. 4, repealed as to London.	40, ss. 207 (1), 208, sch. 8.
c. 29 -	Patents and Designs Act, 1907.	Ss. 12 (4) (d) (e) repealed, 5, 8A, 12 (4) (a), 17 (2) (3) substituted, 12 (5) (6) added, 3 (2) (5) (6), 11A (5), 12 (4), 17 (1), 27 (9), 53 (2) (3), 91 (2c) amended; reprinting provision. S. 30 applied to Min. of Supply.	32.  38, ss. 2 (3), 20 (2), sch. Part II; and <i>see</i> S.R. & O. 1939 No. 877.
c. 33 -	Qualification of Women (County and Borough Councils) Act, 1907.	Effect of war on grant of patent, s. 91A saved, powers of comptroller extended, &c. Repealed as to London -	107, ss. 4, 6, 7, 10, 11 (2)-(4).  40, ss. 207 (1), 208, sch. 8.
c. 41 -	Whale Fisheries (Scotland) Act, 1907.	Powers of Fishery Board transferred to Secy. for S., ss. 4 (1) amended, 6, 7 modified by order.	20, ss. 1 (1) (4), 5, 6 (1), sch. : and <i>see</i> S.R. & O. 1939 No. 782.
c. 42 -	Sea Fisheries (Scotland) Application of Penalties Act, 1907.	Powers of Fishery Board transferred to Secy. of State, s. 1 amended.	20, ss. 1 (1), 5, 6 (1), sch.
c. 51 -	Sheriff Courts (Scotland) Act, 1907.	Ss. 30-1 restricted (jury trial) ( <i>temp.</i> ). Sch. 1 rule 60, remittor's remuneration. S. 16 amended - -	79, ss. 4 (1) (2), 7 (2). 80, s. 10 (2).  98.
8 Edw. 7. : c. 13 -	Polling Districts (County Councils) Act, 1908.	Repealed as to London -	40, ss. 207 (1), 208, sch. 8.
c. 59 -	Prevention of Crime Act, 1908.	S. 17 (2), powers of Prison Dept. for S. transferred to Secy. of State, s. 17 (2A) (2B) (2c) added by order.	20, s. 1 (1) (4); and <i>see</i> S.R. & O. 1939 No. 782.
c. 63 -	Education (Scotland) Act, 1908.	Powers of S. Educ. Dept. transferred to Secy. of State, ss. 10 (4), 22 (3), 34 repealed in part.	20, ss. 1 (1), 5, 6 (1), sch.
c. 65 -	Summary Jurisdiction (Scotland) Act, 1908.	S. 24 amended ( <i>temp.</i> ) - -	79, ss. 5 (2), 7 (2).
9 Edw. 7. : c. 22 -	Trade Boards Act, 1909.	Powers of officer under s. 14 extended ( <i>temp.</i> ).	104, ss. 4, 10 (2).
c. 34 -	Electric Lighting Act, 1909.	S. 21 repealed as to London	40, ss. 207 (1), 208, sch. 8.
1 & 2 Geo. 5. : c. 26 -	Telephone Transfer Act, 1911.	S. 5 extended - - -	42, s. 1 (5).

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1 & 2 Geo. 5.: c. 27 -	Protection of Animals Act, 1911.	S. 8 amended (E.) - -	43, ss. 4, 6 (3).
c. 48 -	Finance Act, 1911 -	S. 17, "stock" extended -	117, ss. 3 (6), 5 (3), sch. 2.
c. 49 -	Small Landholders (Scotland) Act, 1911.	S. 4, &c., powers of Dept. transferred to Secy. of State, ss. 6, 7(10) amended, 7 (11) (g) modified by order.	20, ss. 1 (1) (4), 5, 6 (1), sch.; and <i>see</i> S.R. & O. 1939 No. 782.
c. 50 -	Coal Mines Act, 1911.	S. 98, inspector's powers extended ( <i>temp.</i> ).	104, ss. 4, 10 (2) (3).
2 & 3 Geo. 5.: c. 31 -	Pilotage Act, 1913 -	War pensions for pilots -	83, ss. 4, 11 (2).
3 & 4 Geo. 5.: c. 3 -	Provisional Collection of Taxes Act, 1913.	S. 2, increased income tax adjustment.	109, s. 7 (2).
c. 20 -	Bankruptcy (Scotland) Act, 1913.	S. 118 (1) (a) extended (cot-ton contributions).	54, ss. 23, 40 (1) (c), 41 (2) ( <i>see</i> c. 116), sch. 7 para. 15.
c. 26 -	Highlands and Islands (Medical Service) Grant Act, 1913.	Powers of Dept. transferred to Secy. of State, ss. 2 (1)-(4) and in part 1 (2) repealed, s. 4 modified by order.	20, ss. 1 (1) (4), 5, 6 (1), sch.; and <i>see</i> S.R. & O. 1939 No. 782.
c. 28 -	Mental Deficiency Act, 1913.	S. 38 (3) repealed as to London.	40, ss. 207 (1), 208, sch. 8.
c. 38 -	Mental Deficiency and Lunacy (Scotland) Act, 1913.	Powers of Depts. transferred to Secy. of State, General Board of Control reorganised, ss. 19 (2) and in part (4) repealed, 21, 28 (1) modified by order.	20, ss. 1 (1) (4), 2, 5, 6 (1), sch.; and <i>see</i> S.R. & O. 1939 No. 782.
4 & 5 Geo. 5.: c. 13 -	Prize Courts (Procedure) Act, 1914.	S. 1 amended (aircraft) -	65, ss. 1 (2), 4, sch. Part I.
c. 21 -	County and Borough Councils (Qualification) Act, 1914.	Repealed as to London -	40, ss. 207 (1), 208, sch. 8.
c. 34 -	Police Reservists (Allowances) Act, 1914.	Superseded ( <i>temp.</i> ) - -	103, ss. 6 (1) (a), 14, 16 (2) (3).
c. 46 -	Milk and Dairies (Scotland) Act, 1914.	Powers of Dept. transferred to Secy. of State, ss. 8 (2) (a) repealed, 10, 12 (2) repealed in part.	20, ss. 1 (1), 5, 6 (1), sch.
c. 58 -	Criminal Justice Administration Act, 1914.	S. 20 (1) and (on further amdt. of 1848 Act) (2) amended (E.) ( <i>temp.</i> ).	78, ss. 9, 11 (2), 12 (2).
.		S. 20 (1) amended (N.I.) ( <i>temp.</i> ).	105, ss. 9 (2), 11 (2), 12 (2).
c. 59 -	Bankruptcy Act, 1914.	S. 33 (1) (a) extended (cot-ton contributions).	54, ss. 23, 41 (2) ( <i>see</i> c. 116), sch. 7, para. 15.
		S. 43 excluded (Bank of E. loans).	64, s. 3 (1).
		S. 33 saved - - -	74, s. 3 (6).

