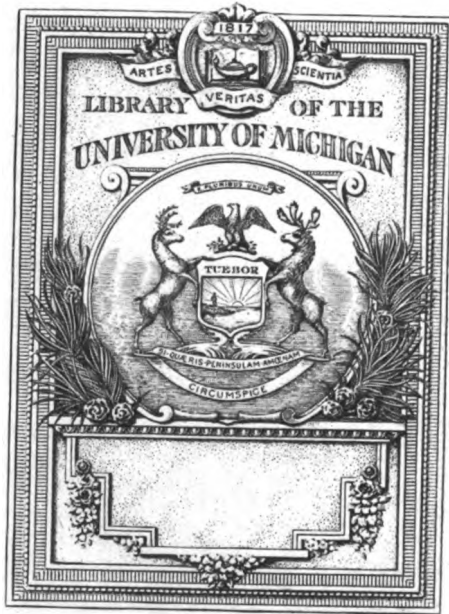


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THE
PUBLIC GENERAL ACTS
and the
Church Assembly Measures
of
1944

Being those which received the Royal Assent
in the
Seventh, Eighth and Ninth Years of the Reign of
His Majesty

King George The Sixth

In the Ninth and Part of the Tenth Session
of the Thirty-Seventh Parliament of the
United Kingdom of Great Britain and Northern Ireland

with

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



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CONTENTS

	Page
TABLE I.—Chronological List of Short Titles of the Public General Acts of 1944	c
THE PUBLIC GENERAL ACTS OF 1944—	
7 & 8 GEO. 6, cc. 4-47	I
8 & 9 GEO. 6, cc. 1-3	513
TABLE II.—Chronological List of Short Titles of the Church Assembly Measures of 1944	i
THE CHURCH ASSEMBLY MEASURES OF 1944—	
7 & 8 GEO. 6, No. I	ii
8 & 9 GEO. 6, No. I	xlii
TABLE III.—Effect of Legislation	xlv
INDEX to the Public General Acts and Church Assembly Measures of 1944	lxiii

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TABLE I.

A CHRONOLOGICAL LIST OF THE SHORT TITLES OF THE PUBLIC GENERAL ACTS OF 1944

Chapter of 7 & 8 Geo. 6.*		Page
4	The Consolidated Fund (No. 1) Act, 1944	1
5	The Landlord and Tenant (Requisitioned Land) Act, 1944...	2
6	The Courts (Emergency Powers) (Scotland) Act, 1944 ...	5
7	The Prize Salvage Act, 1944	7
8	The Guardianship (Refugee Children) Act, 1944	8
9	The Supreme Court of Judicature (Amendment) Act, 1944	12
10	The Disabled Persons (Employment) Act, 1944	15
11	The House of Commons Disqualification (Temporary Provisions) Act, 1944	36
12	The Income Tax (Offices and Employments) Act, 1944 ...	37
13	The Naval Forces (Extension of Service) Act, 1944 ...	42
14	The India (Attachment of States) Act, 1944	43
15	The Reinstatement in Civil Employment Act, 1944 ...	44
16	The Public Works Loans Act, 1944	65
17	The Consolidated Fund (No. 2) Act, 1944	68
18	The Army and Air Force (Annual) Act, 1944	69
19	The National Loans Act, 1944	72
20	The Consolidated Fund (No. 3) Act, 1944	72
21	The Pensions (Increase) Act, 1944	73
22	The Police and Firemen (War Service) Act, 1944	86

* The following chapters of the session 7 & 8 Geo. 6 were printed in the volume of Public General Acts of 1943 :—

1. The Expiring Laws Continuance Act, 1943 (p. 519).
2. The Local Elections and Register of Electors (Temporary Provisions) Act, 1943 (p. 521).
3. The Mining Industry (Welfare Fund) Act, 1943 (p. 523).

Chapter of 7 & 8 Geo. 6.		Page
23	The Finance Act, 1944	97
24	The Parliamentary Electors (War-Time Registration) Act, 1944	143
25	The Law Officers Act, 1944	145
26	The Rural Water Supplies and Sewerage Act, 1944 ...	147
27	The Isle of Man (Customs) Act, 1944	153
28	The Agriculture (Miscellaneous Provisions) Act, 1944 ...	154
29	The Food and Drugs (Milk and Dairies) Act, 1944 ...	166
30	The Appropriation Act, 1944	174
31	The Education Act, 1944	220
32	The Herring Industry Act, 1944	332
33	The Housing (Temporary Provisions) Act, 1944	338
34	The Validation of War-Time Leases Act, 1944	339
35	The National Fire Service Regulations (Indemnity) Act, 1944	345
36	The Housing (Temporary Accommodation) Act, 1944 ...	347
37	The Appropriation (No. 2) Act, 1944	355
38	The India (Miscellaneous Provisions) Act, 1944	358
39	The Housing (Scotland) Act, 1944	361
40	The Liabilities (War-Time Adjustment) Act, 1944	364
41	The House of Commons (Redistribution of Seats) Act, 1944	383
42	The Unemployment Insurance (Increase of Benefit) Act, 1944	395
43	The Matrimonial Causes (War Marriages) Act, 1944...	399
44	The Diplomatic Privileges (Extension) Act, 1944	402
45	The Prolongation of Parliament Act, 1944	407
46	The Ministry of National Insurance Act, 1944	408
47	The Town and Country Planning Act, 1944	413
Chapter of 8 & 9 Geo. 6.		Page
1	The Consolidated Fund (No. 1) Act, 1944 (Session 2) ...	513
2	The Expiring Laws Continuance Act, 1944	514
3	The Local Elections and Register of Electors (Temporary Provisions) Act, 1944.	517

THE
PUBLIC GENERAL STATUTES.

7 & 8 GEO. 6.

CHAPTER 4.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and forty-four and one thousand nine hundred and forty-five. [1st February 1944.]

Most Gracious Sovereign,

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

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and forty-four, the sum of seven hundred and fifty million pounds. Issue of £750,000,000 out of the Consolidated Fund for the service of the year ending 31st March, 1944.

2. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and forty-five, the sum of one thousand million pounds. Issue of £1,000,000,000 out of the Consolidated Fund for the service of the year ending 31st March, 1945.

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

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of

A *

40 & 41 Vict.
c. 2.

March, one thousand nine hundred and forty-five, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

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

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

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

Short title.

4. This Act may be cited as the Consolidated Fund (No. 1) Act, 1944.

CHAPTER 5.

An Act to regulate the rights of the parties to leases of requisitioned land with respect to the making good of damage occurring during the requisition, and for purposes connected therewith. [1st March 1944.]

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:—

Modification
of obligations
under repairing
covenants in
respect of
damage
occurring
during a
requisition of
leaseholds.

1.—(1) Where, in the exercise of emergency powers, possession of any land comprised in a lease is taken on behalf of His Majesty, then, during the period while possession so taken is retained, no remedy for breach of any repairing covenant contained in the lease shall be enforced, whether by action or otherwise, in respect of any damage to the land occurring during that period; and if the lease determines while possession of the land is so retained, or if upon possession of the land being given up, compensation in respect of the taking of possession thereof becomes payable for any such damage to the person entitled to the benefit of the covenant, no remedy for breach of the covenant shall at any time be enforced as aforesaid in respect of that damage.

(2) The provisions of this section shall be deemed to have had effect as from the twenty-fourth day of August, nineteen hundred and thirty-nine, and any proceedings for breach of a repairing covenant pending at the commencement of this Act shall, so

far as they relate to any such damage as aforesaid, be discontinued upon such terms as the court thinks just.

2.—(1) Where possession of any such land taken as aforesaid at any time after the twenty-fourth day of August, nineteen hundred and thirty-nine, is or has at any time since that date been given up during the currency of the lease, and compensation in respect of the taking possession thereof becomes or has become payable for any such damage as aforesaid to any person other than the tenant, then if the tenant incurs expenditure in making good any of that damage, he may recover from that person an amount equal to the expenditure so incurred, not exceeding so much of the compensation payable to that person as may be agreed by the tenant and that person or, in default of agreement, as may be determined by the court, to be payable in respect of that damage.

Rights of tenant upon making good damage for which compensation is paid to landlord.

(2) 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 section shall be exercised by a county court.

24 & 25 Geo. 5.
c. 53.

(3) This section shall, in its application to Scotland, have effect as if for subsection (2) thereof there were substituted the following subsection :—

“(2) In this section the expression ‘court’ means the sheriff court.”

(4) This section shall, in its application to Northern Ireland, have effect as if for the reference to section one hundred and eleven of the County Courts Act, 1934, there were substituted a reference to section fifty-seven of the County Officers and Courts (Ireland) Act, 1877.

40 & 41 Vict.
c. 56.

3.—(1) In any proceedings for the enforcement of a repairing covenant, or for the recovery of a sum under section two of this Act, a certificate purporting to be signed by or on behalf of the authority responsible for the payment of compensation in respect of the taking of possession of any land on behalf of His Majesty, and certifying—

Evidence of right to compensation, etc.

- (a) that possession was so taken on the date specified in the certificate of the land so specified, and is still retained or, as the case may be, was given up on the date so specified; or
- (b) that such compensation has become payable for any damage so specified or the amount of such compensation which has become so payable,

shall be sufficient evidence for the purposes of this Act of the matter so certified, unless the contrary is proved.

2 & 3 Geo. 6.
c. 75.

(2) It is hereby declared that the provisions of subsection (2) of section twelve of the Compensation (Defence) Act, 1939 (which provides that compensation for damage shall not be paid by virtue of that Act to a person entitled, apart from that Act, to recover any sum by way of damages or indemnity in respect of that damage), do not preclude the recovery by any person of compensation under that Act for damage to land of which possession is taken on behalf of His Majesty by reason only that that person is entitled to the benefit of a repairing covenant which relates to that damage.

(3) References in this Act to compensation payable in respect of the taking of possession of land shall be construed as references to compensation so payable by virtue of any obligation imposed by the Compensation (Defence) Act, 1939, or by virtue of any arrangements made for the payment of compensation by agreement in accordance with the provisions of section fifteen of that Act; and for the purposes of this Act compensation shall not be deemed not to have become payable to any person by reason only that he has failed duly to make a claim therefor.

Application to
the Crown.

4. 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 purpose of a government department.

Interpretation.

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

6 & 7 Geo. 6.
c. 21.

“Damage” includes dilapidations, but does not include war damage within the meaning of the War Damage Act, 1943;

“Emergency powers” has the same meaning as in the Compensation (Defence) Act, 1939, that is to say any power conferred by—

(a) regulations made under the Emergency Powers (Defence) Acts, 1939 and 1940, as part of the law of the United Kingdom,

(b) section fifty-two of the Telegraph Act, 1863, or

(c) section seven of the Air Navigation Act, 1920, as amended by any subsequent enactment,

26 & 27 Vict.
c. 112.
10 & 11 Geo. 5.
c. 80.

or any power exercisable by virtue of the prerogative of the Crown;

“Lease” includes an under-lease or other tenancy, an assignment operating as a lease or under-lease, and an agreement for a lease, under-lease or tenancy, or for such an assignment, and the expression “covenant” shall be construed accordingly;

“ Repairing covenant ” means a covenant, whether express or implied, and whether general or specific, to keep in repair any premises comprised in a lease, or to leave or put any such premises in repair, or to pay a sum of money in lieu of leaving or putting the premises in repair, at the termination of the lease, but does not include a covenant to lay out in the reinstatement of any such premises money received under a policy of insurance.

6. This Act may be cited as the Landlord and Tenant (Requisitioned Land) Act, 1944, and this Act and the Landlord and Tenant (Requisitioned Land) Act, 1942, may be cited together as the Landlord and Tenant (Requisitioned Land) Acts, 1942 and 1944.

Short title and citation.
5 & 6 Geo. 6.
c. 13.

CHAPTER 6.

An Act to amend the Courts (Emergency Powers) (Scotland) Act, 1939. [1st March 1944.]

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

1. The following provisions of section one of the Courts (Emergency Powers) (Scotland) Act, 1939 (hereinafter referred to as the principal Act) that is to say :—

Extension of
2 & 3 Geo. 6.
c. 113 to
contracts
made after
commence-
ment of war.

(i) paragraph (b) of the proviso to subsection (1) (which provides that that subsection shall not apply to any decree based upon a contract made after the second day of September nineteen hundred and thirty-nine) ; and

(ii) the first proviso to subsection (2) (which provides that that subsection shall not apply to rights or remedies arising out of contracts made after the said day)

shall cease to have effect :

Provided that, where an application is made by any person under the said section for leave

(a) to enforce a decree based upon a contract made after the second day of September nineteen hundred and thirty-nine ; or

(b) to exercise any right or remedy 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 said day,

the appropriate Court shall not exercise its powers under subsection (3) of the said section unless it is satisfied that the circumstances referred to in that subsection arose after the contract was made.

Power to grant relief against exercise of right under s. 1 (2) of 2 & 3 Geo. 6. c. 113.

2.—(1) Where an application is made for leave to exercise any of the rights or remedies mentioned in subsection (2) of section one of the principal Act, being a right or remedy available in consequence of a default by any person in the payment of a debt or the performance of an obligation, the appropriate court may, for the purposes of the principal Act, treat any person appearing to the court to have any interest in property affected by the right or remedy as if he were the person liable to pay the debt or to perform the obligation, and may grant him relief accordingly.

(2) It shall be the duty of the person making such an application as aforesaid to inform the court of the names and addresses of all persons known to him to have any interest in property affected by the right or remedy, and the court shall order intimation of the application to each of such persons and to any other person who may, at any stage of the proceedings, appear to the court to have such an interest.

Property in goods subject to hire purchase agreement.

3.—(1) Where the appropriate court refuses leave under subsection (3) of section one of the principal Act to take or resume possession of goods let under a hire purchase agreement or to do diligence on any decree for the delivery of any such goods, or gives such leave subject to restrictions and conditions, and the hirer or purchaser, before possession is taken or diligence is done, pays to the owner a sum equal to the total of the unpaid instalments, the property in the goods shall thereupon, notwithstanding any failure to pay any such instalment at the time required by the agreement, pass to the hirer or purchaser.

22 & 23 Geo. 5. c. 38. (2) In this section the expression "hire purchase agreement" means any contract to which the Hire Purchase and Small Debt (Scotland) Act, 1932, applies or would apply if the limitation as to value contained in section one of that Act were omitted, and the expressions "instalment", "hirer", "owner" and "purchaser" have the like meanings as in that Act.

Construction and citation.

4. This Act shall be construed as one with the principal Act and may be cited as the Courts (Emergency Powers) (Scotland) Act, 1944, and the principal Act and this Act may be cited together as the Courts (Emergency Powers) (Scotland) Acts, 1939 and 1944.



CHAPTER 7.

An Act to prevent claims for prize salvage being made or relied upon without the consent of the Admiralty or the Secretary of State. [1st March 1944.]

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) No proceedings to enforce a claim for services rendered in retaking a ship, aircraft or goods taken by an enemy shall be instituted after the commencement of this Act without the consent of the Admiralty or the Secretary of State. Restriction on claims for prize salvage.

(2) Where any such proceedings have been instituted after the twenty-fifth day of January, nineteen hundred and forty-four and before the commencement of this Act and the claim therein has not been adjudicated upon before the commencement of this Act, it shall be dismissed unless the Admiralty or the Secretary of State consents to the prosecution of the claim before the expiration of two months from the commencement of this Act or before the claim is adjudicated upon, whichever first occurs.