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4 & 5 Geo. 5: c. 60	War Loan Act, 1914	Repayment, &c. - -	117, ss. 1 (1) (b) (3) (b), 5 (3).
c. 87	Trading with the Enemy Act, 1914.	Repealed (with saving) -	89, s. 17 (3), sch.
5 & 6 Geo. 5: c. 12	Trading with the Enemy Amendment Act, 1914.	Repealed (with saving for orders or rules under s. 5, &c.).	89, s. 17 (3), sch.
c. 40	Marriage of British Subjects (Facilities) Act, 1915.	S. 1 (1) (a)—see - -	33, s. 2.
c. 55	War Loan Act, 1915.	S. 1 (1) in part repealed -	117, ss. 1 (1) (b) (3) (b), 5 (3) (4), sch. 3.
c. 57	Prize Courts Act, 1915.	S. 3 (1) (2) amended (aircraft).	65, ss. 1 (2), 4, sch. Part I.
c. 62	Finance Act, 1915	S. 3 applied - - -	41, s. 5, sch. 4, para. 3.
c. 64	Notification of Births (Extension) Act, 1915.	S. 2 (2) repealed as to London.	40, ss. 207 (1), 208, sch. 8.
c. 79	Trading with the Enemy Amendment Act, 1915.	Repealed with saving -	89, s. 17 (3), sch.
c. 88	Street Collections Regulation (Scotland) Act, 1915.	Effect of conviction -	44, s. 2 (3) (d) 10, 12 (2) (but see 3 & 4 Geo. 6. c. 2, s. 1, sch.), sch.
c. 93	War Loan (Supplemental Provisions) Act, 1915.	S. 5 extended - - -	117, ss. 1 (5), 5 (3).
c. 98	Trading with the Enemy (Extension of Powers) Act, 1915.	Repealed with saving -	89, s. 17 (3), sch.
c. 105	Trading with the Enemy Amendment Act, 1916.	Repealed with saving -	89, s. 17 (3), sch.
6 & 7 Geo. 5: c. 7	Marriage (Scotland) Act, 1916.	Repealed ( <i>prosp.</i> ) - -	34, ss. 8, 9 (but see 3 & 4 Geo. 6. c. 2, s. 1, sch.), sch. 2.
c. 11	Finance (New Duties) Act, 1916.	S. 1, rates on stage plays reduced.	41, s. 6, sch. 5.
c. 24	Finance Act, 1916	S. 60 repealed - - -	117, s. 5 (3) (4), sch. 3.
c. 31	Police, Factories, &c. (Miscellaneous Provisions) Act, 1916.	Effect of conviction under s. 5.	44, ss. 2 (3) (d), 10, 12 (2) (but see 3 & 4 Geo. 6. c. 2, s. 1, sch.), sch.
c. 32	Trading with the Enemy (Copy-right) Act, 1916.	Repealed with saving -	89, s. 17 (3), sch.
c. 43	War Charities Act, 1916.	S. 2 (1) in part repealed as to London except City.	40, ss. 207 (1), 208, sch. 8.
c. 50	Larceny Act, 1916	Effect of conviction under ss. 13-4 and 25-30.	44, ss. 2 (3) (d), 12 (2) (but see 3 & 4 Geo. 6. c. 2, s. 1, sch.), (4), sch.

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6 & 7 Geo. 5.: c. 52 -	Trading with the Enemy and Export of Prohibited Goods Act, 1916.	Ss. 1 in part and 2 repealed with saving.	89, s. 17 (3), sch.
c. 67 -	War Loan Act, 1916.	S. 1 (1) in part repealed -	117, ss. 1 (1) (b) (3) (b), 5 (3) (4), sch. 3.
7 & 8 Geo. 5. c. 31 -	Finance Act, 1917	S. 37 (1) para. (j) added -	41, s. 35 (1).
c. 41 -	War Loan Act, 1917.	S. 1 (1) in part repealed -	117, ss. 1 (1) (b) (3) (b), 5 (3) (4), sch. 3.
—	Air Force Act -	Ss. 9 (3), 39A (2), 108A (3A) added, sch. 2 Part I, para. 3 substituted, ss. 108A (4) (6), 190 (4) (23), sch. 2. Part I, para (2) amended. Ss. 81, 96 excluded ( <i>temp.</i> )	17, ss. 4-7, 11-2.  25, ss. 2 (4), 6 (4), 21 (but <i>see</i> c. 81, ss. 12, 21 (2)).
c. 64 -	Representation of the People Act, 1918.	S. 76 excluded ( <i>temp.</i> ) - S. 96 excluded ( <i>temp.</i> ) - S. 10, sch. 6, para. 5 repealed as to London.  Ss. 11, 44 (11) (b), &c. temporary registration arrangements.	68, ss. 5 (1), 7 (a). 81, ss. 9, 21 (2). 40, ss. 207 (1), 208, sch. 8.  115, ss. 2 (1)-(3) (5), 9, 10 (2).
8 & 9 Geo. 5.: c. 25 -	War Loan Act, 1918.	S. 1 (1) repealed in part -	117, ss. 1 (1) (b) (3) (b) (6), 5 (3) (4), sch. 3.
c. 31 -	Trading with the Enemy (Amendment) Act, 1918.	Repealed with saving -	89, s. 17 (3), sch.
c. 40 -	Income Tax Act, 1918.	S. 105 amended - - -  S. 39 (5) applied (House of Commons Fund). Ss. 32 (3) (f) amended and excluded, 105 (1) amended, 211 applied as modified, Acts applied to excess profits tax and excluded. Part V amended ( <i>temp.</i> ) (transfer of functions). S. 49 (2) extended - - -	41, s. 19; and <i>see</i> Part II generally. 49, s. 1 (5); and <i>see</i> s. 1 (4). 109, ss. 7 (4), 9 (1) (6), 14, schs. 6, 7.  99.
c. 48 -	Education (Scotland) Act, 1918.	Powers of Dept. transferred to Secy. of State, s. 11 (3) amended.  Ss. 14 (3) amended, 14, 17 postponed, order under s. 33 (2) excluded.	117, ss. 3 (6), 5 (3), sch. 2. 20, ss. 1 (1), 5, 6 (1), sch.  112, ss. 1, 2 (1) (3), sch.
c. 57 -	War Pensions (Administrative Provisions) Act, 1918.	S. 9 amended - - -	83, ss. 2, 11 (2).

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9&10Geo.5: c. 2	Re-election of Ministers Act, 1919.	S. 2 excluded (emergency Ministers).	77, s. 1 (3).
c. 11	Army (Annual) Act, 1919.	S. 17 virtually repealed (with s. 180 (2) (e) of Army Act).	17, s. 8 (2).
c. 20	Scottish Board of Health Act, 1919.	Dept. abolished and powers transferred to Secy. of State, ss. 4 (1) proviso, 4 (2) (a), 6 (1) (2) repealed.	20, ss. 1, 5, 6 (1), sch.
c. 32	Finance Act, 1919	S. 8 applied	109, s. 5 (1) (4).
c. 37	War Loan Act, 1919.	S. 1 (1) extended	6, s. 1 (3); 41, s. 32; 47, s. 4 (1); 57, s. 17.
		S. 1 (1) in part repealed	117, ss. 1 (1) (b) (3) (b), 5 (3) (4), sch. 3.
c. 57	Acquisition of Land (Assessment of Compensation) Act, 1919.	Applied under— Camps Act	22, ss. 2 (5), 8 (2).
		Reserve and Aux. Forces Act.	24, ss. 3 (2), 6.
		Civil Defence Act, s. 1 (3) excluded.	31, ss. 50 (4), 54, 92 (1).
c. 59	Land Settlement (Facilities) Act, 1919.	S. 24 in part repealed as to London.	40, ss. 207 (1), 208, sch. 8.
c. 97	Land Settlement (Scotland) Act, 1919.	Powers of Dept. transferred to Secy. of State, ss. 1 (1), 2, 16, 18 (3), sch. 1, paras. (5) (7) amended, s. 6 (3) modified by order.	20, ss. 1 (1) (4), 5, 6 (1), sch.; and see S.R. & O. 1939 No. 782.
c. 100	Electricity (Supply) Act, 1919.	S. 29 (1) (2) amended	31, s. 42 (3), sch. 1, Part I, para. 5 (2).
		S. 1 (constitution of Commrs.), varied ( <i>temp.</i> ).	119, ss. 2, 8 (3), sch.; see S.R. & O. 1939 No. 1834.
10&11Geo.5: c. 7	Army and Air Force (Annual) Act, 1920.	S. 6 virtually repealed (on repeal of s. 180 (2) (c)).	17, s. 8 (2).
c. 17	Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	Continued as modified, ss. 1, 2 (1) (a) (b), 3 (3), 5 (7), 6, 7 proviso (i) 8 (1), 9, 10, 12 (1) (a) (b), 14 (1), 18 (1) (a) amended, 12 (1) (e) substituted, 2 (1) (c)-(e) (2) (4), 4, 5 (3), 12 (2) (4) (c) (9) (10) excluded ( <i>temp.</i> ).	71, ss. 1, 3 (1), 8, 9 (2) (4), sch. 1, &c.
c. 18	Finance Act, 1920	Sch. 2, paras. 1, 4 (a), 6 substituted. Sch. 1, Part I substituted, ss. 3, 18, 21 (1) (3) amended, 27 (4) excluded.	41, ss. 9, 10 (1) sch. 8. 109, ss. 2, 9 (2) (3), 14 (1), 24 (2) (5), schs. 2, 7 Part I, para. 5.
		S. 59 excluded	117, ss. 1 (4), 5 (3).
c. 50	Mining Industry Act, 1920.	S. 20 (3) amended, powers of committee transferred to Commn. S. 5 (2) proviso repealed	9, ss. 1 (4), 2 (3) (a) (6), 3 (3) sch. 2. 45, s. 1.

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10&11Geo.5: c. 67	Government of Ireland Act, 1920.	Restriction on power of N.I. Parliament removed.	72, ss. 25, 26 (2); 73, s. 5; 74, s. 6; 84, s. 18 (2) (g); 92, ss. 3, 4 (3); 93, ss. 4, 5 (2); 94, ss. 16, 17 (2); 95, ss. 12, 13 (3); 102, ss. 7, 8 (4); 103, ss. 15, 16 (2); 104, ss. 9, 10 (2); 114, s. 8.
c. 75	Official Secrets Act, 1920.	S. 8 (4) suspended ( <i>temp.</i> ) - S. 6 substituted - - -	62, ss. 6 (3), 11, 121.
c. 80	Air Navigation Act, 1920.	S. 7 extended - - -	61, s. 32.
11&12Geo.5: c. 7	Tribunals of Inquiry (Evidence) Act, 1921.	Applicable under Wheat Act regs.	37, s. 24, sch. 1.
c. 31	Police Pensions Act, 1921.	Saved - - - -	94, s. 12 (a).
c. 32	Finance Act, 1921	Ss. 9 and 20, service how reckoned, s. 11 superseded.	103, ss. 2 (2), 6 (1) (b), 14, 16 (2).
c. 51	Education Act, 1921	Ss. 47 repealed, 51 ("Government stock") extended.	117, ss. 3 (6), 5 (3) (4), schs. 2, 3.
c. 51	Education Act, 1921	S. 145, sch. 1, Parts II and III, repealed, ss. 4 (3), 10, 157 repealed in part, s. 4 (2) (a) excluded, as to London. Senior public elem. schools at Liverpool— <i>see</i> Byelaws under Part IV— <i>see</i>	40, ss. 61 (1), 207 (1), 208, sch. 8. 60.
c. 52	Exchequer and Audit Departments Act, 1921.	S. 5 extended - - -	111, s. 1 (2). 5, s. 7 (1).
c. 67	Local Authorities (Financial Provisions) Act, 1921.	S. 3 except proviso to (3), ss. 4, 6 repealed as to metrop. borough councils in E.	40, ss. 206, 207 (1), 208, sch. 8.
12&13Geo.5: c. 11	Juries Act, 1922	S. 1 (7), &c., restricted, preparation of jurors' books for counties postponed ( <i>temp.</i> ).	115, ss. 2 (4) (5), 10 (2).
c. 12	Representation of the People Act, 1922.	1939 registration arrangements— <i>see</i>	115, ss. 2 (1)-(3) (5), 9, 10 (2).
c. 16	Law of Property Act, 1922.	S. 140 amended - - -	[3 & 4 Geo. 6.] 2, s. 3.
c. 17	Finance Act, 1922	S. 21 amended, sch. 1, paras. 1-3 applied, paras. 5, 10 excluded.	41, ss. 14-6.
c. 34	Whale Fisheries (Scotland) (Amendment) Act, 1922.	Powers of Fishery Board transferred to Secy. of State, s. 1 amended.	20, ss. 1 (1), 5, 6 (1), sch.

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12&13Geo.5: c. 40	Air Ministry (Kenley Common Acquisition) Act, 1922.	Excluded, s. 2 (2) repealed, further agreement sanctioned.	59, ss. 6 (1), 7 (2), sch. 1.
c. 46	Electricity (Supply) Act, 1922.	S. 7 excluded - - - Ss. 2 (except as to City) and 5 (2) repealed in part as to London.	31, s. 42 (3), sch. 1, Part I, para. 5 (1). 40, ss. 207 (1), 208, sch. 8.
c. 51	Allotments Act, 1922.	S. 18 (1) in part and (2) repealed as to London.	40, ss. 207 (1), 208, sch. 8.
c. 52	Allotments (Scotland) Act, 1922.	Powers of Dept. of Agric. transferred to Secy. of State, s. 16 (2) amended.	20, ss. 1 (1), 5 6 (1), sch.
c. 59	Local Government and other Officers' Superannuation Act, 1922.	Effect of 1939 Act— <i>see</i>	18, ss. 2, 3.
13&14Geo.5: c. 9	Agricultural Holdings Act, 1923.	Effect of ploughing grant on compensation.	48, s. 30 (2) ( <i>temp.</i> ).
c. 10	Agricultural Holdings (Scotland) Act, 1923.	Powers of Dept. of Agric. transferred to Secy. of State.	20, ss. 1 (1), 6 (1).
c. 14	Finance Act, 1923	Ss. 2, 3 restricted - - -	109, s. 1 (5) (7); and <i>see</i> s. 14 sch. 7, Part I, para. 12 (a) to s. 18.
c. 24	Housing, &c., Act, 1923.	S. 22 (f) repealed as to Scotland. S. 22 (f) repealed as to London.	28, ss. 3, 4, sch. 40, ss. 207 (1), 208, sch. 8.
c. 32	Rent and Mortgage Interest Restrictions Act, 1923.	Acts continued as modified, ss. 8 (2), 10 (1) amended, 3, 7 excluded.	71, ss. 1, 3 (1), 9 (2)-(4), sch. 1.
c. 33	Universities of Oxford and Cambridge Act, 1923.	Excluded (emergency statutes), s. 7 saved.	106, ss. 4-7, 8 (2).
14&15Geo.5: c. 24	Isle of Man (Customs) Act, 1924.	S. 4 (cocoa) continued - - -	53, s. 2.
c. 27	Conveyancing (Scotland) Act, 1924.	S. 23 (5) applied - - -	80, s. 4 (2).
15&16Geo.5: c. 11	Borough Councilors (Alteration of Number) Act, 1925.	Repealed as to London - - -	40, ss. 207 (1), 208, sch. 8.
c. 15	Housing (Scotland) Act, 1925.	Powers of Dept. of Health transferred to Secy. of State, ss. 84 proviso (a) repealed, 83 (2), 86 (1), sch. 5, para. 8 amended. S. 107 repealed - - - Ss. 21-2 applied (civil defence). Guarantee under s. 75 (1) (b) as additional security (building society). Part I extended. - - -	20, ss. 1 (1), 5 6 (1), sch. 28, s. 3, sch. 31, ss. 18 (4), 66 (3), 91 (5) (c) (24). 55, s. 2 (2), sch. Part I, para. 3. 73, ss. 1, 4 (1) (2), 6 (2).



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15&16Geo.5: c. 18	Settled Land Act, 1925.	S. 83, sch. 3 extended (air-raid shelters). War damage— <i>see</i> - - - S. 26 (death of infant on war service)— <i>see</i>	31, s. 66 (1). 72, s. 3. 114, ss. 5, 7, 9 (2) (3).
c. 19	Trustee Act, 1925	Ss. 1 applied, 2 (1) excluded (House of Commons Fund).	49, s. 3 (1), sch. 3.
c. 20	Law of Property Act, 1925.	Applied (powers of mortgagee by deed). S. 84 applied as modified - S. 125 applied ( <i>temp.</i> ) -	31, ss. 18 (4), 19 (1). 72, ss. 18, 26 (2). 114, ss. 1 (4), 7, 9 (2) (3).
c. 21	Land Registration Act, 1925.	S. 75 saved - - -	21, ss. 16, 34 (2) (3).
c. 22	Land Charges Act, 1925.	Ss. 10 extended, 15 applied (civil defence).	31, ss. 2 (2), 18 (4), 19 (1), 89.
c. 23	Administration of Estates Act, 1925.	S. 30 (2) repealed in part ( <i>prosp.</i> ).	21, s. 34 (2)-(4), sch.
c. 24	Universities and College Estates Act, 1925.	War damage to land— <i>see</i> Ss. 26 (1), 30 extended, 26 (5), 30 (1), 32 excluded, repayment period extended, &c. ( <i>temp.</i> ).	72, s. 3. 106, ss. 1-3, 5 proviso, 7, 8 (2).
c. 28	Administration of Justice Act, 1925.	S. 19 excluded ( <i>temp.</i> ) -	78, ss. 8 (2), 11 (2).
c. 36	Finance Act, 1925	Ss. 8, 15 (1) (2), sch. 2, Part I amended, s. 19 applied.	109, ss. 6 (1) (a), 9 (4), 11 (6).
c. 39	Agricultural Returns Act, 1925.	Excluded - - -	48, s. 34 (2) (4).
c. 47	Fire Brigade Pensions Act, 1925.	Saved - - - Ss. 7, 18 amended, 9 replaced, 24 (1) (b) (2) saved, 16 excluded ( <i>temp.</i> ).	94, ss. 12 (b), 17 (2). 103, ss. 2 (2), 6 (2), 7 (1) (2) (c), 12, 14, 16 (2).
c. 49	Supreme Court of Judicature (Consolidation) Act, 1925.	Ss. 53, 70, 72, 99 (4) amended (L. Chancellor's emergency powers), filling of judicial vacancies restricted, &c., s. 53 (2) applied ( <i>temp.</i> ).	78, ss. 1, 2 (2), 3, 6 (1)-(3) (4) (a) (b) (5) (a)-(c) (e) (6) (7), 8 (1), 10, 11 (2).
c. 50	Theatrical Employers Registration Act, 1925.	S. 219 applied - - - S. 12 (2) repealed in part as to London.	114, s. 1 (4). 40, ss. 207 (1), 208, sch. 8.
c. 55	Education (Scotland) (Superannuation) Act, 1925.	S. 2 excluded and amended	96, ss. 2, 7, 8 (2) (3).
c. 56	Isle of Man (Customs) Act, 1925.	Ss. 5, 7 continued - - -	53, s. 2.
c. 59	Teachers (Superannuation) Act, 1925.	Part II applied (war service) as modified.	95, ss. 1, 2, 11, 13 (3) (4), &c.
c. 71	Public Health Act, 1925.	S. 68 (parking places) extended.	31, s. 8.
c. 80	Mining Industry (Welfare Fund) Act, 1925.	Repealed (Nov. 21, 1939) -	9, s. 2 (6), sch. 2.