(3) In any proceedings instituted after the commencement of this Act otherwise than to enforce such a claim as aforesaid, no such claim shall be made, or shall be relied upon by way of defence or otherwise, without the consent of the Admiralty or the Secretary of State.

(4) Evidence of the consent required by this section may be given by means of a document purporting to give the consent and to be signed on behalf of the Admiralty or the Secretary of State.

(5) In this section the expressions "ship" and "goods" have the same meaning as in the Naval Prize Act, 1864, as amended by the Prize Act, 1939. 27 & 28 Vict. c. 25.
2 & 3 Geo. 6. c. 65.

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

- (a) the United Kingdom, the Channel Islands and the Isle of Man ;
- (b) British India and British Burma ;
- (c) Newfoundland, and every colony except a colony administered by His Majesty's Government in a Dominion ;
- (d) every British protectorate ;
- (e) 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 ;

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.

Short title
and citation.

3. This Act may be cited as the Prize Salvage Act, 1944, and may be cited together with the Prize Acts, 1864 to 1939, as the Prize Acts, 1864 to 1944.

CHAPTER 8.

An Act to provide for the guardianship of infants who have come to the United Kingdom in consequence of war or persecution. [1st March 1944.]

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 :—

Appointment
of guardian
in England
or Northern
Ireland.

1.—(1) The Secretary of State may appoint a guardian of any person who is for the time being in England if it appears to him—

- (a) that that person (hereinafter referred to as the "ward") arrived in the United Kingdom at any time after the end of the year nineteen hundred and thirty-six in consequence of war (whether foreign or civil) or of religious, racial or political persecution, and had not at the time of his arrival attained the age of sixteen years ;
- (b) that no parent of the ward is in the United Kingdom ; and
- (c) that the ward has not attained the age of twenty-one years and, in the case of a female, has never been married.

(2) The Secretary of State shall take such steps (if any) as appear to him to be practicable to give notice of an appointment under this section to any parent of the ward whose name and address is known to him.

(3) Where a guardian is appointed as aforesaid—

- (a) he shall have the same powers and duties as he would have if he had been appointed guardian of the person of

the ward by the High Court with express power to authorise such societies or persons as he considers suitable to act on his behalf in respect of such matters as he thinks proper ; and

- (b) the ward shall be treated, for the purpose of any question arising in respect of the guardianship in Scotland or Northern Ireland, as if he were domiciled in England :

Provided that nothing in this subsection shall be taken to constitute the ward a ward of court.

(4) The Secretary of State may revoke the appointment of a guardian made by him under this section without prejudice to his power to make another appointment, and shall revoke such an appointment on the application of a parent of the ward unless he is satisfied that proper arrangements have not been made by the parent for the care of the ward.

(5) The High Court may remove a guardian appointed by the Secretary of State under this section and appoint another guardian in his place, or may appoint another guardian to act together with a guardian appointed by the Secretary of State under this section.

(6) An appointment by the Secretary of State under this section may be declared void by the High Court on the application of the ward on the ground that at the time of the appointment the ward had attained the age of twenty-one years or, in the case of a female, was or had been married ; but save as aforesaid the validity of any such appointment shall not be questioned in any proceedings whatsoever.

(7) The appointment of a guardian of a ward under this section shall terminate on the ward attaining the age of twenty-one years or, in the case of a female, attaining the age of twenty-one years or marrying under that age.

(8) The consent required to the marriage of a ward of whom a guardian has been appointed by the Secretary of State under this section shall be that of the guardian so appointed, and accordingly subsections (1), (2) and (3) of section nine of the Guardianship of Infants Act, 1925, and section ten of the Marriage Act, 1836, shall have effect in relation to the ward as if a reference to the said guardian were substituted for the reference in the said subsection (1) to the persons or person mentioned in the Schedule to the said Act of 1925 :

15 & 16 Geo. 5.
c. 45.
& 7 Will. 4.
c. 85.

Provided that—

- (a) this subsection shall not apply where the guardian appointed by the Secretary of State is acting with a guardian appointed by the High Court ; and
- (b) where, apart from this subsection, the consent of any person to the marriage of the ward would be required

under the said section nine, this subsection shall not apply unless the superintendent registrar or ecclesiastical authority concerned with the marriage is satisfied that, by reason of absence or inaccessibility, the consent of that person cannot be obtained.

(g) This section shall apply to Northern Ireland subject to the following modifications—

- (a) for references to England there shall be substituted references to Northern Ireland and for the reference to Northern Ireland there shall be substituted a reference to England ;
- (b) for references to the Secretary of State there shall be substituted references to the Minister of Home Affairs for Northern Ireland ;
- (c) references to the High Court shall be construed as references to the High Court in Northern Ireland ;
- (d) the following subsection shall be substituted for subsection (8) :—

“(8) The consent required to the marriage of a ward of whom a guardian has been appointed by the Minister of Home Affairs for Northern Ireland under this section shall be that of the guardian so appointed, and accordingly section nineteen of the Marriages (Ireland) Act, 1844, and the Guardianship of Infants Act, 1886, shall have effect in relation to the ward as if a reference to the said guardian were substituted for the reference in the said section nineteen to the person or persons mentioned in the said section :

Provided that—

- (a) this subsection shall not apply where the guardian appointed by the Minister of Home Affairs is acting with a guardian appointed by the High Court ; and
- (b) where, apart from this subsection, the consent of any person to the marriage of the ward would be required under the said section nineteen and the Guardianship of Infants Act, 1886, this subsection shall not apply unless the superintendent registrar, the registrar of a district or the ecclesiastical authority concerned with the marriage is satisfied that, by reason of absence or inaccessibility, the consent of that person cannot be obtained.”

7 & 8 Vict.
c. 81.
49 & 50 Vict.
c. 27.

2.—(1) The Secretary of State may appoint a tutor to any person who is for the time being in Scotland if it appears to him— Appointment
of tutor
in Scotland.

- (a) that that person (hereinafter referred to as the "pupil") arrived in the United Kingdom at any time after the end of the year nineteen hundred and thirty-six in consequence of war (whether foreign or civil) or of religious, racial or political persecution ;
- (b) that no parent of the pupil is in the United Kingdom ; and
- (c) that the pupil has not attained the age of fourteen years in the case of a male or twelve years in the case of a female.

(2) The Secretary of State shall take such steps (if any) as appear to him to be practicable to give notice of an appointment under this section to any parent of the pupil whose name and address is known to him.

(3) Where a tutor is appointed as aforesaid—

- (a) he shall have the same powers and duties as he would have if he had been appointed tutor to the pupil by the Court of Session and shall have power to authorise such societies or persons as he considers suitable to act on his behalf in respect of such matters as he thinks proper ; and
- (b) the pupil shall be treated, for the purpose of any question arising in respect of the tutorship in England or Northern Ireland, as if he were domiciled in Scotland.

(4) The Secretary of State may revoke the appointment of a tutor made by him under this section, without prejudice to his power to make another appointment, and shall revoke such an appointment on the application of a parent of the pupil unless he is satisfied that proper arrangements have not been made by the parent for the care of the pupil.

(5) The Court of Session may remove a tutor appointed by the Secretary of State under this section and appoint another tutor in his place, or may appoint another tutor to act together with a tutor appointed by the Secretary of State under this section.

(6) An appointment by the Secretary of State under this section may be declared void by the Court of Session on the application of the pupil on the ground that at the time of the appointment the pupil had attained the age of fourteen years in the case of a male or twelve years in the case of a female ; but save as aforesaid the validity of any such appointment shall not be questioned in any proceedings whatsoever.

(7) The appointment of a tutor to a pupil under this section shall terminate on the pupil attaining the age of fourteen years in the case of a male or twelve years in the case of a female.

Short title,
interpretation
and duration.

3.—(1) This Act may be cited as the Guardianship (Refugee Children) Act, 1944.

(2) In this Act the expression "parent", in relation to a ward or pupil includes a guardian or tutor appointed otherwise than under this Act, but does not include a person of unsound mind or a person who has been deprived of the custody of the ward or pupil by a court of competent jurisdiction.

2 & 3 Geo. 6.
c. 62.

(3) After the expiration of the Emergency Powers (Defence) Act, 1939, the Secretary of State or Minister of Home Affairs for Northern Ireland shall not appoint under this Act a guardian of a ward, or a tutor to a pupil, of or to whom no guardian or tutor has previously been so appointed.

CHAPTER 9.

An Act to amend the law regulating the number of puisne judges of the High Court and the attachment of such judges to the several divisions of that Court.

[1st March 1944.]

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 :—

Number and
distribution
of puisne
judges.

1.—(1) The number of puisne judges of the High Court shall not be less than twenty-five nor more than thirty-two.

(2) Subject as hereinafter provided, whenever the number of the puisne judges of the High Court is less than thirty-two, a new judge may be appointed by His Majesty by Letters Patent :

Provided that, except in the event of the number of such judges being at any time less than twenty-five, His Majesty shall not be advised to make an appointment to fill any vacancy unless the Lord Chancellor with the concurrence of the Treasury is satisfied that the state of business in the High Court requires that the vacancy should be filled.

(3) Every puisne judge of the High Court shall be attached to such Division of that Court as the Lord Chancellor may direct, so, however, that of such judges not less than five shall be attached to the Chancery Division, not less than seventeen shall be attached

to the King's Bench Division, and not less than three shall be attached to the Probate, Divorce and Admiralty Division.

(4) A puisne judge of the High Court may with his consent be transferred by direction of the Lord Chancellor from one of the Divisions of that Court to another :

Provided that no direction shall be given for the transfer of a puisne judge from the King's Bench Division, or from the Probate, Divorce and Admiralty Division, without the concurrence of the president of that Division.

(5) For the purpose of giving effect to the foregoing provisions of this section, the provisions of the Supreme Court of Judicature 15 & 16 Geo. 5. (Consolidation) Act, 1925, specified in the first column of the Schedule to this Act shall be amended in the manner specified in the second column of that Schedule.

(6) Any amount by which the sums payable under the Supreme Court of Judicature (Consolidation) Act, 1925, out of the Consolidated Fund of the United Kingdom and out of moneys provided by Parliament respectively, are increased by reason of the provisions of this Act shall be defrayed out of the said Fund or the growing produce thereof and out of such moneys as aforesaid.

2.—(1) This Act may be cited as the Supreme Court of Judicature (Amendment) Act, 1944. Short title and repeals.

(2) Section one of the Supreme Court of Judicature (Amendment) Act, 1935, the Supreme Court of Judicature (Amendment) Act, 1937, and section three of the Supreme Court of Judicature (Amendment) Act, 1938, are hereby repealed. 25 & 26 Geo. 5. c. 2.
1 & 2 Geo. 6. c. 2.
1 & 2 Geo. 6. c. 67.

SCHEDULE.

Section 1.

AMENDMENTS OF 15 & 16 GEO. 5, Cap. 49.

Section.			Amendment.
Section two	In subsection (1) for the words " and the puisne judges of the several Divisions " there shall be substituted the words " and not less than twenty-five nor more than thirty-two puisne judges of that Court."

Section.	Amendment.
Section four ...	<p>... In paragraph (i) of subsection (1) for the words "and (subject to the provisions of this Act) six puisne judges" there shall be substituted the words "and not less than five puisne judges", in paragraph (ii) of that subsection for the words "and (subject to the provisions of this Act) nineteen puisne judges" there shall be substituted the words "and not less than seventeen puisne judges", and in paragraph (iii) of that subsection for the words "and four puisne judges" there shall be substituted the words "and not less than three puisne judges"; and for subsection (2) there shall be substituted the following subsection :—</p> <p style="padding-left: 40px;">“(2) The puisne judges of the High Court shall be attached to the several Divisions thereof by direction of the Lord Chancellor; and any such judge may with his consent be transferred by a like direction from one of the said Divisions to another:</p> <p style="padding-left: 40px;">Provided that no direction shall be given for the transfer of a puisne judge from the King’s Bench Division or from the Probate, Divorce and Admiralty Division without the concurrence of the president of that Division.”</p>
Section five ...	<p>... In subsection (1) for the words "or in the number of the judges of the High Court who may be attached to any Division" there shall be substituted the words "of the High Court or in the number of puisne judges required to be attached to any Division thereof."</p>
Section eleven ...	<p>... In subsection (1) for the words from "Provided that" to the end of the subsection there shall be substituted the words :—</p> <p style="padding-left: 40px;">“Provided that, except in the event of the number of puisne judges of the High Court being at any time less than twenty-five, His Majesty shall not be advised to make an appointment to fill any vacancy unless the Lord Chancellor with the concurrence of the Treasury is satisfied that the state of business in that Court requires that the vacancy should be filled.”</p>

CHAPTER 10.

Disabled Persons (Employment) Act, 1944.

ARRANGEMENT OF SECTIONS.

Disabled Persons.

Section.

1. Definition of "disabled person".

Vocational training and industrial rehabilitation courses.

2. Vocational training courses.
3. Industrial rehabilitation courses.
4. Payments to persons attending courses.
5. Expenses of courses to be defrayed out of moneys provided by Parliament.

Provisions for enabling registered disabled persons to obtain employment or to undertake work on their own account.

6. Register of disabled persons.
7. Entry of names of disabled persons in the register.
8. Duration of registration, and subsequent applications for registration.
9. Obligations as to employment of quota of registered persons in substantial staffs.
10. Determination of employers' quotas.
11. Permits for employment of persons not registered where quota condition not satisfied.
12. Appropriation of vacancies in certain employments to registered persons only.
13. Provisions for interpretation, &c. of preceding sections.
14. Records to be kept by employers.
15. Provision for registered persons who are seriously disabled of employment, or work on their own account, under special conditions.

Administration.

16. Preference for ex-service men and women.
17. National advisory council and district advisory committees.
18. Officers, &c.
19. Provisions as to offences.
20. Regulations and orders.

Application, commencement, etc.

21. Application as respects place of employment and nationality.
22. Provisions as to Northern Ireland.
23. Short title, interpretation and commencement.

SCHEDULES:

First Schedule.—Women's Services.

Second Schedule.—Provisions as to advisory council and committees.

An Act to make further and better provision for enabling persons handicapped by disablement to secure employment, or work on their own account, and for purposes connected therewith. [1st March 1944.]

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:—

Disabled persons.

Definition of
"disabled
person."

1.—(1) In this Act the expression "disabled person" means a person who, on account of injury, disease, or congenital deformity, is substantially handicapped in obtaining or keeping employment, or in undertaking work on his own account, of a kind which apart from that injury, disease or deformity would be suited to his age, experience and qualifications; and the expression "disablement", in relation to any person, shall be construed accordingly.

(2) For the purposes of the definitions contained in the preceding subsection, the expression "disease" shall be construed as including a physical or mental condition arising from imperfect development of any organ.

Vocational training and industrial rehabilitation courses.

Vocational
training
courses.

2.—(1) The Minister of Labour and National Service (in this Act referred to as "the Minister") may with the approval of the Treasury provide, or make arrangements for the provision by other persons of, facilities (in this Act referred to as "vocational training courses") for the training of disabled persons, not being under the age of sixteen years, who are in need of training in order to render them competent to undertake employment, or work on their own account, of a kind suited to their age, experience and general qualifications.