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15&16Geo.5: c. 84	Workmen's Compensation Act, 1925.	Saved and excluded (civil defence).	31, ss. 26 (6) (7), 71 (4).
c. 86	Criminal Justice Act, 1925.	Excluded (personal injuries) Ss. 5, 9 extended	82, ss. 3, 8 (1). 94, ss. 13 (1), 14 (1), 17 (2).
16&17Geo.5: c. 9	Economy (Miscellaneous Provisions) Act, 1926.	Part III, 1939 registration arrangements— <i>see</i>	115, ss. 2 (1) (3) (5), 10 (2).
c. 22	Finance Act, 1926	S. 10 (5) substituted ( <i>temp.</i> )	97, ss. 2 (1), 3 (2).
c. 27	Isle of Man (Customs) Act, 1926.	S. 8 continued	53, s. 2.
c. 28	Mining Industry Act, 1926.	S. 15 repealed (Nov. 21, 1939).	9, s. 2 (6), sch. 2.
c. 29	Adoption of Children Act, 1926.	S. 2 (1) proviso repealed and replaced, 2 (5) substituted ( <i>prosp.</i> ). S. 2 (5) further substituted	27, ss. 8, 15 ( <i>d.</i> ), 17 (2), sch.: <i>see</i> 3 & 4 Geo. 6 c. 2, s. 1, sch. [3 & 4 Geo. 6] 2, s. 2.
c. 51	Electricity (Supply) Act, 1926.	Ss. 9 (2) applied, 27 excluded.	31, s. 42 (3), sch. 1, Part I, para. 3 (2), Part II, para. 2 (2); <i>see</i> also Part III.
c. 56	Housing (Rural Workers) Act, 1926.	Ss. 6, 7 repealed as to Scotland.	28, ss. 3, 4, sch.
c. 59	Coroners (Amendment) Act, 1926.	S. 1 (3) repealed as to London except City. S. 13 (2) (c) ( <i>e</i> ) excluded ( <i>temp.</i> ).	40, ss. 207 ( <i>l.</i> ), 208, sch. 8. 78, ss. 8 (3), 11 (2).
17&18Geo.5: c. 10	Finance Act, 1927	S. 40 amended, s. 5, sch. 1 (wines) and s. 6 (sweets) superseded.	109, ss. 3, 4 (1) (3), 9 (1) (4), sch. 3.
c. 14	Poor Law Act, 1927.	Repealed as to London, so far as unrepealed.	40, ss. 205, 207 (1), 208, schs. 7, 8.
c. 20	Isle of Man (Customs) Act, 1927.	S. 1 continued	53, s. 2.
c. 21	Moneylenders Act, 1927.	S. 13 (1) ( <i>d</i> ) and "and" at end of (c) repealed as to England ( <i>prosp.</i> ).	21, s. 34 (2) (4), sch.
c. 29	Cinematograph Films Act, 1927.	S. 27 (3)— <i>see</i>	41, s. 3, sch. 3, para. 6 (1) ( <i>b</i> ).
c. 31	Audit (Local Authorities) Act, 1927.	Repealed as to London	40, ss. 207 (1), 208, sch. 8.
18&19Geo.5: c. 13	Currency and Bank Notes Act, 1928.	Ss. 2 (1), 8 (1) amended, provision for profits under s. 6.	7, ss. 1, 3 (2).
c. 17	Finance Act, 1928	S. 18 excluded S. 4 (1), new rates of sugar duties; sch. 2, Part I, Tables I and II in Part II substituted.	41, s. 14 (2) ( <i>b</i> ). 109, s. 6, sch. 5.
c. 30	Educational Endowments (Scotland) Act, 1928.	Powers of Scottish Educ. Dept. transferred to Secy. of State, s. 36 repealed.	20, ss. 1 (1), 5, 6 (1), sch.

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18&19Geo.5: c. 31	Food and Drugs (Adulteration) Act, 1928.	S. 35 (c) substituted by order.	20, ss. 1 (4), 6 (1): and <i>see</i> S.R. & O. 1939 No. 782.
c. 34	Reorganisation of Offices (Scotland) Act, 1928.	Powers of Depts. transferred to Secy. of State, ss. 1 (4) (a) proviso, 1 (5) and 3 repealed.	20, ss. 1 (1), 5, 6 (1), sch.
c. 43	Agricultural Credits Act, 1928.	Payments to Agric. Mortgage Corporation.	48, s. 32.
19&20Geo.5: c. 17	Local Government Act, 1929.	Ss. 135 explained, 104 extended. Ss. 9, 10, 48, 64, 129 (4), in part 129 (1) repealed as to London, ss. 51, 115 (2), sch. 7 and in part s. 115 (6) repealed as to London, except City, s. 18 (h) saved.	13, s. 2 (1) (5) (cancer). 40, ss. 66 (2) (b), 68 (4), 207 (1), 208, sch. 8.
c. 23	Companies Act, 1929	S. 356 repealed - - - Part X applied (cotton boards), ss. 78, 264 (1) extended.  Ss. 372 and in effect 152 applied (building societies) S. 357 excluded (war risks insurance). S. 79 excluded - - -  S. 169 (1) restricted - - -  Ss. 79 excluded, 78, 264 saved. S. 169 (1) restricted - - -	16, ss. 25, 26 (1). 54, ss. 11 (6), 23, schs. 4, Part I, 7, para. 15. 55, ss. 14, 18 (3) (4). 57, ss. 5, 21. 64, ss. 3 (1), 4 (2). 67, ss. 1 (2) (a), 7 (2) (3). 74, ss. 3 (4) (b) (6), 5 (d). 113, ss. 1 (2) (d), 2 (1), 4 (2).
c. 25	Local Government (Scotland) Act, 1929.	Ss. 78 explained, 66 extended (cancer). Powers of Depts. transferred to Secy. of State, sch. 3, para 14 (a) repealed, ss. 12 (1), 77 repealed in part. S. 23 applied - - - S. 35 (war service)— <i>see</i> - - - Ss. 25, 36-7, &c. suspended ( <i>temp.</i> ).	13, ss. 2 (1) (5), 7 (a) (iv). 20, ss. 1 (1), 5, 6 (1), sch.  31, s. 91 (33). 94, ss. 2, 15 (2). 115, ss. 6, 8.
c. 29	Government Annuities Act, 1929.	Ss. 2 (3), 54 (2) extended -	117, ss. 3 (6), 5 (3), sch. 2, para. 5.
c. 36	Age of Marriage Act, 1929.	S. 3 (1) (collective title) in part repealed ( <i>prosp.</i> ).	34, ss. 8, 9, sch. 2 (but <i>see</i> 3 & 4 Geo. 6. c. 2, s. 1, sch.).
20&21Geo.5: c. 1	Isle of Man (Customs) Act, 1929.	Ss. 2 (sweets), 3 proviso (hop oil) continued.	53, s. 2.
c. 17	Poor Law Act, 1930	Ss. 7, 10 (3) in part, 110, 114, 136 (1) (e), 140, 144, 155, 160 (2) (4) (5) (7) repealed as to London.	40, ss. 207 (1), 208, sch. 8.