(2) The Minister may make arrangements with any other government department for the exercise by that department of any of the powers conferred on him by this section.

(3) Where the Minister or any other government department makes arrangements under this section for the provision of a vocational training course by other persons, the Minister or that department may defray or contribute towards the cost incurred by those persons of the provision of the facilities.

3.—(1) The Minister may with the approval of the Treasury provide, or make arrangements for the provision by other persons of, such facilities as are mentioned in this section (in this Act referred to as “ industrial rehabilitation courses ”) for disabled persons, not being under the age of sixteen years, who, by reason of unfitness arising from their injury, disease or deformity, are in need of such facilities in order to render them fit for undertaking employment, or work on their own account, of a kind in which they were engaged before they became disabled or of some other kind suited to their age, experience and qualifications, or for making use of a vocational training course.

Industrial
rehabilitation
courses.

(2) The facilities which may be provided under this section shall consist of facilities whereby such persons may, under adequate medical supervision and under circumstances conducive to the restoration of fitness, obtain physical training, exercise, and occupation conducive to the restoration thereof, and such other incidental facilities as may appear to the Minister to be requisite for enabling persons attending an industrial rehabilitation course to obtain the full benefit thereof.

(3) Where the Minister makes arrangements under this section for the provision of an industrial rehabilitation course by other persons, he may defray or contribute towards the cost incurred by those persons of the provision of the facilities.

4. The Minister, or, in the case of a course provided by, or under arrangements made by, another government department, that department, may defray, or contribute towards, expenses incurred by persons attending vocational training courses or industrial rehabilitation courses in travelling to and from the place where the course is held, and may make payments to or in respect of such persons, up to such amounts as the Minister or that department may with the approval of the Treasury determine and in such manner as the Minister or that department may determine.

Payments
to persons
attending
courses.

5. Expenses incurred by the Minister or any other government department under any of the three last preceding sections shall be defrayed out of moneys provided by Parliament.

Expenses of
courses to be
defrayed out
of moneys
provided by
Parliament

Provisions for enabling registered disabled persons to obtain employment or to undertake work on their own account.

6.—(1) The Minister shall establish and maintain a register of disabled persons (in this Act referred to as “ the register ”).

Register of
disabled
persons.

B

(2) The register shall be kept in such form, and entries therein, and alterations and removals of entries therein and therefrom, shall be made in such manner, as the Minister may determine.

(3) A person whose name is for the time being in the register is in this Act referred to as a " person registered as handicapped by disablement ".

(4) The Minister may make regulations prescribing the manner in which the fact that a person's name is for the time being in the register may be proved, including, without prejudice to the generality of this power, regulations as to the issue of certificates for that purpose and as to the custody, use and delivery up thereof.

Entry of names of disabled persons in the register.

7.—(1) The Minister may make regulations prescribing matters which are to constitute conditions of, or disqualifications from, the entry in the register of the names of any persons, either generally or in particular circumstances.

The matters which may be prescribed under this subsection shall be such as must in the opinion of the Minister be so prescribed in order to secure that the fact that a person's name is in the register will afford reasonable assurance of his being a person capable of entering into and keeping employment, or of undertaking work on his own account, under the conditions under which in accordance with the provisions of this Act employment may be offered to him or such work may be available for him, and the said matters shall, without prejudice to the generality of this provision, include—

- (a) the fact that a person is under a prescribed age;
- (b) unreasonable refusal or failure to attend a vocational training or industrial rehabilitation course;
- (c) except in the case of a person who has served whole-time in the armed forces of the Crown, in the merchant navy or the mercantile marine, or in any of the capacities mentioned in the First Schedule to this Act, the fact that a person is not ordinarily resident in Great Britain;
- (d) habitual bad character.

(2) A person who desires his name to be entered in the register shall make application to the Minister in that behalf in the prescribed manner, and, on an application in that behalf being duly made,—

- (a) if the Minister is satisfied that the applicant is a disabled person and that his disablement is likely to continue for six months or more from the time of the entry

of his name in the register, that any prescribed condition as to the entry of names in the register applicable to him is satisfied and that he is not subject to any prescribed disqualification in that behalf, his name shall be entered in the register;

- (b) in any other case, the Minister shall refer the application to a district advisory committee for their recommendations on the issue as to which he is not satisfied and after considering their recommendations shall determine it, and if he determines it in favour of the applicant his name shall be entered in the register :

Provided that a person being a 1914-18 disablement pensioner shall be treated for the purposes of this subsection as a disabled person and as one whose disablement is likely to continue for six months or more from the time of the entry of his name in the register, and the name of such a person may be entered in the register without his making any application in that behalf.

(3) In this Act the expression " 1914-18 disablement pensioner " means a person in receipt of, or entitled to receive,—

- (a) under any Royal Warrant, Order in Council, Order or Scheme administered by the Minister of Pensions and relating to the retired pay or pensions of officers, seamen, marines, soldiers or airmen or other persons disabled within the meaning of that Warrant or other instrument in consequence of any war carried on as mentioned in section two of the War Pensions Act, 1920, retired pay or a pension in respect of his disablement within the meaning of that instrument, or an allowance granted to him in lieu of such retired pay or of such a pension by reason of his undergoing any special course of medical treatment or undergoing treatment in an institution or receiving training in a technical institution or otherwise; or
- (b) under any government war obligation within the meaning of the Government War Obligations Acts, 1914 to 1919, any payment for compensation in respect of his having been injured on any merchant ship or fishing vessel.

10 & 11 Geo. 5.
c. 23.

(4) If any question arises in giving effect to the provisions of this Act whether a person is in receipt of, or entitled to receive, as aforesaid any such retired pay, pension or allowance, as is mentioned in paragraph (a) of the last preceding subsection, or any such payment for compensation as is mentioned in paragraph (b) thereof, the Minister shall cause the

question to be referred for determination, if it arises under the said paragraph (a), by the Minister of Pensions, or, if it arises under the said paragraph (b), by the Minister of War Transport, and his determination shall be conclusive for the purposes of those provisions.

Duration of registration, and subsequent applications for registration.

8.—(1) Subject to the provisions of the two next succeeding subsections, when the name of a person has been entered in the register it shall be retained therein—

(a) in the case of any person other than a 1914-18 disablement pensioner, until the expiration of such period as may be specified by the Minister at the time of the entry as the time for which his name is to be retained therein without further application (or until his death during that period),

(b) in the case of such a pensioner, so long as he continues to be such,

and no longer.

(2) The Minister may make regulations prescribing matters which are to constitute conditions of, or disqualifications from, the retention in the register of the names of any persons, either generally or in particular circumstances.

The provisions of subsection (1) of the last preceding section as to the matters which may be prescribed thereunder shall have effect as respects the matters which may be prescribed under this subsection.

(3) If at any time whilst the name of any person is retained in the register the Minister is satisfied, after referring the matter to a district advisory committee for their recommendations and considering their recommendations, that any prescribed condition as to the retention of names in the register applicable to that person is not satisfied or that he is subject to any prescribed disqualification in that behalf, his name shall be removed from the register.

(4) The Minister may by regulations make provision—

(a) for authorising the making of applications under the last preceding section by persons whose names are for the time being in the register, but the period of whose registration is due shortly to expire; and

(b) for the temporary retention in the register of the names of persons who, having been 1914-18 disablement pensioners, cease to be such, with a view to enabling any such person to make, if he so desires, an application as mentioned in the preceding paragraph;

and any entry to be made in the register pursuant to an application authorised under this subsection shall be made when the Minister's determination on the application is given, in substitution (if the applicant's name then remains in the register) for the existing entry.

(5) The Minister shall not be required to entertain an application under the last preceding section by a person whose name is not for the time being in the register by reason of any determination of the Minister under that section, or under subsection (3) of this section, unless he satisfies the Minister that circumstances relevant to that determination have changed since it was made.

9.—(1) It shall be the duty of a person who has a substantial number of employees to give employment to persons registered as handicapped by disablement to the number that is his quota as ascertained in accordance with the next succeeding section, and, where he is not already doing so at times when vacancies occur, to allocate vacancies for that purpose; and the said duty shall be enforceable to the extent and in manner hereinafter in this section provided in the case of a person to whom this section applies, that is to say, a person who for the time being has, or in accordance with his normal practice and apart from transitory circumstances would have, in his employment persons to the number of not less than twenty (or such lower number as may be specified by an order made by the Minister for the time being in force).

Obligations as
to employment
of quota of
registered
persons in
substantial
staffs

(2) Subject to the provisions of the two next succeeding subsections, a person to whom this section applies shall not at any time take, or offer to take, into his employment any person other than a person registered as handicapped by disablement, if immediately after the taking in of that person the number of persons so registered in the employment of the person to whom this section applies (excluding persons employed by him in an employment of a class then designated under section twelve of this Act) would be less than his quota.

(3) Subsection (2) of this section shall not apply to a person's taking, or offering to take, into his employment at any time a person whom apart from that subsection it would have been his duty to take into his employment at that time either—

- (a) by virtue of any Act, whether passed before or after the passing of this Act; or

(b) by virtue of an agreement to reinstate him in his employment entered into before the date appointed for the coming into operation of subsection (2) of this section.

(4) Subsection (2) of this section shall not apply to a person's taking, or offering to take, into his employment any person in accordance with a permit issued by the Minister under the subsequent provisions of this Act in that behalf.

(5) A person to whom this section applies who for the time being has in his employment a person registered as handicapped by disablement shall not, unless he has reasonable cause for doing so, discontinue the employment of that person, if immediately after the discontinuance the number of persons so registered in the employment of the person to whom this section applies (excluding persons employed by him in an employment of a class then designated under section twelve of this Act) would be less than his quota :

Provided that this subsection shall not have effect if immediately after the discontinuance the employer would no longer be a person to whom this section applies.

(6) Any person who contravenes subsection (2) or subsection (5) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(7) A prosecution for a contravention of subsection (5) of this section shall not be instituted against any person unless—

(a) the matter has been referred to a district advisory committee;

(b) the committee, before considering the matter, has notified that person so as to give him an opportunity of making within a period not shorter than seven days from the sending or giving of the notification to him such representations to the committee as he may desire, either orally or in writing as he may desire; and

(c) the committee has made a report to the Minister.

On any such prosecution it shall not be necessary to prove compliance with the preceding provisions of this subsection unless the defendant so requires, and, if he so requires, a certificate purporting to be signed by or on behalf of the chairman of a district advisory committee that the matter in question has been referred to the committee under this subsection and that a notification and report has been made by them as therein provided shall be sufficient evidence of the facts stated therein until the contrary is shown.

10.—(1) The quota at any time of a person to whom section nine of this Act applies shall be a number ascertained in accordance with the provisions of this section. Determination of employers' quotas.

(2) There shall be—

(a) a standard percentage; and

(b) a special percentage, either greater or smaller than the standard percentage, for employment in any trade or industry, or in any branch or part of any trade or industry, or for employment with any class of employer, being employment to which it appears to the Minister that a percentage other than the standard percentage ought to be assigned on the ground of its having distinctive characteristics as respects its suitability for disabled persons.

(3) The standard percentage and any special percentage shall be such as may be specified by order made by the Minister, after consultation with such organisations representing employers and workers respectively, or both employers and workers, as he thinks fit, and an order assigning a special percentage shall contain such provisions as may appear to the Minister to be requisite for more particularly defining for the purposes of this section the trade or industry, branch or part of a trade or industry, or class of employer, to employment in which or with whom the percentage is assigned.

(4) The quota at any time of a person to whom section nine of this Act applies shall be the number ascertained by applying to the number of all the persons then in his employment (excluding persons employed by him in an employment of a class then designated under section twelve of this Act)—

(a) so far as they consist of persons employed by him in an employment other than one to which a special percentage is then assigned, the standard percentage; and

(b) so far as they consist of persons employed by him in an employment to which a special percentage is then assigned, that percentage:

Provided that if the number so ascertained includes or consists of a fraction less than one half the fraction shall be disregarded, and if the number so ascertained includes or consists of a fraction being one half or more the quota shall be the nearest higher whole number.

(5) On an application in that behalf being made in the prescribed manner by any person to whom section nine of this Act applies representing that his quota, if ascertained in accordance with the last preceding subsection, or with that subsection together with any direction for the time

being in force under this subsection, would be too great having regard to the particular circumstances in which all or any of the persons employed by him are employed, the Minister, if he is satisfied, after referring the application to a district advisory committee for their recommendations and considering their recommendations, that the representation is well founded, may direct that, during any such period ending not later than twelve months from the date of the direction as may be therein specified, the standard percentage, or any special percentage, or both, shall be reduced as specified in the direction for the purposes of the operation of the last preceding subsection in relation to the applicant.

(6) The Minister shall, on an application in that behalf being made in the prescribed manner by any person to whom section nine of this Act applies and on his giving to the Minister all such information relevant to the application as he may require, determine what percentage of the number of all the persons in the employment of the applicant (excluding persons employed by him in an employment of a class for the time being designated under section twelve of this Act) his quota, as ascertained in accordance with the preceding provisions of this section, is likely to represent over any period ending not later than twelve months from the date of the determination, and shall furnish the applicant with a certificate stating that percentage and the period as respects which the determination was made, and the applicant shall be deemed to have in his employment at any time during the period stated in the certificate persons registered as handicapped by disablement to the number of his quota if the number of such persons then in his employment (excluding as aforesaid) reaches the percentage stated in the certificate of the number of all the persons then in his employment (excluding as aforesaid).

Permits for
employment
of persons
not
registered
where quota
condition
not
satisfied.

11.—(1) On an application in that behalf being made in the prescribed manner by any person to whom section nine of this Act applies, the Minister may grant a permit for the purposes of subsection (4) of that section if it appears to him to be expedient so to do having regard to the nature of the work for which the applicant desires to take a person or persons into his employment and the qualifications and the suitability for the work of any person or persons registered as handicapped by disablement who may be available therefor, or if he is satisfied that there is no such person or an insufficient number of such persons available therefor.

(2) A permit may be granted either unconditionally or subject to any conditions relating to the employment of the person or persons to whom the permit relates, and may be

granted as respects the employment either of one or more persons specified or described therein or of a specified number of persons.

(3) If on an application being made as aforesaid the Minister is not satisfied that the case is one in which any permit, or such a permit as is applied for, ought to be granted, or is of opinion that conditions to which the applicant objects ought to be attached to a grant, then, if the applicant so requests, the Minister shall refer the application to a district advisory committee for their recommendations and shall determine what permit (if any) ought to be granted, and subject to what conditions (if any), only after considering the recommendations of the committee.

12.—(1) The Minister may, after consultation with such organisations representing employers and workers respectively, or both employers and workers, as he thinks fit, by order designate classes of employment as classes to which this section is to apply, being such classes of employment as appear to him to afford specially suitable opportunities for the employment of disabled persons.

Appropriation of vacancies in certain employments to registered persons only.

(2) Subject as mentioned in the next succeeding subsection no person shall take, or offer to take, into his employment in an employment of a class to which this section applies any person other than a person registered as handicapped by disablement, or cause or permit a person in his employment other than a person registered as handicapped by disablement to take up with him employment of a class to which this section applies.

(3) The provisions as to taking a person into employment in pursuance of a statutory or contractual obligation, and as to permits, of subsections (3) and (4) of section nine, and of section eleven, of this Act shall have effect in relation to the last preceding subsection as they have effect in relation to subsection (2) of section nine of this Act.

(4) Any person who contravenes subsection (2) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

13.—(1) In this Act references to employment shall be construed as references to any relationship, whether entered into for business or other purposes, the legal character of which is that of master and servant, or is that of master and apprentice or a relationship similar to that of master and apprentice.

Provisions for interpretation, &c. of preceding sections.

(2) In this Act references to taking into employment shall be construed—

(a) as including references to the engagement by an employer of a person previously in his employment, but not if the new period of employment begins immediately on the ending of an earlier period or after an interval attributable to the employed person's illness or being on holiday or to other temporary causes;

(b) as not including any reference to the taking into his employment, by a person taking over a business or establishment at any time in succession to, or jointly with, another person who was carrying it on immediately before that time, of a person employed in that business or establishment immediately before that time.

(3) With respect to part-time employment, or to employment part-time with one employer and part-time with another or with the same employer part-time in one class of employment and part-time in another, the Minister may make regulations prescribing the extent and manner to and in which such employment is to be regarded for the purposes of this Act.

(4) Where a person who is a trustee or is acting in any other fiduciary capacity has employees the expenses (if any) of whose employment are or would be chargeable in his accounts in that capacity, he shall be treated for the purposes of the provisions of this Act relating to the duty of employers to give employment to persons registered as handicapped by disablement as one person in relation to that capacity and a different person in relation to any other capacity.

(5) The fact that the making, termination or variation of a contract involves a contravention of any of the provisions of this Act relating to the duty of employers to give employment to persons registered as handicapped by disablement, or of the last preceding section, shall not affect the operation in law of the contract, or of its termination or variation, as the case may be.

(6) Where a person registered as handicapped by disablement ceases to be so registered at a time when he is in employment with any employer, and for any period thereafter continues, either without any interval or with such interval only as is mentioned in paragraph (a) of subsection (2) of this section, in employment with that employer, or with a person taking over in succession (whether directly or indirectly) to, or jointly with, that employer a business or establishment in which the person who was so registered was employed at that time, he shall, for the purposes of the application of this Act during that period to that employer or to any person

taking over as aforesaid, be treated as if he had continued to be a person so registered.

14.—(1) Every person to whom section nine of this Act applies shall record particulars showing the number of persons employed by him, the number of persons registered as handicapped by disablement employed by him, and the names of such persons respectively, and particulars of all other matters which may be relevant for showing compliance on his part with the provisions of subsections (2) and (5) of that section, being particulars giving all such information, and recorded in such form, as may be requisite for that purpose.

Records to be kept by employers.

(2) Every person who employs any person or persons in employment of a class designated under section twelve of this Act shall record particulars showing his or their name or names, and particulars of all other matters which may be relevant for showing compliance on his part with the provisions of subsection (2) of that section, being particulars giving all such information, and recorded in such form, as may be requisite for that purpose.

(3) The Minister may make regulations as to the matters of which particulars ought to be recorded under this section, the nature of the particulars proper to be recorded, and the form appropriate for the recording thereof, and records conforming in any respect with regulations so made shall be treated as sufficient in that respect for the purposes of this section.

(4) A person as respects whose employees records of such particulars as are mentioned in subsection (1) or (2) of this section are made shall preserve them for such period as may be prescribed, and shall on being required so to do by a person authorised by the Minister in that behalf produce them for his inspection.

(5) On a prosecution for an offence under subsection (2) or (5) of section nine of this Act, or for an offence under subsection (2) of section twelve of this Act, a record of such particulars as are mentioned in subsection (1) or (2), as the case may be, of this section made by or on behalf of a person by whom the offence is alleged to have been committed shall be sufficient evidence, until the contrary is shown, of the facts stated therein.

(6) If any person contravenes or fails to comply with any of the provisions applicable to him of subsection (1), (2) or (4) of this section, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds, and if a failure to produce records in respect of which a person has been convicted under this subsection is continued after conviction, he shall, unless he proves that the failure is due to his not having made or not having

preserved the required records, be guilty of a further offence and liable on summary conviction to a fine not exceeding five pounds for each day on which the failure is so continued.

(7) If any person includes, or causes or knowingly allows to be included, in a record of such particulars as are mentioned in subsection (1) or (2) of this section, any particulars which he knows to be false in a material respect, or for purposes connected with this Act produces or furnishes, or causes or knowingly allows to be produced or furnished, any record or information which he knows to be false in a material respect, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

Provision for registered persons who are seriously disabled of employment, or work on their own account, under special conditions.

15.—(1) Facilities may be provided as specified in this section for enabling persons registered as handicapped by disablement who by reason of the nature or severity of their disablement are unlikely either at any time or until after the lapse of a prolonged period to be able otherwise to obtain employment, or to undertake work on their own account (whether because employment or such work would not be available to them or because they would be unlikely to be able to compete therein on terms comparable as respects earnings and security with those enjoyed by persons engaged therein who are not subject to disablement), to obtain employment or to undertake such work under special conditions, and for the training of such persons for the employment or work in question.

19 & 20 Geo. 5.
c. 23.

(2) The nature of the facilities to be provided under this section shall be such as the Minister may determine, and the Minister may with the approval of the Treasury make arrangements for the provision thereof by any of one or more companies which may be formed for that purpose and incorporated under the Companies Act, 1929, at his instance, being a company required by its constitution to apply its profits, if any, or other income in promoting its objects and prohibited thereby from paying any dividend to its members, or by any association or body, being an association or body so required and prohibited, which appears to the Minister to be able and willing to provide the requisite facilities in an efficient and proper manner.

(3) The objects of any company to be formed for the purposes of this section may include all such objects as appear to the Minister to be requisite for enabling it to act effectively for those purposes, and any such company shall be constituted so as to enable all or any of its operations to be controlled by the Minister or persons acting on his behalf as may appear to the Minister to be requisite.

(4) The Minister, or with his authorisation any such company association or body as aforesaid providing facilities under this section, may defray or contribute towards expenses incurred by persons for whom facilities are provided under this section in travelling to and from the place where they are employed or work or where training is provided, and may make payments to or in respect of such persons, up to such amounts as the Minister may with the approval of the Treasury determine and in such manner as he may determine.

(5) Payments may be made by the Minister—

(a) in respect of the expenses of the formation and incorporation of any such company as aforesaid,

(b) to any such company association or body as aforesaid in respect of expenses incurred by them in providing facilities under this section, or of expenses incurred by them under the last preceding subsection, and

(c) to any local authority in respect of expenses incurred by them under any enactment conferring powers on them in that behalf in providing under arrangements made between the Minister and the authority facilities approved by him for any of the purposes mentioned in subsection (1) of this section, in defraying or contributing towards expenses incurred by persons for whom such facilities are so provided in travelling as mentioned in the last preceding subsection, or in making payments to or in respect of such persons,

up to such amounts as the Minister may with the approval of the Treasury determine.

(6) Expenses incurred by the Minister under this section shall be defrayed out of moneys provided by Parliament.

Administration.

16. The Minister shall so exercise his discretion in selecting persons for vocational training and industrial rehabilitation courses and facilities under section fifteen of this Act at any time while it appears to him that they cannot for the time being be provided for all persons in need of them, and in selecting persons registered as handicapped by disablement with a view to submitting their names for engagements, as to secure that, so far as consistent with the efficient exercise of his powers, preference shall be given to persons of the following classes, that is to say,—

Preference
for ex-service
men and
women.

(a) men who have served whole time in the armed forces of the Crown or in the merchant navy or the mercantile marine; and

- (b) women who have served whole time in any of the capacities mentioned in the First Schedule to this Act.

National
advisory
council and
district
advisory
committees.

17.—(1) The Minister shall establish for the purposes of this Act—

- (a) a national advisory council, which shall be charged with the duty of advising and assisting the Minister in matters relating to the employment, undertaking of work on their own account or training, of disabled persons generally; and
- (b) for each such district in Great Britain as the Minister may determine, a district advisory committee, which shall be charged with the duty of advising and assisting the Minister in matters relating to the employment, or undertaking of work on their own account, of disabled persons in that district, and in particular of making recommendations and reports to the Minister on matters referred to the committee under this Act.

(2) The provisions of the Second Schedule to this Act shall have effect with respect to the said council and committees.

Officers, etc.

18.—(1) The Minister, with the approval of the Treasury as to numbers and remuneration, may appoint officers and servants to act for the purposes of this Act, and may, in lieu of or in addition to appointing persons under this section, arrange with any government department that officers or servants of that department shall act for the purposes of this Act.

(2) There shall be paid to officers and servants appointed under this section such salaries or remuneration as the Treasury may determine, and the expenses of the payment thereof, and any other administrative expenses incurred for the purposes of this Act by any government department, shall be defrayed out of moneys provided by Parliament.

Provisions as
to offences.

19.—(1) Proceedings for an offence under this Act shall not be instituted in England except by or with the consent of the Minister or by an officer authorised in that behalf by special or general directions of the Minister.

(2) Notwithstanding any provision in any Act prescribing the period within which summary proceedings may be commenced, proceedings for an offence under this Act may be commenced at any time within the period of three months from the date on which evidence, sufficient in the opinion of the Minister to justify a prosecution for the offence, comes to his knowledge, or within the period of twelve months from

the date on which the offence was committed, whichever period last expires, and for the purposes of this subsection a certificate purporting to be signed by or on behalf of the Minister as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof.

(3) Where the person convicted of an offence under this Act in respect of which a fine up to a maximum amount of one hundred pounds may be imposed under any of the preceding provisions thereof is a body corporate, the maximum amount of the fine which may be imposed on that body shall be five hundred pounds in lieu of one hundred pounds.

(4) Where an offence under this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the contravention was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(5) Proceedings against a person for an offence under this Act alleged to have been committed outside Great Britain may be taken before the appropriate court in Great Britain having jurisdiction in the place where that person is for the time being.

(6) Subsection (2) of this section shall in its application to Scotland have effect as if for the reference to evidence sufficient to justify a prosecution there were substituted a reference to evidence sufficient to justify a report to the Lord Advocate with a view to consideration of the question of prosecution.

20.—(1) The Minister may make regulations for prescribing anything which under this Act is to be prescribed. Regulations
and orders.

(2) Any regulations or order made by the Minister under this Act shall, as soon as may be after the making thereof, be laid before Parliament, and if either House of Parliament within the period of twenty-eight days beginning with the day on which any such regulations or order are or is laid before it resolves that the regulations or order be annulled, the regulations or order shall thereupon become void, without prejudice, however, to the validity of anything previously done thereunder or to the making of new regulations or a new order.

In reckoning any such period of twenty-eight days as aforesaid, no account shall be taken of any time during which

Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

56 & 57 Vict.
c. 66.

(3) Notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, regulations or an order made under this Act shall be deemed not to be, or to contain, statutory rules to which that section applies.

(4) An order made under this Act may be varied or revoked by a subsequent order.

Application, commencement, etc.

Application
as respects
place of
employment,
and
nationality.

21.—(1) In the provisions of this Act relating to the duty of employers to give employment to persons registered as handicapped by disablement or to employments of classes designated under section twelve of this Act, references to employment shall be construed, subject to the provisions of the next succeeding subsection, as references to employment in Great Britain.

(2) In the said provisions of this Act references to employment shall include references to employment in the capacity of master or of a member of the crew of a British ship (other than a ship employed exclusively outside Great Britain) if the owner or managing owner or person having the management of the ship is resident or has his principal place of business in Great Britain:

Provided that subsection (2) of section nine of this Act and subsection (2) of section twelve thereof shall, in relation to the taking into employment of a person in any such capacity as aforesaid or the taking up by a person employed in any such capacity as aforesaid of an employment of a class designated under section twelve of this Act, have effect only if the engagement under which he is taken into employment is entered into, or if his employment in the employment of that class begins, in Great Britain.

(3) This Act shall, subject as may be prescribed, apply to persons who are not British subjects in the same manner as it applies to persons who are British subjects.

Provisions
as to
Northern
Ireland.

10 & 11 Geo. 5.
c. 67.

22.—(1) The preceding provisions of this Act shall not extend to Northern Ireland.

(2) 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 Northern Ireland or any part thereof, for purposes similar to any of the purposes of this Act.

(3) There shall in respect of each year be charged on and issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof to the Government of Northern Ireland such amount as may be agreed between the Treasury and the Ministry of Finance for Northern Ireland, or as in default of agreement may be determined by the Joint Exchequer Board, to represent the amount of the expenses incurred in that year by that Government under any laws made by the Parliament of Northern Ireland for such purposes as aforesaid in so far as any such laws could not have been made by the Parliament of Northern Ireland apart from the last preceding subsection.

(4) His Majesty may by Order in Council make provision for securing that, if and so long as—

- (a) a register of disabled persons is maintained under any laws made by the Parliament of Northern Ireland for such purposes as aforesaid,
- (b) provision is made by any such laws, as regards the matters dealt with in sections nine to fifteen of this Act or any of those matters, appearing to His Majesty to be similar in all material respects to the provision made as regards those matters or that matter by those sections respectively, and
- (c) registration under this Act is treated for the purposes of the said provision made by those laws as having the same effect as registration under those laws in the register of disabled persons maintained thereunder,

registration as aforesaid under those laws shall be treated for the purposes of the provisions of this Act relating to the matters or matter in question as having the same effect as registration under this Act.

An Order in Council made under this subsection may be varied or revoked by a subsequent Order in Council.

23.—(1) This Act may be cited as the Disabled Persons (Employment) Act, 1944.

Short title,
interpretation
and com-
mencement.

(2) References in this Act to any enactment shall be construed as references to that enactment as amended by or under any other enactment.

(3) This Act shall come into operation on such day or days as His Majesty may by Order in Council appoint, and different days may be appointed for different purposes and different provisions of this Act.

SCHEDULES.

Sections 7, 16.

FIRST SCHEDULE.

Women's Services.

1. Member of Queen Alexandra's Royal Naval Nursing Service or any reserve thereof.
2. Member of the Women's Royal Naval Service.
3. Woman medical practitioner serving in the Royal Navy or any naval reserve.
4. Member of Queen Alexandra's Imperial Military Nursing Service or any reserve thereof.
5. Member of the Territorial Army Nursing Service or any reserve thereof.
6. Member of the Auxiliary Territorial Service.
7. Woman employed with the Royal Army Medical Corps or the Army Dental Corps with relative rank as an officer.
8. Member of Princess Mary's Royal Air Force Nursing Service or any reserve thereof.
9. Member of the Women's Auxiliary Air Force.
10. Women employed with the Medical Branch or the Dental Branch of the Royal Air Force with relative rank as an officer.
11. Member of the Voluntary Aid Detachments employed under the Admiralty, Army Council or Air Council.

Section 17.

SECOND SCHEDULE.

Provisions as to advisory council and committees.

- 1.—(1) The national advisory council and each district advisory committee shall consist of members appointed by the Minister, being—
 - (a) one person appointed by him as being an independent person to act as chairman; and
 - (b) such number of other persons as the Minister may determine in the case of the said council, or of that committee, as the case may be, including an equal number of persons appointed by him, after consultation with such organisations representing employers and workers respectively, or both employers and workers, as he thinks fit, to represent employers and workers respectively.

(2) In the absence of the chairman of the said council or of any of the said committees his functions may be performed by a member of the council or committee authorised in that behalf by the Minister.