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20&21Geo.5: c. 28 -	Finance Act, 1930	Sch. 2, estate duty rates increased.	41, s. 9; 109, s. 23.
c. 34 -	Coal Mines Act, 1930.	S. 17 repealed - - -	45.
c. 36 -	Education (Scotland) Act, 1930.	Powers of Depts. transferred to Secy. of State, s. 1 amended.	20, ss. 1, 5, sch.
c. 37 -	Adoption of Children (Scotland) Act, 1930.	S. 2 (1) proviso and (5) substituted ( <i>prosp.</i> ).	27, s. 15 (d) (h), 17 (2); and <i>see</i> 3 & 4 Geo. 6, c. 2.
c. 40 -	Housing (Scotland) Act, 1930.	S. 23, contributions restricted. S. 42 repealed - - - S. 15 applied (civil defence)	3, s. 8 (1). 28, s. 3, sch. 31, ss. 29 (3), 91 (12). 73, s. 4 (3)-(5).
c. 42 -	Isle of Man (Customs) Act, 1930.	S. 2 continued - - -	74, ss. 1 (4) (iii), 3 (3), 5 (b) (c). 53, s. 2.
c. 43 -	Road Traffic Act, 1930.	S. 120 (parking places) extended (S.).	31, ss. 8, 91 (6).
c. 50 -	Public Works Facilities Act, 1930.	Saved - - - -	40, s. 114 (1) (g).
21&22Geo.5: c. 28 -	Finance Act, 1931	S. 6, amounts increased -	41, s. 12; but <i>see</i> c. 109, s. 8.
c. 30 -	Probation of Offenders (Scotland) Act, 1931.	Expenses (officers' war service).	94, ss. 13, 15 (9).
c. 40 -	Agricultural Produce (Grading and Marking) Amendment Act, 1931.	S. 1 (2) repealed - - -	20, ss. 1 (1), 5, 6 (1), sch.
c. 41 -	Agricultural Land (Utilisation) Act, 1931.	Powers of Dept. of Agriculture for Scotland transferred to Secretary of State, s. 24 (a) amended.	20, ss. 1 (1), 5, 6 (1), sch.
c. 42 -	Agricultural Marketing Act, 1931.	Powers of Dept. of Agriculture for Scotland transferred to Secretary of State, s. 11 (1) amended.	20, ss. 1 (1), 5, 6 (1), sch.
c. 49 -	Finance (No. 2) Act, 1931.	S. 2, sch. 1 (tobacco) superseded. S. 8 amended - - -	41, s. 1, sch. 1, but <i>see</i> c. 109, s. 5, sch. 4. 109, s. 9 (2) (4).
22&23Geo.5: c. 8 -	Import Duties Act, 1932.	Ss. 3 amended, 5 excluded, 19 in part applied. Ss. 3 (1) amended, 2 (3) (4), 3 (2), sch. 2, para. 2, excluded ( <i>temp.</i> ).	41, s. 3, sch. 3. 97, ss. 1 (2) (3), 3 (2), sch.
c. 12 -	Destructive Imported Animals Act, 1932.	Powers of Dept. of Agriculture for Scotland transferred to Secretary of State, s. 9 amended.	20, ss. 1, 5, 6 (1), sch.

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22&23Geo.5: c. 16 -	Isle of Man (Customs) Act, 1932.	S. 19, sch. 3 repealed	53, ss. 1, 6 (2), sch. 4.
c. 24 -	Wheat Act, 1932	Ss. 2 (3) proviso, 4, 5 (2) (m), 6, 10 (3) (d), 11 (4), 14, 20 (1) in part, 20 (2) (3) repealed, 3, 8 repealed and substituted, 16 (1) (c), 18 (2) substituted, 2 (4), 5 (2) (e) (f) (j) (k) (4), 9 (5) (6), 10 (3) (c), 11 (1) (2), 12 (1) (e), 16 (1) (a) (3) (4), 20 (1) (4), schs. 1, 2 amended, power to alter s. 2 (3) by order, ss. 5, 12, 16 (3), 18 extended, 1 (2) excluded. S. 5 extended, deficiency payments excluded.	37, ss. 1 (2), 2 (1), 3 (1), 5, 8 (6), 17-8, 19 (3) (c) (4), 21, 27-9, 30 (1), 31, 32 (2), sch. 1 para. 6, sch. 2.
c. 25 -	Finance Act, 1932	S. 25 (2)-(6) repealed - Sch. 2 substituted, s. 9 excluded with power to revoke scheme.  S. 24 (4) amended, (3) excluded, (7) extended. Ss. 9 (1), 10 (1) amended, 10 (2) excluded, 9 applied ( <i>temp.</i> ). S. 3, new rates of excise duty on sugar, sch. 2 substituted. S. 24 amended - - -	48, ss. 7 (1) (2), 38 (3). 7, s. 5 (3), sch. 41, ss. 2 (1) (c) (3), 8 (3)-(5), sch. 2 Part III.  64, ss. 1 (1) (2), 4 (2). 97, ss. 1 (1) (3), 3 (2), sch. 109, s. 6 (1) (c) (3), sch. 5, Part III. 117, ss. 1 (6), 5 (3), sch. 1.
c. 37 -	Solicitors Act, 1932	S. 45, &c. excluded - -	40, s. 177.
c. 41 -	Isle of Man (Customs) (No. 2) Act, 1932.	S. 4 amended - - - Ss. 8, 9 continued, 2 (6) applied.	110, ss. 1, 2, sch. 53, ss. 2, 3 (4).
c. 47 -	Children and Young Persons (Scotland) Act, 1932.	Byelaws under s. 44 saved	112, s. 2 (2).
c. 48 -	Town and Country Planning Act, 1932.	Excluded (camps) - - Objects of scheme extended (A.R.P.). Ss. 38 (2) repealed, 38 (1) (3), 50 (8) repealed in part, as to London.	22, s. 3 (2). 31, s. 70. 40, ss. 207 (1), 208, sch. 8.
c. 49 -	Town and Country Planning (Scotland) Act, 1932.	Powers of Dept. of Health transferred to Secy. of State, ss. 34 (1), 35 (4), sch. 3, Part II, para. 4 amended. In part applied (camps) -	20, ss. 1, 5, 6 (1), sch. 22, ss. 2 (2), 7 (b). 31, ss. 70, 91 (17)
c. 53 -	Ottawa Agreements Act, 1932.	Schs. 1 Part VI substituted (Aug. 15, 1939), 2 Part I amended, s. 2 excluded.  S. 3 (a) (b), duties super-seded, proviso amended.	41, ss. 3, 7 (1) (4), 8 (1) (2), sch. 3, para. 5, schs. 6, 7. 109, s. 3, sch. 3.