2ND SCH.
—cont.

2. Each district committee shall establish one or more panels consisting of such persons, whether or not including persons not members of the committee, and constituted in such manner, as the committee may with the approval of the Minister determine, and may delegate to a panel so established the duty of making recommendations to the Minister either as respects any particular matter referred to the committee by him under this Act or as respects any class of matters to be so referred :

Provided that this paragraph shall not be construed as authorising the delegation by a committee to a panel of the duty to make a report to the Minister for the purposes of subsection (7) of section nine of this Act.

3. The Minister may nominate a duly qualified medical practitioner for the purposes of any reference or references under this Act to a district committee, and a person so nominated shall act as a member of a panel charged under the last preceding paragraph with the duty of making recommendations on a reference for the purposes of which he is nominated.

4. There shall be paid by the Minister out of moneys provided by Parliament to the members of the said council, of each of the said committees and of any panel established as aforesaid, and to any person requested by the said council or any of the said committees or such a panel to attend before them and so attending, such travelling and other allowances, including compensation for loss of remunerative time, and such other expenses of the said council, of any of the said committees or of any panel established as aforesaid, as the Minister with the approval of the Treasury may determine.

5.—(1) The Minister may by regulations make any such provision as appears to him to be expedient with respect to the procedure of the said council, of any of the said committees or of any panel established as aforesaid.

(2) Subject to any provision made under the preceding sub-paragraph, the said council and each of the said committees shall have power respectively to regulate their own procedure, and, subject as aforesaid and to any direction given by the committee by which it is established, a panel established as aforesaid shall have power to regulate the procedure of the panel.

(3) References in this paragraph to the procedure of the said council, of a committee or of a panel, include references to the quorum of that body.

CHAPTER 11.

An Act to continue the House of Commons Disqualification (Temporary Provisions) Act, 1941, and to provide for the laying before the Commons House of Parliament of annual returns of certificates issued under that Act. [1st March 1944.]

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:—

Continuation
of 4 & 5
Geo. 6. c. 8.
5 & 6 Geo. 6.
c. 11.

6 & 7 Geo. 6.
c. 10.

Annual
returns of
certificates
under 4 & 5
Geo. 6. c. 8.
2 & 3 Geo. 6.
c. 62.

Short title
and citation.

1. The House of Commons Disqualification (Temporary Provisions) Act, 1941, as amended by section one of the Ministers of the Crown and House of Commons Disqualification Act, 1942, shall continue in force until the expiration of the period of four years after the passing of the first-mentioned Act; and accordingly subsection (2) of section two of the first-mentioned Act, as amended by section two of the second-mentioned Act and by the House of Commons Disqualification (Temporary Provisions) Act, 1943, shall have effect as if for the words "three years" there were substituted the words "four years."

2. Before the end of January in any year at the beginning of which the Emergency Powers (Defence) Act, 1939, is in force, the Treasury shall lay before the Commons House of Parliament a return of all certificates issued under the House of Commons Disqualification (Temporary Provisions) Act, 1941, which were in force at any time during the previous year, showing the person and the office or place under the Crown to which each certificate related and the amount of any salary and allowances payable to him in respect of that office or place, and indicating which (if any) of the certificates had ceased to be in force before the beginning of the year in which the return is laid.

3. This Act may be cited as the House of Commons Disqualification (Temporary Provisions) Act, 1944, and may be cited together with the House of Commons Disqualification (Temporary Provisions) Acts, 1941 to 1943, as the House of Commons Disqualification (Temporary Provisions) Acts, 1941 to 1944.

CHAPTER 12.

An Act to amend the law relating to income tax in respect of certain emoluments. [1st March 1944.]

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

1.—(1) Subject to the provisions of this Act, the Income Tax (Employments) Act, 1943 (hereafter in this Act referred to as "the principal Act"), shall extend to all emoluments assessable to income tax under Schedule E, other than pay, pensions or other emoluments payable in respect of service in or with the armed forces of the Crown, and accordingly that Act shall have effect as if for subsections (2) to (4) of section one thereof there were substituted the following subsection—

Extension of principal Act (subject to exceptions) to all emoluments taxable under Schedule E. 6 & 7 Geo. 6. c. 45.

"(2) The said emoluments (hereafter in this Act referred to as 'emoluments to which this Act applies') are all emoluments assessable to income tax under Schedule E, other than pay, pensions or other emoluments payable in respect of service in or with the armed forces of the Crown".

(2) Notwithstanding anything in the preceding subsection, subsection (7) of section three of the principal Act shall not empower the Commissioners of Inland Revenue to make any regulations which they would not have had power to make if this Act had not passed.

2.—(1) Subsection (2) of section thirty-two of the Finance Act, 1921 (which provides that income tax chargeable in respect of annuities paid out of certain superannuation funds to persons residing in the United Kingdom may be charged under Case VI of Schedule D instead of being deducted and accounted for under Rule 21 of the General Rules), shall, as respects the year 1944-45 and all subsequent years of assessment, have effect as if for the words "Case VI of Schedule D" there were substituted the words "Schedule E":

Transfer of certain annuities to Schedule E. 11 & 12 Geo. 5. c. 32.

Provided that sections twenty-five and twenty-six of the Finance Act, 1941 (which relate to tax-free payments), shall continue to have effect as if the substitution made by this subsection had not been made.

4 & 5 Geo. 6. c. 30.

(2) References in this Act to emoluments assessable to income tax under Schedule E shall, as well in relation to years of assessment before the year 1944-45 as in relation to that and subsequent years, be construed as including references to the said annuities.

Deductions
and repay-
ments of tax.

3.—(1) Regulations made under section two of the principal Act may provide, as respects the year 1944-45 or any subsequent year of assessment, for the deduction of tax at the standard rate in such cases or classes of cases as may be provided for by the regulations.

(2) Where, during the year 1944-45 or any subsequent year of assessment, any payment of, or on account of, any emoluments to which the principal Act applies is made, tax for that year shall be deducted or repaid on the making of that payment notwithstanding that the emoluments are in whole or in part emoluments for some other year, including a year before the year 1944-45.

Extension of
discharge
provisions of
principal Act.

4.—(1) Subsections (3) to (5) of section three of the principal Act (which provide for the discharge of a part of the tax for the year 1943-44 in certain cases) shall, in the classes of cases specified in subsection (2) of this section, but subject to the modifications specified in subsection (3) of this section, extend to any emoluments, whether arising before or after the passing of this Act, to which the said section three would not otherwise apply.

(2) The said classes of cases are those where income tax (other than surtax) for the year 1942-43 was ordinarily collected by deduction over a period part of which fell within the said year and part of which fell within the next year.

(3) The said modifications are—

(a) that the sum which, subject to the provisions of subsection (4) of the said section three, is to be discharged under subsection (3) of that section shall, instead of being ten-twelfths or seven-twelfths of the tax (other than surtax) payable for the year 1943-44, be such part of the tax (other than surtax) payable for the year 1943-44 in respect of the emoluments as bears to the whole of the tax the same proportion as the second part of the period mentioned in subsection (2) of this section bears to a full year; and

(b) that the relevant period for the purposes of subsection (4) of the said section three shall be a period beginning with the beginning of the year 1944-45 and equal in length to the second part of the period mentioned in subsection (2) of this section.

Service in or
with the
armed forces
of the Crown.

5.—(1) If, in the case of the year 1944-45 or any subsequent year of assessment, it appears that the income tax payable by a person in respect of any pay, pension or other emoluments payable in respect of service in or with the armed forces of the Crown has been computed by reference to the amount thereof for the previous year of assessment and that the actual amount thereof for the year is less than the amount thereof for the previous year,

that person shall be entitled to such relief from income tax (including surtax) as will reduce the amount payable by him to the amount which would have been payable if the tax had been computed by reference to the actual amount of the pay, pension or other emoluments for the year instead of by reference to the amount thereof for the previous year.

(2) Subsection (4) of section three of the principal Act (which provides that there shall be no discharge of tax under that section in respect of any emoluments unless the person entitled thereto is at some time during the relevant period in the year 1944-45 in receipt of emoluments to which that Act applies, and for a proportionate reduction of the amount to be discharged if he is in receipt of such emoluments for a part only of that period) shall have effect as if any pay, pension or other emoluments in respect of service in or with the armed forces of the Crown which the person in question is in receipt of during the relevant period were emoluments to which the principal Act applies.

6.—(1) If, on the sixth day of April, nineteen hundred and forty-four, a person is in Crown or railway employment (as defined for the purposes of this section) and on that date there remains unpaid by him income tax under Schedule E for the year 1942-43 or any previous year of assessment (other than surtax), being income tax in respect of the emoluments of any office or employment held by him before he entered Crown or railway employment, that tax shall be discharged if the ordinary due date thereof (as so defined) was not earlier than the date on which he entered Crown or railway employment :

Discharge of
outstanding
tax for years
before 1943-44
in certain
cases.

Provided that—

(a) where—

(i) on the said sixth day of April the person in question was in railway employment ; and

(ii) that railway employment was of a class where income tax (other than surtax) for the year 1942-43 was ordinarily collected by deduction over a period part of which fell within the said year and part of which (hereinafter referred to as "the period of overlap") fell within the next year ;

this subsection shall have effect as if for reference to the date on which that person entered Crown or railway employment there were substituted a reference to a date later than that date by a period equal to the period of overlap ;

(b) in any case, nothing in this subsection shall affect any tax which, under arrangements for the collection thereof in operation on the first day of February, nineteen hundred and forty-four, was to be collected before the said sixth day of April.

(2) In this section, the expression " Crown or railway employment " means all offices and employments of any class which, in relation to tax for the year 1942-43, was generally treated as falling within Rule 11 of the Rules applicable to Schedule E and all railway employment ; the expression " railway employment " means all offices and employments which fall or, but for the provisions of this or the principal Act, would fall, within Rule 7 of the said Rules ; and the expression " the ordinary due date " means, in relation to any tax, the date on which that tax first became due to be paid, whether by deduction or otherwise, or would first have become due to be paid as aforesaid if that tax had been charged in the first assessments for the relevant year or half-year.

(3) Paragraphs 2 and 3 of the Second Schedule to the principal Act (which relate to the procedure to be adopted in connection with the discharge of the tax payable in respect of any emoluments and appeals as to the amount discharged) shall have effect for the purposes of the discharge of tax under this section and as to appeals as to the amount of tax so discharged.

(4) Where a person has been before the said sixth day of April, but is then no longer, in Crown or railway employment, and, since the day when he ceased to be in Crown or railway employment, has either died or has at no time been employed or otherwise gainfully occupied, the foregoing provisions of this section shall apply to him as if he had continued to be in Crown or railway employment up to and including the said sixth day of April.

Emoluments
of offices and
employments
held in the
course of a
trade, profes-
sion or
vocation.

7.—(1) Notwithstanding anything in the foregoing provisions of this Act, tax shall not be discharged under section three of the principal Act in the case of any emoluments of an office or employment held by a person in the course of a trade, profession or vocation, if either—

- (a) any emoluments of that office or employment were taken into account in the case of that person in computing the profits or gains of that trade, profession or vocation for the purposes of income tax for the year 1943-44 ; or
- (b) the office or employment is such that the emoluments thereof would ordinarily be taken into account in computing the profits or gains of that trade, profession or vocation :

Provided that a discharge of tax shall not be withheld by virtue of paragraph (b) of this subsection in the case of any emoluments if those emoluments have been assessed to income tax for the year 1943-44 under Schedule E and the assessment had, before the twentieth day of September, nineteen hundred and forty-three, become final and conclusive.

(2) This section shall not apply to the emoluments of any employment if the person in receipt thereof satisfies, as respects the year 1943-44, the conditions as to emoluments specified in Part I of the First Schedule to the principal Act.

8. Where a person holds an office or employment in the year 1943-44 under such circumstances that the emoluments thereof are assessable to income tax under Schedule E by reference to the amount thereof for the previous year of assessment, and the actual emoluments arising from that office or employment for the year 1943-44 or any previous year of assessment are increased by reason of—

Certain increases in remuneration to be chargeable to tax.

- (a) additional remuneration being granted after the twentieth day of September, nineteen hundred and forty-three ; or
- (b) a change in the conditions of service attaching to the office or employment being effected after the said date,

the amount of the increase shall be added to the income arising from the office or employment as computed for the purposes of assessment to income tax for the year 1943-44 and charged to tax (including surtax) accordingly, but shall not be taken into account in considering whether any and if so what discharge of tax is to be made under section three of the principal Act :

Provided that this section shall not apply to any increase in emoluments arising from—

- (i) a promotion in the ordinary course of events ; or
- (ii) the ordinary application of an incremental scale of emoluments ; or
- (iii) overtime paid for at ordinary rates,

or to any other similar increase of an ordinary character.

9.—(1) This Act may be cited as the Income Tax (Offices and Employments) Act, 1944.

Short title, interpretation, construction and repeals.

(2) In this Act the expression " service in or with the armed forces of the Crown " has the same meaning as it has for the purposes of the principal Act.

(3) This Act shall be construed as one with the Income Tax Acts.

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

Section 9.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
11 & 12 Geo. 5. c. 32.	The Finance Act, 1921	In section thirty-two, in subsection (2), the words from "and tax" to the end of the subsection, except as respects tax for the year 1943-44 or any previous year of assessment.
3 & 4 Geo. 6. c. 48.	The Finance (No. 2) Act, 1940.	Subsections (1) and (2) of section eleven, except as respects tax for the year 1943-44 or any previous year of assessment.
6 & 7 Geo. 6. c. 45.	The Income Tax (Employments) Act, 1943	In subsection (5) of section one, the words from "and section eleven" to the end of the subsection; subsection (6) of section three; in section four, the definition of "pension"; and Part II of the First Schedule.

CHAPTER 13.

An Act to extend the period of service of seamen, marines and members of the naval reserves serving during the war period, and to make further provision as to the recall into service during that period of members of those reserves. [21st March 1944.]

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) Any requirement imposed (whether before or after the passing of this Act) by virtue of a proclamation made during the war period under section nine of the Naval Enlistment Act, 1853, section one of the Royal Marines Act, 1939, or section five of the Royal Naval Reserve (Volunteer) Act, 1859—

- (a) that a seaman or marine shall serve for a period of five years from the expiration of his term of service; or
- (b) that a member of any of the naval reserves shall continue in actual service for a period of five years,

Extension of period of service of seamen, marines and members of naval reserves.
16 & 17 Vict. c. 69.
2 & 3 Geo. 6. c. 88.
22 & 23 Vict. c. 40.

shall have effect as a requirement that he shall serve, or continue in actual service, as the case may be, until the end of the said period of five years or of the war period, whichever last occurs.

(2) In accordance with the preceding subsection, the references in subsection (2) of section one of the Naval and Marine Forces (Temporary Release from Service) Act, 1940 (which provides for the recall of seamen and marines who have been temporarily released but whose term of service has not expired) to the term of service of a seaman or marine shall be construed as references to his term of service as extended by any such proclamation as aforesaid and by the preceding subsection. 4 & 5 Geo. 6.
c. 4.

2. Where during the war period, whether before or after the passing of this Act, a member of any of the naval reserves has been released from actual service, then notwithstanding anything in section two or five of the Royal Naval Reserve (Volunteer) Act, 1859, or in regulations made under section one of the Naval Forces Act, 1903, he shall not be entitled to claim his discharge from the reserve before the end of the war period, and shall be liable to be recalled under the said section five into actual service at any time during the war period, and to be retained in such service until the end of that period. Extension of
period for
recall of
members of
naval
reserves.
3 Edw. 7. c. 6.

3.—(1) This Act may be cited as the Naval Forces (Extension of Service) Act, 1944. Short title and
interpretation.

(2) In this Act the expression "naval reserves" means the Royal Naval Reserve (including the Royal Fleet Reserve), the Royal Naval Volunteer Reserve, and the Royal Naval Special Reserve; and the expression "the war period" means the period beginning with the first day of September, nineteen hundred and thirty-nine, and ending with such date as may be specified by Order in Council under paragraph (a) of section seven of the Armed Forces (Conditions of Service) Act, 1939, as the date on which the emergency which was the occasion of the passing of that Act came to an end. 2 & 3 Geo. 6.
c. 68.

CHAPTER 14.

An Act to render legal the attachment of certain Indian States to other Indian States. [21st March 1944.]

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) At the instance or with the consent of His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States, any Indian State not mentioned in Attachment
of States.

26 Geo. 5. &
1 Edw. 8. c. 2.

Divisions I to XVI of the Table of Seats appended to Part II of the First Schedule to the Government of India Act, 1935 (as in force at the passing of this Act), being a State included in the Western India States Agency or the Gujerat States Agency on the twenty-fifth day of August, nineteen hundred and forty-three, may be attached to any other Indian State and, in connection with the attachment, provision may be made for—

- (a) the exercise by, or transfer to, courts and officers of the last-mentioned Indian State, with or without limitations or conditions, of any powers or jurisdiction in or in relation to the first-mentioned Indian State which were or could have been exercised by or on behalf of the Crown therein before the attachment ;
- (b) the relinquishment, as a consequence of the attachment, of any such powers or jurisdiction of the Crown as aforesaid ;
- (c) the transfer of cases pending at the date of the attachment before courts or officers of the Crown ;

53 & 54 Vict.
c. 37.

and this subsection shall have effect notwithstanding anything in the Foreign Jurisdiction Act, 1890, the Government of India Act, 1935, any other Act for the time being in force, or any Letters Patent, Order in Council or other instrument.

(2) This section shall be deemed always to have had effect :

Provided that His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States may give such directions, if any, as he thinks proper for rendering valid or lawful anything done or omitted before the passing of this Act which would otherwise be invalid or unlawful by virtue of the provisions of this section.

Short title.

2. This Act may be cited as the India (Attachment of States) Act, 1944.

CHAPTER 15.

Reinstatement in Civil Employment Act, 1944.

ARRANGEMENT OF SECTIONS.

Obligation to reinstate former employees.

Section.

1. Obligation of employers to reinstate former employees.
2. Mode of making, time for making and duration of applications for reinstatement.
3. Duty of applicant to state date of availability for employment.
4. Obligation of employers to continue to employ reinstated employees.
5. Priority of claims to employment.
6. Persons to whom Act applies, and meaning of references to beginning and end of war service.
7. Meaning of expression "former employer."

Determination of questions and enforcement of preceding provisions.

Section.

8. Reinstatement Committees, umpire and deputy umpires.
9. Jurisdiction of Reinstatement Committees.
10. Appeals from Reinstatement Committees.
11. Enforcement.

Miscellaneous and General.

12. Special provisions as to re-enlistment, etc.
13. Application of Act to certain persons whose war service ended before the commencement thereof.
14. Prevention of evasion.
15. Waiver, etc.
16. Regulations.
17. Evidence.
18. Priority in bankruptcy, winding up, etc., of sums ordered to be paid under this Act.
19. Expenses.
20. Interpretation.
21. Application to Scotland.
22. Application to Northern Ireland.
23. Power to extend this Act to the Isle of Man.
24. Short title, commencement and repeals.

SCHEDULES :

First Schedule.—Women's Services.

Second Schedule.—Provisions applicable to Orders of Reinstatement Committees.

Third Schedule.—Enactments Repealed.

An Act to make provision for the reinstatement in civil employment of certain persons who are, or have been, in the service of the Crown or in a civil defence force; and for purposes connected with the matter aforesaid. [21st March 1944.]

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:—

Obligation to reinstate former employees.

1.—(1) Subject to the provisions of this Act, where a person to whom this Act applies whose war service ends after the commencement of this Act makes an application to his former employer to be taken into his employment, the former employer shall, so long as the application remains in force, be under an obligation to take the applicant into his employment—

Obligation of employers to reinstate former employees.

- (a) in the occupation in which the applicant was last employed by the former employer before the beginning of his war service and on terms and conditions not less favourable to him than those which

would have been applicable to him in that occupation had he not become a person to whom this Act applies; or

- (b) if it is not reasonable and practicable that the applicant should be taken into employment in that occupation and on those terms and conditions, in the most favourable occupation and on the most favourable terms and conditions which are reasonable and practicable in his case.

(2) The said obligation shall be an obligation to take the applicant into employment as aforesaid at the first opportunity (if any) at which it is reasonable and practicable for the former employer so to do on or after such date as may be notified to him in accordance with section three of this Act as the date on which the applicant will be available for employment; and accordingly if the former employer, after giving reasonable notice thereof to the applicant, makes such employment as aforesaid available to him at the said first opportunity, his obligation shall be discharged:

Provided that—

- (a) an opportunity for taking the applicant into his former employer's employment shall not be deemed for the purposes of this subsection to have arisen if—

(i) the former employer makes employment available to the applicant, but the applicant has, or reasonably believes that he has, reasonable cause for not taking it; and

(ii) the facts on which the applicant relies as constituting the reasonable cause are notified in writing to the former employer by him or by some person acting with his authority as soon as may be after he has been notified by the former employer that the employment is being made available to him; and

- (b) in no case shall the former employer be under any obligation under this section to take the applicant into his employment after six months have elapsed from the end of the present emergency.

(3) Any notice to be given under the last preceding subsection by the former employer to the applicant shall, without prejudice to any other mode for the giving thereof, be deemed to have been duly given if it is sent to the applicant addressed to him at such address as may be provided by him for the purpose or, if no such address is so provided, at his last known place of abode.

2.—(1) An application under the preceding section—

- (a) shall be of no effect unless it is made in writing;
- (b) may be made either by the applicant or by some person acting with his authority.

Mode of making, time for making and duration of applications for reinstatement.

(2) An application under the said section shall be of no effect unless it is made during the period beginning with the end of the applicant's war service and ending with the fifth Monday after the end thereof:

Provided that an application made after the end of the said period shall not be invalid by virtue of this subsection if the applicant was prevented from making it within that period by his sickness or other reasonable cause, and the application was made as soon as reasonably may be after the expiration of the said period.

(3) An application under the said section shall cease to have effect on the expiration of thirteen weeks from the date of the making thereof:

Provided that—

- (a) while the application is still in force it may from time to time be renewed in writing by the applicant or by some person acting with his authority, and, if it is so renewed, shall not cease to have effect by virtue of this subsection until thirteen weeks from the date of the renewal; and
- (b) if, at the time when the application would otherwise cease to have effect, proceedings for the determination of any question affecting the application are pending under the subsequent provisions of this Act, the application shall not cease to have effect by virtue of this subsection until fourteen days after those proceedings have ceased to be pending; and for the purposes of this proviso, proceedings shall not be treated as having ceased to be pending until the time for appealing has expired or, where an appeal is brought, until the appeal is decided or withdrawn.

(4) An application under the said section or any renewal of any such application may be made either directly to the former employer or, in the prescribed manner, at an employment exchange or any such other local office of the Minister or of the Ministry of Labour for Northern Ireland as may be appointed by the Minister or Ministry, as the case may be, and where any application or renewal is so made or given at such an exchange or local office, it shall be the duty of the Minister to take such steps as may be practicable to forward it to the former employer.

Duty of applicant to state date of availability for employment.

3.—(1) Where an application is made under section one of this Act, the applicant or some person acting with his authority shall, at or after the time of making the application, but not later than four weeks from the latest date allowed by the last preceding section for the making thereof, notify to the former employer in writing a date, not later than the expiration of the said four weeks, on which the applicant will be available for employment:

Provided that if, owing to his sickness or other reasonable cause, the applicant is not available for employment until after the expiration of the said four weeks, the date to be so notified may be a date as soon as reasonably may be after the expiration of the said four weeks, and accordingly the notification shall not be invalid by reason only that it is given after the expiration of the said four weeks.

(2) The provisions of subsection (4) of the last preceding section shall apply to any notification under this section as they apply to applications under section one of this Act.

Obligation of employers to continue to employ reinstated employees.

4.—(1) Where an applicant has been taken into the employment of his former employer in pursuance of section one of this Act, the former employer shall be under an obligation to employ the applicant for the following twenty-six weeks or so much thereof as is reasonable and practicable—

- (a) in an occupation not less favourable to him than that in which, and on terms and conditions not less favourable to him than those on which, the applicant is so taken into employment; or
- (b) if, at any time during the period for which he has under this section to be employed, it ceases to be reasonable and practicable for the applicant to be employed in that occupation and on those terms and conditions, in the most favourable occupation and on the most favourable terms and conditions which are thereafter for the time being reasonable and practicable in his case:

Provided that, if when the applicant last ceased to be employed by his former employer before the beginning of his war service he had been in the continuous employment of that former employer for a consecutive period of not less than fifty-two weeks, the preceding provisions of this section shall have effect as if for the reference to twenty-six weeks there were substituted a reference to fifty-two weeks.

(2) In computing the period of continuous employment mentioned in the proviso to the preceding subsection—

- (a) where the employment is in an undertaking, and any change has taken place in the person carrying on that

undertaking or any other undertaking has become comprised in that undertaking, periods in the employment of the person for the time being carrying on the undertaking or the other undertaking, as the case may be, shall be treated as periods of employment by the former employer;

- (b) a person shall not be treated as otherwise than continuously employed by reason of any temporary absence from work.

5.—(1) It shall not be treated for the purposes of the preceding sections as reasonable and practicable for the former employer to take the applicant into his employment, or to employ him, either at all or in any particular occupation or on particular terms and conditions if it can only be done by discharging some other person who—

Priority of
claims to
employment.

- (a) was employed by the former employer before the relevant date; and
- (b) had been so employed before the relevant date for a longer period than the applicant; and
- (c) was so employed in employment of a kind that was not less permanent in character than the applicant's employment,

or by refusing to take into employment, in accordance with section one of this Act, some such other person as aforesaid who is a person to whom this Act applies and has duly made an application under that section which is still in force.

In this subsection the expression "the relevant date" means the beginning of the applicant's war service, or where the other person as well as the applicant is a person to whom this Act applies, the beginning of the applicant's war service or the beginning of the other person's war service, whichever is the earlier.

(2) It shall not be treated for the purposes of the preceding sections as otherwise than reasonable and practicable for the former employer to take the applicant into his employment, or to employ him, either at all or in any particular occupation or on particular terms and conditions by reason only that it can only be done by discharging some other person who is not such a person as is mentioned in paragraphs (a), (b) and (c) of the preceding subsection; and this subsection shall apply whether or not the other person is a person to whom this Act applies, and whether or not he has been taken into the employment of the former employer in accordance with section one of this Act.

Persons to whom Act applies, and meaning of references to beginning and end of war service.

6.—(1) The persons to whom this Act applies are—

- (a) male persons who, after the twenty-fifth day of May, nineteen hundred and thirty-nine, enter upon a period of whole-time service in the armed forces of the Crown;
- (b) female persons who, after the said date, enter upon a period of whole-time service in any of the capacities mentioned in the First Schedule to this Act;
- (c) persons (whether male or female) who, after the tenth day of April, nineteen hundred and forty-one, enter upon a period of whole-time service in a civil defence force within the meaning of the National Service Acts, 1939 to 1942, in consequence of an enrolment notice under those Acts.

(2) References in this Act to periods of war service, or the beginning or the end of the war service, of a person to whom this Act applies shall, subject to the provisions of section twelve of this Act, be construed as references to periods of whole-time service mentioned in subsection (1) of this section, and to the beginning and the end thereof.

Meaning of expression "former employer."

7.—(1) Subject to the provisions of this section, the expression "former employer" in this Act means, in relation to a person to whom this Act applies, the employer by whom he was last employed within the period of four weeks immediately preceding the beginning of his war service.

(2) Where a person to whom this Act applies was last employed within the said period of four weeks in any undertaking, and (whether before or after the passing of this Act) any change takes place in the person carrying on that undertaking or that undertaking becomes comprised in any other undertaking, references in this Act to the former employer of that person shall be construed as references to the person for the time being carrying on that undertaking or that other undertaking, as the case may be:

Provided that, where the person in question was last employed as aforesaid in a branch or part of an undertaking which (whether before or after the passing of this Act) becomes, or becomes part of, some other undertaking, and either—

- (a) he has as a consequence become employed in that other undertaking; or
- (b) it is reasonable to suppose that he would as a consequence have become employed in that other undertaking if his employment had not been interrupted by his war service,

this subsection shall have effect as if that branch or part were itself an undertaking.

(3) Where—

- (a) by virtue of any provision made by or under any Act, employers of any class are required, in taking persons of any class into their employment (whether in all cases or not and whether absolutely or subject to exceptions), to restrict themselves to, or to give preference to, persons for the time being included in a specified pool or register; and
- (b) under the said provision, all persons included in that pool or register are in the employment of a specified body when not otherwise employed; and
- (c) the occupation in which a person to whom this Act applies was last employed before the beginning of his war service is such that the taking of him into his employment by the person who, but for the provision of this subsection, would be his former employer is affected by the said provision,

the said body shall, for the purposes of this Act, be deemed to be the former employer of that person.

*Determination of questions and enforcement of
preceding provisions.*

8.—(1) For the purposes of determining the questions and making the orders specified in the next succeeding section, such number of Committees (hereafter in this Act referred to as "Reinstatement Committees") shall be appointed as the Minister may determine.

Reinstatement
Committees,
umpire and
deputy
umpires.

(2) Every Reinstatement Committee shall consist of—

- (a) a chairman selected by the Minister from a panel constituted by him for the purposes of this section of persons to act as chairmen of Reinstatement Committees; and
- (b) one person selected by the Minister from a panel constituted as aforesaid of persons chosen to represent employers; and
- (c) one person selected by the Minister from a panel constituted as aforesaid of persons chosen to represent employed persons.

(3) The Minister may appoint such number of persons as he thinks fit as assessors to be available to Reinstatement Committees being persons who, in the opinion of the Minister, have expert knowledge as to any of the matters which are likely to fall to be considered by those Committees in exercising their jurisdiction under this Act.

An assessor shall not vote or otherwise be a party to any determination or order of a Reinstatement Committee.

(4) His Majesty may appoint an umpire and one or more deputy umpires for the purpose of hearing appeals from Reinstatement Committees.

Jurisdiction of
Reinstatement
Committees.

9.—(1) A person who is or claims to be a person to whom this Act applies and claims that he has rights under this Act which are being or have been denied him, may, within the prescribed time, apply to a Reinstatement Committee for the determination of any question relating to his rights, if any, under this Act, and the Committee shall determine that question.