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23&24Geo.5: c. 12	Children and Young Persons Act, 1933.	Sch. 4, para. 9 modified by order on transfer of powers of Dept. to Secy. of State.	20, ss. 1 (1) (4), 6 (1); and <i>see</i> S.R. & O. 1939 No. 782.
c. 18	Exchange Equalisation Account Act, 1933.	Ss. 27 (3), 96 (5) (a), 98 (2) repealed as to London. Virtually repealed (Sept. 3, 1939).	40, ss. 207 (1), 208, sch. 8. 64, ss. 1 (2), 4 (2).
c. 19	Finance Act, 1933	S. 9 (3) excluded ( <i>temp.</i> ) -	97, ss. 1 (3), 3 (2), sch.
c. 31	Agricultural Marketing Act, 1933.	S. 1, sch. 1 superseded, ss. 8 (2) amended, 2 saved. S. 13 (1) extended - -	109, ss. 1, 4 (2) (3), sch. 1. 46, ss. 7 (1), 9 (1), 10 (2).
c. 32	Rent and Mortgage Interest Restrictions (Amendment) Act, 1933.	Acts continued as modified, ss. 1 (1) (2) (4)-(6), 2, 5, 15 (f), 16 (2) repealed, 15 (c), 16 (1) repealed in part, 4 (4), 6, sch. 1, paras. (a) (b) amended, ss. 1 (3), 5, 9 excluded.	71, ss. 1, 3, 5, 9 (3) (4), schs. 1, 2.
c. 36	Administration of Justice (Misc. Provisions) Act, 1933.	S. 6 excluded ( <i>temp.</i> ) -	78, ss. 8 (1) (2), 11 (2).
c. 40	Isle of Man (Customs) Act, 1933.	Ss. 1, 3, 4, 8 continued, s. 9, sch. 3, Part I amended.	53, ss. 2 (1), 4, sch. 3.
c. 51	Local Government Act, 1933.	Ss. 161-2, 174-5, 179 (a)-(c), 290 (2)-(5) (8) applied, 161 (4) restricted (camps). S. 290 (2)-(5) (inquiry) applied. Inquiry provisions, s. 290 (2)-(5) applied (England and Scotland) and in part excluded. S. 150, sch. 4 applied - S. 109 amended (war service).	22, s. 2 (2) (3). 30, s. 3 (9). 31, ss. 63 (2), 73 (3), 91 (27). 40, s. 167 (1). 94, ss. 2, 14, 17 (2).
24&25Geo.5: c. 9	Mining Industry (Welfare Fund) Act, 1934.	Ss. 2 (1) (4) amended, 3 (2) saved.	9, ss. 1 (1)-(3), 3 (3).
c. 10	North Atlantic Shipping Act, 1934.	S. 1 amended - - -	117, s. 1 (6), sch. 1.
c. 14	Arbitration Act, 1934.	S. 16 (1) (2) (7) (8) and in part (4) repealed ( <i>prosp.</i> ).	21, s. 34 (2)-(4), sch.
c. 18	Illegal Trawling (Scotland) Act, 1934.	Powers of Fishery Board transferred to Secy. of State, ss. 6 amended, 4 modified by order.	20, ss. 1, 5, 6 (1), sch.; and <i>see</i> S.R. & O. 1939 No. 782.
c. 29 (Part 11)	Unemployment Assistance Act, 1934	S. 37 applied (camps) - Power to modify by regs., ss. 38 (2) (3), 52 saved, provision for emergency payments and expenses ( <i>temp.</i> ).	22, ss. 4, 8 (2). 93, ss. 1-3, 5 (2).
c. 31	Debts Clearing Offices and Import Restrictions Act, 1934.	S. 1 saved, 1 (6) excluded, &c. Continued - - -	89, ss. 8, 17 (2). [3 & 4 Geo. 6.] 1.

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24&25Geo.5: c. 32	Finance Act, 1934	S. 6 (1) amended ( <i>temp.</i> ), sch. 1, Part I substituted, sch. 3 and (as to paras. 1 and 6 of sch. 2 to 1920 Act) s. 18 (1) superseded. S. 8 (1) (2) amended ( <i>temp.</i> )	41, ss. 2, 7 (2) (4), 9, schs. 2, 8.
c. 46	Isle of Man (Customs) Act, 1934.	S. 1 (1) (a) amended, sch. 1, Part I further substituted, sch. 1, Part II excluded. S. 3 (1) in part repealed	97, ss. 1 (3), 3 (2), sch. 109, ss. 6 (1) (2) (b) (3), sch. 5, Part II. 53, ss. 5, 6 (2), sch. 4.
c. 51	Milk Act, 1934	S. 10 (2) (application of substituted s. 3 of 1922 Act to Scotland) substituted by order on transfer of powers from Dept. of Agric. Ss. 11 virtually repealed, 12 saved.	20, s. 1 (1) (4); and see S.R. & O. 1939 No. 782. 46, ss. 2 (3) (4), 6 (2), 10 (2).
c. 52	Poor Law (Scotland) Act, 1934.	Powers of Dept. of Health transferred to Secy. of State.	20, ss. 1, 6 (1).
c. 53	County Courts Act, 1934.	Ss. 88 (1) amended, 111 applied. Ss. 91 (juries) and 99 (rules by rule committee) excluded ( <i>temp.</i> ).	72, s. 23. 78, ss. 2 (2), 8 (1) (2), 11 (2).
25&26Geo.5: c. 1	Special Areas (Development and Improvement) Act, 1934.	Area in sch. 1, Part II excluded (Scottish housing). Continued ( <i>see</i> 1 Edw. 8 & 1 Geo. 6. c. 31. ss. 1, 9).	3, s. 2 (4). [3 & 4 Geo. 6] 1.
c. 7	British Shipping (Assistance) Act, 1935.	S. 4 amended	117, ss. 1 (6), 5 (3), sch. 1.
c. 8	Unemployment Insurance Act, 1935.	Ss. 5 (3) (b) (4), 38 (2) (iv), sch. 2 repealed, s. 108 prosp. repealed, ss. 7, 18 (3), 32 (1) (b), 35, 38, 72 (8) (9) (b), 73 (1) (5), 75 (1), 77, 79 (2), 95 (1) (2), 115 (1) (a), sch. 1 amended, s. 38 (1), sch. 5 extended, ss. 49 (1), 80 excluded, provision for increased expense and for inquiries. S. 40 (umpires)— <i>see</i> - - Power to adapt to war-time conditions, ss. 21 (1), 60 saved, 105 applied ( <i>temp.</i> ). S. 65 extended ( <i>temp.</i> )	29, ss. 1 (6) (7), 2 (1) (b), 3, 4, 5 (b), 6 (2) (5), 7, 8, 9, 10 (1), 11 (3) (4), 12, 13 (2), 14, 16 (a) (i) (b), 17 (2)-(4), sch. 81, s. 6 (3). 92, ss. 1 (1) (3), 4 (2) (3). 104, ss. 4, 10 (2) (3).
c. 24	Finance Act, 1935	Sch. 1 substituted, ss. 2 (7) (d), 7 amended, 4 (2) superseded (on substitution of new para. 4 (a)), s. 5 extended. Ss. 19, 20, 22-3 amended. S. 30 amended	41, ss. 4-6, 10 (1) (2), sch. 5. 109, s. 9 (1) (2) (5). 117, ss. 1 (6), 5 (3), sch. 1.

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25&26Geo.5: c. 32 -	Criminal Lunatics (Scotland) Act, 1935.	Powers of Prisons Dept. for S. transferred to Secy. of State, s. 1 (1) modified by order.	20, ss. 1 (1) (4), 6 (1); and see S.R. & O. 1939 No. 782.
c. 41 -	Housing (Scotland) Act, 1935.	Ss. 26 (1) (a)-(c), 33 (1) (8), 45 substituted, 26 (6), sch. 3, Part I, para. 10 and Part III, para. 8B added, ss. 33 (4) (7), 47 (3) amended, 30, 32 excluded, 38 restricted.	3, ss. 4 (1)-(3), 6-8; and see s. 2 (1) (2).
c. 47 -	Restriction of Ribbon Development Act, 1935.	S. 20 (parking places) extended.	31, ss. 8, 91 (6).
26 Geo. 5. & 1 Edw. 8 : c. 2 -	Government of India Act, 1935.	S. 99 saved - - - Ss. 102 (5), 126A added, 124 (2) (3) amended.	62, ss. 5 (2), 11, 66.
c. 3 -	Government of Burma Act, 1935.	S. 33 saved - - -	62, ss. 5 (2), 11.
c. 13 -	Unemployment Insurance (Agriculture) Act, 1935.	S. 10 repealed (July 3, 1940)	29, s. 15.
c. 18 -	Sugar Industry (Reorganization) Act, 1936.	S. 18 (3) amended, power of Dept. of Agric. for Scotland transferred.	20, ss. 1 (1), 5, 6 (1), sch.
c. 21 -	Cotton Spinning Industry Act, 1936.	Amended ( <i>prosp.</i> ) - - -	54, ss. 24, 41 (2); and see c. 116.
c. 31 -	Old Age Pensions Act, 1936.	Committees under s. 10 saved.	40, s. 66 (2) (a).
c. 32 -	National Health Insurance Act, 1936.	Powers of Dept. of Health for Scotland transferred to Secretary of State, s. 193, sch. 4, Part II, para. 3 modified by order. Power to make regs. extended (holidays). Emergency provisions, ss. 134 ( <i>aa</i> ) added, 126 amended, 12, 134 extended, 89, 163 excluded, 5 restricted, power to modify s. 7 (2).	20, ss. 1 (1) (4), 6 (1); and see S. R. & O. 1939 No. 782. 29, s. 1 (3). 84, ss. 1-4, 6-13, 16-7, 19 (2) (4).
c. 33 -	Widows', Orphans' and Old Age Contributory Pensions Act, 1936.	Powers of Dept. of Health transferred to Secretary of State, s. 44 (1) amended. Power to make regs. extended (holidays). Emergency provisions, ss. 25 (1) and in part 42 (1) repealed, 25 (4) excluded.	20, ss. 1, 5, 6 (1), sch. 29, s. 1 (3). 84, ss. 4, 5, 14, 7, 19 (3) (4).
c. 34 -	Finance Act, 1936	S. 19 (1) (c) substituted, sch. 2, para. 6 explained and amended. Ss. 5 (5), 6 (4) amended ( <i>temp.</i> ). Ss. 2 superseded, 16 amended.	41, ss. 13 (1) (3) (5), 17. 97, ss. 2 (2) (3), 3 (2). 109, ss. 1 (2), 9 (2), sch. 1.