(2) Where the Committee are satisfied that default has been made by the former employer of the applicant in the discharge of his obligations under this Act, the Committee may make either or both of the following orders according as is in their opinion appropriate, having regard to all the circumstances of the case and the nature and extent of the default, that is to say,—

- (a) an order requiring employment to be made available to the applicant by his former employer on such date, in such occupation, on such terms and conditions and at such place as may be specified in the order, being employment which, in the opinion of the Committee, is such as is required by this Act to be made available to the applicant;
- (b) an order requiring that there shall be paid to the applicant by way of compensation for any loss suffered or likely to be suffered by him by reason of the default a sum specified in the order, not exceeding in any event the amount of the remuneration which, in the opinion of the Committee, the applicant would, if the obligations imposed by this Act in relation to him had been duly discharged, have been entitled to receive from his former employer in respect of the period during which under this Act he has to be employed by his former employer.

(3) The provisions of the Second Schedule to this Act shall have effect in relation to orders made under the last preceding subsection.

Appeals from
Reinstatement
Committees.

10.—(1) An appeal may, within the prescribed time, be brought from any determination or order of a Reinstatement Committee, or from the refusal of such a Committee to make an order, to the umpire or a deputy umpire, as follows:—

- (a) at the instance of an organisation of employers of which the employer concerned was a member on the date on which the application was made to the Reinstatement Committee;

- (b) at the instance of an association of employed persons of which the applicant was a member on that date;
- (c) at the instance either of the employer concerned or of the applicant—
 - (i) without leave in any case in which the decision of the Committee is not unanimous; and
 - (ii) with the leave of the Committee or, if the Committee refuse leave and an application for leave is made within the prescribed time to the umpire or a deputy umpire, with the leave of the umpire or a deputy umpire.

In this section, the expression "the employer" includes, in a case where different persons have at different periods been the former employer of the applicant, any person against whom an order was made by the Reinstatement Committee.

(2) On any such appeal, the umpire or deputy umpire may make any determination or order which a Reinstatement Committee might make under the provisions of this Act or may dismiss the appeal, and his decision shall be final; and in considering how to exercise his powers under this subsection, the umpire or deputy umpire shall, where there has been any change in the relevant facts since the date of the hearing before the Reinstatement Committee, have regard to the facts existing on the date of the hearing before him.

(3) The umpire or deputy umpire shall, when considering an appeal under this section, sit with two assessors appointed by the Minister:

Provided that where, on any such appeal, one or both of the assessors appointed to sit is or are absent, then, with the consent in writing of the parties, the umpire or deputy umpire may proceed to consider and determine the appeal without the other assessor or without either assessor, as the case may be.

11.—(1) Where an order has been made by a Reinstatement Committee or by the umpire or a deputy umpire on appeal that employment shall be made available to a person on a specified day and employment is not made available to him on that day in accordance with the order, the person against whom the order was made shall be liable on summary conviction to a fine not exceeding one hundred pounds, and the court by whom he is found guilty may order him to pay to the person to whom the employment should have been made available, by way of compensation for any loss suffered or likely to be suffered by him by reason of the offence, a sum specified in the order, not exceeding in any event the amount of the remuneration which, in the opinion of the court, that person would have been entitled to receive from his former Enforcement.

employer if the order, and the obligation as to subsequent employment resulting from the order, had been complied with:

Provided that—

- (a) proceedings shall not be brought against any person for failure to comply with an order of a Reinstatement Committee until the time allowed for appealing has expired or, where an appeal is brought, until the appeal is decided or withdrawn;
 - (b) where the person against whom the order was made is no longer the former employer of the applicant at the date of the failure to comply with the order, it shall be a defence to him to prove that he took all reasonable steps to secure compliance with the order.
- (2) Where an order has been made by a Reinstatement Committee or by the umpire or a deputy umpire on appeal for the payment to a person of any sum, that sum may, without prejudice to any other mode for the recovery thereof, be recovered from the person against whom the order is made summarily as a civil debt; but proceedings shall not be brought, whether summarily or otherwise, for the recovery of any such sum until the time allowed for appealing against the order has expired or, where an appeal is brought, until the appeal is decided or withdrawn.
- (3) Save as provided in this section, no proceedings, whether civil or criminal, shall be brought against any person in respect of a failure to discharge an obligation imposed on him by or under the preceding provisions of this Act.
- (4) Any officer authorised in that behalf by special or general directions of the Minister may institute on behalf of and in the name of any person to whom this Act applies civil proceedings for the recovery of any such sum as is mentioned in subsection (2) of this section, and in any such proceedings the court may make an order for the payment of costs by the officer as if he were a party to the proceedings:

Provided that the powers conferred by this subsection for the recovery of sums due to a person to whom this Act applies shall not be in derogation of any right of that person himself to recover such sums by civil proceedings.

Miscellaneous and General.

Special provisions as to re-enlistment, etc.

12.—(1) Subject to the provisions of this section, where a person to whom this Act applies whose war service has ended again enters (whether before or after the commencement of this Act) upon any such period of whole-time service as is mentioned in subsection (1) of section six of this Act, his previous period of war service shall be treated for the purposes

of this Act as continuing without intermission until the end of his subsequent period of war service.

(2) Where (whether before or after the commencement of this Act) a person to whom this Act applies whose war service has ended performs whole-time services in consequence of a direction or written request made by or on behalf of the Minister or the Ministry of Labour for Northern Ireland or performs whole-time services which he was released or discharged to perform, the period during which he performs those whole-time services shall be treated for the purposes of subsection (1) of this section as if it were a further period of service such as is mentioned in subsection (1) of section six of this Act, and subsection (1) of this section shall have effect accordingly:

Provided that the Minister may, either generally or in relation to any specified class of case, by order appoint a limiting date for the purposes of this subsection, and, where a limiting date is so appointed, a person's war service shall not be treated for the purposes of this Act as continuing beyond that date.

(3) The preceding provisions of this section shall not apply in relation to any person where (whether before or after the commencement of this Act) the interval between the two periods of war service exceeds twenty-six weeks or where (whether before or after the commencement of this Act) during the said interval either—

- (a) the period specified in subsection (2) of section two of this Act for making an application under section one of this Act has expired since the end of the first of his two periods of war service without his having applied to his former employer for employment; or
- (b) his former employer has made available to him such employment as is specified in subsection (1) of section one of this Act and he has either failed without reasonable excuse to take that employment or has left it otherwise than to undertake a further period of war service.

13.—(1) This Act shall have effect in relation to a person to whom this Act applies whose war service ended not earlier than twenty-six weeks before the commencement of this Act as if his war service had ended immediately after the commencement of this Act:

Provided that, where the person in question is in the employment of his former employer at the commencement of this Act, he shall be treated for the purposes of this Act as having entered that employment immediately thereafter in pursuance of an application in that behalf duly made by him under section one of this Act.

Application of Act to certain persons whose war service ended before the commencement thereof.

2 & 3 Geo. 6.
c. 81.

(2) This section shall not apply in relation to any person where, before the commencement of this Act, proceedings have been instituted under subsection (1) of section fourteen of the National Service (Armed Forces) Act, 1939, for an offence alleged to have been committed thereunder in relation to him within the twenty-six weeks immediately preceding the commencement of this Act; and no proceedings shall be instituted under the said subsection (1) after the commencement of this Act for an offence alleged to have been committed within the said twenty-six weeks.

Prevention of
evasion.

14. Any person (hereafter in this section referred to as "the employer") who, with intent to evade the provisions of this Act, terminates the employment of any person employed by him (hereafter in this section referred to as "the employee") who is to become a person to whom this Act applies shall be liable on summary conviction to a fine not exceeding one hundred pounds; and the court by whom the employer is found guilty may order him to pay to the employee a sum not exceeding twenty-six weeks remuneration at the rate at which the remuneration of the employee was last payable to him by the employer before the beginning of the employee's war service.

Waiver, etc.

15.—(1) The provisions of this Act requiring a person to whom this Act applies, as a condition of obtaining his rights thereunder, to make and renew an application to his former employer to be taken into his employment and to notify a date on which he will be available for employment are for the protection of the former employer and accordingly can be waived or dispensed with by the former employer, either in whole or in part and either expressly or by conduct:

Provided that, except where the applicant has in fact been taken into the employment of his former employer since the end of his war service, any requirement that anything should be done in writing shall not be deemed to be capable of being waived or dispensed with by the former employer otherwise than in writing.

(2) Where—

(a) a person to whom this Act applies has made an application under section one of this Act to be taken into the employment of his former employer and is so taken into employment before that application has expired; or

(b) a person to whom this Act applies is taken into the employment of his former employer under such circumstances that such an application has been waived or dispensed with,

and in either case the employment is not such as is specified in subsection (1) of section one of this Act, the rights of the

said person against his former employer shall not be less than they would have been if the employment into which he is taken were such employment.

16.—(1) The Minister may make regulations—

Regulations

(a) regulating the procedure to be followed in connection with applications to Reinstatement Committees and appeals to the umpire or a deputy umpire, fixing the quorum of such Committees, and regulating the circumstances and the manner in which assessors are to be or may be summoned to assist such Committees;

(b) prescribing any other thing which by this Act is required or authorised to be prescribed.

(2) Any regulations made under this Act shall be laid before Parliament as soon as may be after the making thereof, and if either House of Parliament within forty days from the day on which any such regulations are laid before it resolves that the regulations be annulled, the regulations shall thereupon cease to have effect but without prejudice to 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.

(3) Section one of the Rules Publication Act, 1893, shall not apply to any regulations made under this Act. 56 & 57 Vict.
c. 66.

17.—(1) A certificate of the Minister or the Ministry of Labour for Northern Ireland that a person performed whole-time services in consequence of a direction or request made by him or it or on his or its behalf or as to the date on which a person began or ceased so to perform whole-time services, and a certificate of the competent naval, military or air force authority, the Secretary of State or the Minister of Home Security as to— Evidence.

(a) the nature, extent and duration of the service of a person in the armed forces of the Crown or in any of the capacities mentioned in the First Schedule to this Act or in a civil defence force; or

(b) the purposes for which a person was released or discharged from the armed forces of the Crown, or from service in any such capacity or from a civil defence force,

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

(2) Every document purporting to be such a certificate as aforesaid or any other certificate authorised by this Act

and to be signed by or on behalf of the Minister, the Ministry of Labour for Northern Ireland, the competent naval, military or air force authority, the Secretary of State or the Minister of Home Security shall be received in evidence, and shall, until the contrary is proved, be deemed to be such a certificate of the Minister, Ministry, authority, Secretary of State or Minister of Home Security, as the case may be; and in any proceedings before, or on appeal from, a Reinstatement Committee, the production of a document purporting to be certified by or on behalf of the Minister, Ministry, authority, Secretary of State or Minister of Home Security, as the case may be, to be a true copy of any such certificate as is mentioned in this subsection shall, unless the contrary is proved, be sufficient evidence of the certificate.

(3) The production, in any proceedings (whether civil or criminal), of a document purporting to be certified by the chairman of a Reinstatement Committee or by the umpire or a deputy umpire to be a true record of a determination or order of the Committee or of the umpire or deputy umpire on appeal, as the case may be, shall, unless the contrary is proved, be sufficient evidence of the determination or order.

(4) Where in any proceedings, whether civil or criminal, brought under this Act against a person for failure to comply with an order of a Reinstatement Committee or of the umpire or a deputy umpire on appeal, proof is given of such an order against a person bearing the name in which the person against whom the proceedings are brought is charged or appears in the proceedings, that order shall, unless the contrary is proved, be deemed to be an order against the person against whom the proceedings are brought.

Priority in
bankruptcy,
winding up,
etc., of sums
ordered to be
paid under
this Act.
4 & 5 Geo. 5.
c. 59.

18.—(1) There shall be included among the debts which, under section thirty-three of the Bankruptcy Act, 1914, are to be paid in priority to all other debts in the distribution of the property of a bankrupt or person dying insolvent, any sum ordered under this Act to be paid by way of compensation where the default by reason of which the order for compensation was made occurred before the receiving order or death, whether or not the order for compensation was made before the receiving order or death.

19 & 20 Geo. 5.
c. 23.

(2) There shall be included among the debts which, under section two hundred and sixty-four of the Companies Act, 1929, are to be paid in priority to all other debts in the winding up of a company, any sum ordered under this Act to be paid by way of compensation where the default by reason of which the order for compensation was made occurred before the relevant date within the meaning of that section, whether or not the order for compensation was made before that date.

(3) Where a receiver is appointed on behalf of the holders of any debentures of a company secured by a floating charge, or possession is taken by or on behalf of those debenture holders of any property comprised in or subject to the charge, there shall be included among the debts which, under section seventy-eight of the Companies Act, 1929, are to be paid in priority to any claim for principal or interest in respect of the debentures, any sum ordered under this Act to be paid by way of compensation where the default by reason of which the order for compensation was made occurred before the date of the appointment of the receiver or of possession being taken as aforesaid, whether or not the order for compensation was made before that date.

(4) Notwithstanding anything in the three preceding subsections, the sum to which priority is to be given under those subsections respectively shall not in the case of any one claimant exceed fifty pounds.

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

- (a) to members of Reinstatement Committees, to the umpire and the deputy umpires, to persons appointed to sit as assessors and to any officers and servants of the Minister employed for the purposes of this Act, such remuneration and allowances as the Minister may, with the approval of the Treasury, determine;
- (b) to persons attending as parties or witnesses before Reinstatement Committees or the umpire or any deputy umpire, allowances in accordance with such scales as the Minister may, with the approval of the Treasury, determine;
- (c) any expenses incurred by or on behalf of the Minister in the taking by him or on his behalf of any civil or criminal proceedings under this Act.

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

- “ the competent naval, military or air force authority ” means the Admiralty, the Army Council or the Air Council or an officer designated by any of them;
- “ the end of the present emergency ” means the date declared by Order in Council under section seven of the Armed Forces (Conditions of Service) Act, 1939, ^{2 & 3 Geo. 6.} to be the date on which the emergency that was the ^{c. 68.} occasion of the passing of that Act came to an end;

“ the Minister ” means the Minister of Labour and National Service;

“ undertaking ” includes any business, whether carried on by way of trade or not, and the activities of any body of persons, whether corporate or unincorporated.

(2) Any reference in this Act to the performing of services shall be construed as including a reference to the undergoing of training.

(3) A person who performs whole-time services in consequence of a direction or written request made by or on behalf of the Minister or the Ministry of Labour for Northern Ireland, or performs whole-time services which he was released or discharged to perform, shall not be treated for the purposes of this Act as having ceased to perform those whole-time services by reason of any temporary absence from work.

(4) A period of whole-time service such as is mentioned in subsection (1) of section six of this Act shall not be treated for the purposes of this Act as having ceased by reason—

- (a) of any absence on sick leave; or
- (b) of any other absence on leave, unless it is leave on or pending release or demobilisation, or leave pending discharge; or
- (c) of absence from duty during any such period as is certified by the competent naval, military or air force authority to be a period during which the person in question was prevented by circumstances arising out of war from returning to duty.

(5) For the purposes of this Act, a person who attends for the purpose of entering any of the armed forces of the Crown but who has been notified that he will not be immediately required to take up duty therewith shall not be treated as having entered upon a period of whole-time service until he reports for duty, and any period before he is required for duty during which he is required to attend for purposes connected with his entry into the armed forces of the Crown shall be disregarded.