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26 Geo. 5. & 1 Edw. 8: c. 41	Education Act, 1936.	Ss. 8 modified, 9 (1) (3), 10 (1) applied (Liverpool). Ss. 1-6, 16 (2) amended (on postponement).	60. 111.
c. 42	Education (Scotland) Act, 1936.	Ss. 1 (1) (2), 2, 3, 4 (1) and in part sch. amended (on postponement).	112.
c. 43	Tithe Act, 1936	S. 26 extended	117, ss. 1 (6), 5 (3), sch. 1.
c. 44	Air Navigation Act, 1936.	Sch. 3, powers of Queen Anne's Bounty. Ss. 1 (1) amended, 5 saved, 27 applied.	C.A.M. No. 1, ss. 2, 3. 61, ss. 7, 29 (1), 30, 36, schs. 4, 5.
c. 45	Isle of Man (Customs) Act, 1936.	Ss. 3, 4 continued	53, s. 2.
c. 49	Public Health Act, 1936.	Part V extended (cancer)	13, ss. 1 (7), 8 (2).
		Ss. 64-7, 90 (2), 287 (2)-(5), 323-5 and water supply powers applied, ss. 79 (2), 90 (2) applied to Scotland (civil defence).	31, ss. 33 (4) (a) (7), 58 (5), 73 (2) (6), 79 (2), 91 (14) (d) (28).
		S. 342 (2) (ii) repealed	40, ss. 207 (1), 208, sch. 8.
		S. 92 (nuisances) extended (mine dumps), Part III proceedings restricted.	58.
		Sch. 1, para. 3 (war service)— <i>see</i>	94, s. 2.
c. 50	Public Health (London) Act, 1936.	Part IX, ss. 220, 222-3 extended (cancer). Ss. 7, 8, 9 (1)-(3) (6), 10-2, 74, 96 (5), 167 (3) (4), 168 (1), 175-6, 192 (10) as to membership of local authority, 230 (1) (a), 267 (2) (a), 273 as to borough councils, 287 (2), 288, 290 (1), 297 (2)-(4) sch. 1, Part V, and, as to local authority, ss. 275 (1) (b) (c), 284, 300 (1), 301, repealed, ss. 57 (2), 303, sch. 2, Part I repealed in part, committees under s. 286 saved.	13, s. 6. 40, ss. 66 (2) (a), 205, 207 (1), 208, schs. 7, 8.
c. 51	Housing Act, 1936	S. 12, war service— <i>see</i> - Ss. 8 (5), 84 (6), 117 (1) in part, 119 (c) (ii), 183 (1), 185 except as to City and 186 repealed, s. 133 saved, as to London. S. 91 (1) (b) guarantee as additional security (building societies). Emergency provisions, Part II, ss. 9 (4), 10 (3)-(6) extended, 10 (3), 15 excluded. S. 10 (3)-(6) extended, 10 (3) excluded (war damage).	94, s. 2 (a) (b). 40, ss. 126 (6), 207 (1), 208, sch. 8. 55, s. 2 (2), sch. Part I, para. 3. 73, ss. 2, 6 (2). 74, ss. 1 (4) (iii), 4 (1).

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1 Edw. 8. & 1 Geo. 6 : c. 13	Defence Loans Act, 1937.	Limit increased, "defence services" in s. 1 (6) extended. "Defence services" in s. 1 (6) extended.	8. 31, s. 83 (2); 38, s. 16 (2).
c. 22	Local Government (Financial Provisions) Act, 1937.	S. 1—see - - -	117, ss. 1 (6), 5 (3), sch. 1. 13, s. 2 (6) (cancer).
c. 28	Harbours, Piers and Ferries (Scotland) Act, 1937.	S. 9 (d) amended, powers of Depts. and Fishery Board transferred to Secretary of State, ss. 10 (4) (5), 15, 31 (1) modified by order.	20, ss. (11) (4), 5, 6 (1), sch.; and see S. R. & O. 1939 No. 782.
c. 29	Local Government (Financial Provisions) (Scotland) Act, 1937.	S. 1—see - - -	13, ss. 2 (6) 7 (a) (iv) (cancer).
c. 31	Special Areas (Amendment) Act, 1937.	Continued - - -	[3 & 4 Geo. 6] 1.
c. 33	Diseases of Fish Act, 1937.	S. 11 (d) repealed - - -	20, ss. 1, 5, 6 (1), sch.
c. 35	Statutory Salaries Act, 1937.	S. 2 (1), sch. 2 repealed in part.	20, ss. 4, 5, 6 (1), sch.
c. 37	Children and Young Persons (Scotland) Act, 1937.	Powers of Scottish Educ. and Health Depts. transferred to Secretary of State, ss. 108 repealed, 77, 93 (1), 101 (6), 107 (1), 110 (1) repealed in part 93 (1), 106 (1), 109 (1) (2) modified by order. Ss. 37 (a), 38 (5) amended, certain byelaws (under s. 28) annulled.	20, ss. 1 (1) (4), 5, 6, sch.; and see S.R. & O. 1939 No. 782. 112, s. 2 (2) (3), sch.
c. 38	Ministers of the Crown Act, 1937.	S. 9 (1) (a) (c), sch. 1 Part I, sch. 2 amended (Min. of Supply).	38, ss. 1 (3), 20 (2).
c. 39	Widows', Orphans' and Old Age Contributory Pensions (Voluntary Contributors) Act, 1937.	S. 5 (2) (3), schs. 3, 4 (per se and as modified under s. 10 (2)), power to prescribe modifications.	84, ss. 14 (4) (7), 19 (4).
c. 41	Exchange Equalisation Account Act, 1937.	Repealed (Sept. 3, 1939) -	64, ss. 1 (2), 4 (2).
c. 47	Teachers (Superannuation) Act, 1937.	S. 2 excluded, &c. (war service) (E.). War service provision for Scotland.	95, ss. 3 (1), 11, 13 (3) (4). 96.
c. 50	Livestock Industry Act, 1937.	S. 38 (3)-(5) restricted; increased expense under s. 1 (3).	48, s. 26 (2) (3).
c. 54	Finance Act, 1937	Ss. 8 superseded (fresh substitution), 14 (3) applied, sch. 4 para. 2 (1) amended. Sch. 5 applied (excess profits tax).	41, ss. 9, 13 (2), 36, sch. 8. 109, s. 21 (2).

Session and Chapter.	Short Title.	How affected.	Chapter.
1 Edw. 8. & 1 Geo. 6: c. 61	Export Guarantees Act, 1937.	Repealed and replaced	5, ss. 1-3, &c.
c. 64	Isle of Man (Customs) Act, 1937.	S. 3 continued	53, s. 2.
c. 66	Milk (Amendment) Act, 1937.	S. 7 amended and saved	46, ss. 6, 10 (2).
c. 67	Factories Act, 1937	S. 156 (2) (a) am., (12A) added by order on transfer of powers of Scottish Educ. and Health Depts. to Secretary of State. S. 5 (lighting)— <i>see</i> S. 123 (inspectors) extended ( <i>temp.</i> ).	20, ss. 1 (1) (4), 6 (1); and <i>see</i> S.R. & O. 1939 No. 782. 31, s. 49 (2). 104, ss. 4, 10 (2) (3).
c. 68	Local Government Superannuation Act, 1937.	S. 40 (1) "service" extended, sch. 1 Part II para. 1 amended, s. 3 (4) (a) restricted. Officer transferred to civil defence service under Min. of Health— <i>see</i>	18, ss. 1 (1), 2, 4 (2) (4). 31, ss. 52, 73.
c. 69	Local Government Superannuation (Scotland) Act, 1937.	S. 21 (3) saved (London) - War service provisions, ss. 12 (6) extended, 10 restricted, &c. (E.). S. 34 (1) "service" extended. Officer transferred to civil defence service— <i>see</i> War service provisions, &c.	40, s. 126 (6). 94, ss. 1, 3 (4), 4 (3), 5, 7, &c. 18, ss. 1 (2), 4 (3) (4). 31, ss. 52, 73, 91 (16) (17). 94, ss. 1-7, 15 (4), &c.
c. 70	Agriculture Act, 1937.	Ss. 6-12, 14, 29 (1) (b), 33 (d) repealed ( <i>prosp.</i> ) with provision for 1938.	48, ss. 9, 10.
1 & 2 Geo. 6: c. 6	Air-Raid Precautions Act, 1937.	Act modified and in part superseded, functions of Secretary of State transferred ( <i>see</i> S.R. & O. 1939 No. 1142), ss. 6 repealed. 11 (1) (b) amended, 5, 13 (9) applied and amended, 4 (1) restricted, 13 (2) excluded.	31, ss. 1, 11 (2), 54, 56 (7) (8), 58 (7), 63, 67 (1) (5), 91 (21) (22) (31); and <i>see</i> ss. 64 (1), 72 (1), 73 (4), 83 (2) (5), 85.
c. 8	Unemployment Insurance Act, 1938.	S. 4 saved ( <i>temp.</i> )	92, ss. 1 (1), 4 (2) (3).
c. 16	Housing (Financial Provisions) Act, 1938.	Ss. 1, 6, annual contribution increased (A.R.P.).	31, s. 34.
c. 17	Cinematograph Films Act, 1938.	S. 25 (1)— <i>see</i>	41, s. 3, sch. 3, para. 6 (1) (b).
c. 26	Increase of Rent and Mortgage Interest (Restrictions) Act, 1938.	Acts continued as modified, ss. 1, 3 (2), 4 and in part 8 (2) repealed.	71, ss. 1, 2, 7 (4), 9 (3) (4), sch. 2 (Sept. 2, 1939.)

Session and Chapter.	Short Title.	How affected.	Chapter.
1 & 2 Geo. 6: c. 38	Housing (Agricultural Population) (Scotland) Act, 1938.	S. 3 (1) repealed - - - S. 18 (5) repealed - - - S. 10 repealed - - - S. 11 (1) applied (civil defence). S. 11 (1) extended (emergency). S. 11 (1) extended as modified.	3, s. 4 (4); and see s. 1 (6). 20, s. 5, sch. 28, s. 3, sch. 31, ss. 29 (3), 91 (12). 73, ss. 4 (4), 6 (2). 74, ss. 1 (4) (iii), 3 (3), 5 (b) (c).
c. 46	Finance Act, 1938	S. 6 (4) applied - - -  Ss. 18-9 amended, 42 (2) (3), sch. 4, Part I applied.	41, s. 3, sch. 3, para. 5. 109, ss. 9 (1), 17 (6).
c. 51	Essential Commodities Reserves Act, 1938.	Certain powers transferred to Min. of Supply.	38, s. 31 (1) (3); and see S.R. & O. 1939 No. 877.
c. 56	Food and Drugs Act, 1938.	Ss. 17 (4) as to local authority, 75 (1) in part and 96 (2) (b) repealed (London).	40, ss. 207 (1), 208, sch. 8.
c. 60	Anglo - Turkish (A r m a m e n t s Credit) Agreement Act, 1938.	S. 2 extended - - -	117, ss. 1 (6), 5 (3), sch. 1.
c. 65	Rating and Valuation (Air-Raid Works) Act, 1938.	S. 1 amended - - -	31, s. 69.
c. 66	Rating and Valuation (Air - Raid Works) (Scotland) Act, 1938.	S. 1 amended - - -	31, ss. 69, 91 (25).
c. 68	Isle of Man (Customs) Act, 1938.	Ss. 6 (3) amended (film), 4, 5 continued.	53, ss. 2, 3 (3) (5).
c. 71	Bacon Industry Act, 1938.	Ss. 28 (4) (a) substituted, 28 (3) proviso and (4) (c) (d) added, 19 (3), 28 (1) (b) (2) (b) amended ( <i>retrosp.</i> ).	10.
c. 72	Fire Brigades Act, 1938.	Excluded (war service)—see	94, ss. 12, 17 (2); 103, ss. 7, 14, 16 (2).
2 & 3 Geo. 6: c. 3	Housing (Financial Provisions) (Scotland) Act, 1938.	Ss. 1 (2), 5 (3) amended (A.R.P.).	31, ss. 34, 91 (15).
c. 5	Export Guarantees Act, 1939.	Ss. 4, 5 repealed, limit increased.	47, ss. 1 (2), 8; and see s. 2.
c. 18	Local Government Superannuation Act, 1939.	S. 3 scheme, effect of war service (E.S.).	94, ss. 7, 15 (1) (4), 17 (2).
c. 24	Reserve and Auxiliary Forces Act, 1939.	S. 3 applied to Min. of Supply.	38, ss. 2 (2), 20 (2), sch. Part I; and see S.R. & O. 1939 No. 877.
c. 25	Military Training Act, 1939.	Suspended - - -	81, ss. 12, 21 (2).
c. 27	Adoption of Children (Regulation) Act, 1939.	Postponed (except ss. 8, 15 in part, 16 in part and sch.), ss. 8, 15 (d) amended.	[3 & 4 Geo. 6.] 2, ss. 1, 2, sch.
c. 34	Marriage (Scotland) Act, 1939.	Postponed - - -	[3 & 4 Geo. 6.] 2, s. 1, sch.

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c. 41	Finance Act, 1939	Ss. 20-8, sch. 9 (armaments profits duty) repealed, ss. 1, 2, 11-2, sch. 1 superseded, s. 29 excluded. S. 32 (2) (3) amended -	109, ss. 5-8, 20, 23, schs. 4, 5.  117, ss. 1 (6), 5 (3), sch. 1.
c. 47	Overseas Trade Guarantees Act, 1939.	S. 4 amended - - -	117, ss. 1 (6), 5 (3), sch. 1.
c. 54	Cotton Industry (Reorganisation) Act, 1939.	Postponed, s. 41 (2) substituted.	116.
c. 57	War Risks Insurance Act, 1939.	S. 17 amended - - -	117, ss. 1 (6), 5 (3), sch. 1.
c. 67	Courts (Emergency Powers) Act, 1939.	Ss. 1 (3) amended, 3 (2) added. As to Scotland repealed and replaced.	108, ss. 2, 3 (2) (3). 113, s. 4, &c.
c. 68	Armed Forces (Conditions of Service) Act, 1939.	Orders under ss. 3 (4), 5 (2) excluded.	90, s. 1 (3).
c. 89	Trading with the Enemy Act, 1939.	S. 1 excluded, Act applied	107, ss. 1 (1), 4 (1) (4), 5 (2), 11 (2)-(4).
c. 94	Local Government Staffs (War Service) Act, 1939.	Teachers— <i>see</i> - - -	(E.) 95, ss. 1 (a) (i), 11, 13 (3) (4); (S.) 96, ss. 2 (1) (a), 7, 8 (2) (3).
c. 95	Teachers Superannuation (War Service) Act, 1939.	As to Scotland— <i>see</i> - -	96, ss. 4 (a), 7, 8 (2) (3).
c. 108	Possession of Mortgaged Land (Emergency Provisions) Act, 1939.	As to Scotland repealed and replaced.	113, s. 4, &c.



# INDEX

TO THE

## PUBLIC GENERAL ACTS

AND

## CHURCH ASSEMBLY MEASURES.

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[NOTE.—References are to chapters of 2 & 3 Geo. 6 unless otherwise stated.]

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Printed by EYRE AND SPOTTISWOODE LIMITED  
FORSIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E., the King's Printer of  
Acts of Parliament



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