(6) For the purposes of this Act, a person who is required to report for the purpose of being released, demobilised or discharged shall not, on reporting for that purpose, be treated as entering upon a period of whole-time service.

(7) A member of the Home Guard shall not be treated for the purposes of this Act as entering on a period of whole-time service in the armed forces of the Crown by reason only that the platoon or other part of the Home Guard to which he

belongs is mustered for the purpose of resisting an actual or apprehended invasion.

(8) For the purposes of this Act, the Auxiliary Coastguard shall be deemed always to have been part of the armed forces of the Crown.

21.—(1) This Act shall apply to Scotland subject to the modifications set out in the subsequent provisions of this section. Application to Scotland.

(2) For subsection (1) of section eighteen the following subsection shall be substituted:—

“(1) There shall be included among the debts which, under section one hundred and eighteen of the Bankruptcy (Scotland) Act, 1913, are to be paid in priority to all other debts in the division of a bankrupt’s estate, any sum ordered under this Act to be paid by way of compensation where the default by reason of which the order for compensation was made occurred before the date mentioned in subsection (4) of that section, whether or not the order for compensation was made before that date”.

(3) Subsection (3) of section eighteen shall not apply to a company registered in Scotland.

22.—(1) This Act shall apply to Northern Ireland subject to the modifications set out in the subsequent provisions of this section. Application to Northern Ireland.

(2) For subsection (1) of section eighteen there shall be substituted the following subsection:—

“(1) There shall be included among the debts which, under section one of the Preferential Payments in Bankruptcy Act (Northern Ireland), 1933, are to be paid in priority to all other debts in the distribution of the property of a bankrupt, arranging debtor or person dying insolvent, any sum ordered under this Act to be paid by way of compensation where the default by reason of which the order was made occurred before the following date:—

- (a) in the case of a bankrupt, the date of the order of adjudication;
- (b) in the case of an arranging debtor, the date of the filing of the petition for arrangement;
- (c) in the case of a person dying insolvent, the date of his death;

and the said sum shall be so included whether or not the order for compensation was made before the order of adjudication, filing of the petition or date of the death, as the case may be.”

and subsections (2) and (3) of the said section shall have effect as if for references to section two hundred and sixty-four and to section seventy-eight of the Companies Act, 1929, there were respectively substituted references to section two hundred and thirty-four and to section seventy-six of the Companies Act (Northern Ireland), 1932.

(3) A member of the Ulster Home Guard shall not be treated for the purposes of this Act as entering on a period of whole-time service in the armed forces of the Crown by reason only that such a period as is mentioned in Regulation four of the Defence (Ulster Home Guard) Regulations, 1942, has begun and he becomes accordingly a member of the armed forces of the Crown subject to conditions of service comparable to those prescribed in respect of members of the Home Guard in Great Britain during any period during which the platoon or other part of the Home Guard to which they belong is mustered for the purpose of resisting an actual or apprehended invasion.

(4) The provisions of this Act with respect to the Minister shall be without prejudice to the making of arrangements under section sixty-three of the Government of Ireland Act, 1920, for the exercise and performance of any powers and duties of the Minister by officers of the Ministry of Labour for Northern Ireland on his behalf.

10 & 11 Geo. 5.
c. 67.

Power to
extend this
Act to the
Isle of Man.

23.—(1) 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.

(2) Any such Order in Council may be revoked or varied by a subsequent Order in Council.

Short title,
commence-
ment and
repeals.

24.—(1) This Act may be cited as the Reinstatement in Civil Employment Act, 1944.

(2) This Act shall come into operation on such day as the Minister may by order appoint.

(3) The enactments specified in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, and Regulation sixty DAA of the Defence (General) Regulations, 1939, is hereby revoked:

Provided that the powers conferred by subsection (4) of section fourteen of the National Service (Armed Forces) Act, 1939, shall not be affected by the repeal, by virtue of this subsection, of any of the other provisions of that section.

SCHEDULES.

FIRST SCHEDULE.

Sections 6, 17.

WOMEN'S SERVICES.

1. Member of Queen Alexandra's Royal Naval Nursing Service or any reserve thereof.
2. Member of the Women's Royal Naval Service.
3. Woman medical practitioner serving in the Royal Navy or any naval reserve.
4. Member of Queen Alexandra's Imperial Military Nursing Service or any reserve thereof.
5. Member of the Territorial Army Nursing Service or any reserve thereof.
6. Member of the Auxiliary Territorial Service.
7. Woman employed with the Royal Army Medical Corps or the Army Dental Corps with relative rank as an officer.
8. Member of Princess Mary's Royal Air Force Nursing Service or any reserve thereof.
9. Member of the Women's Auxiliary Air Force.
10. Woman employed with the Medical Branch or the Dental Branch of the Royal Air Force with relative rank as an officer.
11. Member of the Voluntary Aid Detachments employed under the Admiralty, Army Council or Air Council.

SECOND SCHEDULE.

Section 9.

PROVISIONS APPLICABLE TO ORDERS OF REINSTATEMENT COMMITTEES.

Orders requiring employment to be made available.

1. An order requiring that employment shall be made available to the applicant by his former employer may be made notwithstanding that more than six months have elapsed since the end of the present emergency, and notwithstanding that the date on which employment is to be made available to the applicant is more than six months after the end of the present emergency.
2. Any such order shall be made against the person who is the former employer of the applicant at the time of the making of the order, and accordingly it shall be his duty to secure compliance therewith.

2ND SCH.
—cont.

3. Where the applicant is taken into the employment of his former employer in pursuance of any such order, the provisions of this Act shall have effect in relation to the applicant as if he had been taken into employment in pursuance of the obligation imposed on his former employer by section one of this Act :

Provided that where the applicant has already been in the employment of his former employer for any period since the end of his war service, the period of twenty-six or fifty-two weeks for which, under section four of this Act as applied by this paragraph, the applicant has to be employed shall be correspondingly reduced.

4. Where, in pursuance of any such order, the former employer of the applicant makes employment available to the applicant on the date specified in the order but the applicant is prevented from taking it by his sickness or other reasonable cause, the former employer shall be under the like obligation as he would have been under if the employment had been made available in pursuance of the obligation imposed by section one of this Act :

Provided that, where the date specified in the order as the date on which employment is to be made available is a date after the end of the present emergency, so much of that section as provides that in no case shall the former employer be under an obligation to take the applicant into his employment after six months after the end of the present emergency shall have effect as if for the reference to the end of the present emergency there were substituted a reference to the date so specified.

Orders for compensation.

5. An order for the payment of money by way of compensation shall, in so far as the compensation is in respect of a period subsequent to the order, be made against the person who is the former employer of the applicant at the date of the order, and, in so far as the compensation is in respect of a period before the order, be made against the person who was the former employer during the period of default by reason of which the order was made ; and where different persons have been at different times the former employer of the applicant, the sum payable under the order shall be apportioned by the order between those persons and references in this Act to the person against whom such an order is made shall be construed accordingly.

THIRD SCHEDULE.

Section 24.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
2 & 3 Geo. 6. c. 81.	The National Service (Armed Forces) Act, 1939.	In section fourteen, subsections (1), (2) and (3), and in subsection (4) the words "or to make provision for the prevention of evasion of the provisions of this section".
4 & 5 Geo. 6. c. 15.	The National Service Act, 1941.	In section ten, subsection (1), in subsection (2) the words "called from his civil employment for service connected with the present emergency' and", the words "wherever they occur" and the words from "and in subsection (2)" to the end of the subsection, and subsection (3).

CHAPTER 16.

An Act to grant money for the purpose of certain local loans out of the Local Loans Fund and for other purposes relating to local loans, and to enable the functions of the secretary of the Public Works Loan Commissioners to be performed, in the event of his inability to act, by an assistant secretary.

[21st March 1944.]

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

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

(2) The sums so issued shall be issued during a period ending on the day on which a further Act granting money for the purposes of those loans comes into operation, and in accordance with the provisions of the National Debt and Local Loans Act, 1887.

50 & 51 Vict.
c. 16.

E

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

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

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

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

1 Edw. 7.
c. 35.

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

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

And whereas the terms of the said collateral security are embodied in a memorandum of agreement between the Secretary for Scotland and the Public Works Loan Commissioners, dated the eleventh day of March, eighteen hundred and ninety-two, whereby a portion of the surplus herring brand fees, as defined in clause three of the said memorandum, was pledged in security for the repayment of the said loan with interest by the instalments and at the times mentioned in the security given by the Eyemouth Harbour Trustees for the said loan, and it was provided that the said portion of the surplus herring brand fees of any one year should only be applicable to the repayment of the one-fiftieth part of principal and interest on outstanding principal falling due under the security for the said loan in the same year, and should not be applicable to the repayment of arrears of principal :

And whereas the said portion of the surplus herring brand fees so pledged as aforesaid was, during the years ending the thirty-first day of March, nineteen hundred and forty-one, the thirty-first day of March, nineteen hundred and forty-two, and the thirty-first day of March, nineteen hundred and forty-three, respectively, insufficient to discharge in full the instalments of principal with interest which fell due under the security for the said loan in those years and the principal sum of four hundred and fifty-seven pounds (the balance outstanding of the said

loan) with interest amounting to twenty-five pounds one shilling now remains unpaid, and under the terms of the said memorandum of agreement is irrecoverable :

Now, therefore, the said principal sum of four hundred and fifty-seven pounds shall be extinguished, and the said arrears of interest amounting to twenty-five pounds one shilling shall be remitted.

4.—(1) If and so long as it appears to the Public Works Loan Commissioners that their secretary is through illness, absence or other sufficient cause unable to act, they may authorise any of their assistant secretaries to perform all or any of the functions of their secretary, and anything done by an assistant secretary in pursuance of any such authority shall have the same effect as if done by the secretary.

Performance of functions of secretary of Public Works Loan Commissioners, in event of illness, etc., by assistant secretary.

(2) Where anything is done by an assistant secretary of the said Commissioners in purported exercise of the powers conferred by this section, he shall be presumed, unless and until the contrary is shown, to have acted in pursuance of an authority duly given under this section by the said Commissioners.

5. This Act may be cited as the Public Works Loans Act, 1944. Short title.

SCHEDULE.

Section 2.

PART I.

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

Name of borrower.	Amount of loan.	Amount to be written off.
Eyemouth Harbour Trustees - -	£ 10,000	£ 457

PART II.

LOANS BY THE PUBLIC WORKS LOAN COMMISSIONERS UNDER THE AGRICULTURAL CREDITS ACT, 1923 (INCLUDING ADVANCES UNDER PARAGRAPH (4) OF SECTION TWENTY-TWO OF THE PUBLIC WORKS LOANS ACT, 1875).

Name of borrower.	Amount of loan.	Amount to be written off.
	£	£ s. d.
Mr. David Collins - - - -	5,854	5,043 5 9
Mr. Thomas Eynon - - - -	6,975	520 14 5
Mr. Herbert Howson - - - -	4,650	211 12 5
Mr. Morton Jack - - - -	4,900	289 16 10
Mr. Harry Luker (deceased) - - - -	6,145	856 2 10
Mr. William Taylor Malcolm - - - -	14,594	1,654 11 1
Colonel Norman Martyn - - - -	2,231	583 16 10
Mr. Percy Stops (deceased) - - - -	5,000	211 9 10

CHAPTER 17.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and forty-four and one thousand nine hundred and forty-five.
[29th March 1944.]

Most Gracious Sovereign,

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

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

Issue of
£3,493,774
out of the Con-
solidated Fund
for the service
of the year ending
31st March, 1944.

forty-four, the sum of three million, four hundred and ninety-five thousand, seven hundred and fourteen pounds.

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

Issue of
£220,102,290
out of the Con-
solidated Fund
for the service
of the year ending
31st March, 1945.

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

Power for
the Treasury
to borrow.

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

40 & 41 Vict.
c. 2.

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

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

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

4. This Act may be cited as the Consolidated Fund (No. 2) Act, 1944.

Short title.

CHAPTER 18.

An Act to provide, during twelve months, for the discipline and regulation of the Army and the Air Force.
[26th April 1944.]

WHEREAS the raising or keeping of a standing army within the United Kingdom in time of peace, unless it be with the consent of Parliament, is against law :

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of land forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of such number as His Majesty may deem necessary :

7 & 8 Geo. 5.
c. 51.

And whereas under the Air Force (Constitution) Act, 1917, His Majesty is entitled to raise and maintain the air force, and it is judged necessary that the whole number of such force should consist of such number as His Majesty may deem necessary :

And whereas it is also judged necessary for the safety of the United Kingdom and the defence of the possessions of this realm that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid :

And whereas the said marine forces may frequently be quartered or be on shore, or be sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea :

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm ; yet, nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law or to the Air Force Act, in their duty, that an exact discipline be observed and that persons belonging to the said forces who mutiny, or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military or air force discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow :

And whereas the Army Act and the Air Force Act will expire in the year one thousand nine hundred and forty-four on the following days :—

- (a) In Great Britain and Northern Ireland, the Channel Islands, and the Isle of Man, on the thirtieth day of April ; and
- (b) Elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of July :

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and

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

1. This Act may be cited as the Army and Air Force (Annual) Short title. Act, 1944.

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

- (a) Within Great Britain and Northern Ireland, the Channel Islands, and the Isle of Man, from the thirtieth day of April, one thousand nine hundred and forty-four, to the thirtieth day of April, one thousand nine hundred and forty-five, both inclusive ; and
- (b) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July, one thousand nine hundred and forty-four, to the thirty-first day of July, one thousand nine hundred and forty-five, both inclusive.

(2) Notwithstanding anything in subsection (1) of section fifteen of the Army and Air Force (Annual) Act, 1932, the amendment of the Army Act made by this Act shall come into operation in all places as from the thirtieth day of April, nineteen hundred and forty-four.

(3) The Army Act and the Air Force Act, while in force, shall apply to persons subject to military law or to the Air Force Act, as the case may be, whether within or without His Majesty's dominions.

AMENDMENT OF THE ARMY ACT.

3.—(1) In section one hundred and seventy-six A of the Army Act (which provides for the application of the Army Act to women's forces), at the end of paragraph (d), there shall be inserted the words—

- “ or
(e) are members of the Voluntary Aid Detachments enrolled for employment under the Army Council.”

(2) Regulation seven B of the Defence (Women's Forces) Regulations, 1941, shall cease to have effect :

Provided that any instructions issued under the said Regulation by the Army Council which are in force when this section comes into operation shall continue in force (without prejudice to the power of revocation or amendment thereof) and shall have effect as if they had been issued under the said section one hundred and seventy-six A as amended by this section.

CHAPTER 19.

An Act to extend the powers of the Treasury to raise money under section one of the National Loans Act, 1939. [10th May 1944.]

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 granted to your Majesty for the service of the year ending the thirty-first day of March, nineteen hundred and forty-five, 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:—

Further provision for raising money. 2 & 3 Geo. 6. c. 117.

1. The power of the Treasury to raise money under section one of the National Loans Act, 1939, shall include power to raise any money required 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-five, and in addition a sum not exceeding two hundred and fifty million pounds.

Short title, construction and citation.

2. This Act may be cited as the National Loans Act, 1944, and shall be construed as one with the National Loans Acts, 1939 to 1943, and those Acts and this Act may be cited together as the National Loans Acts, 1939 to 1944.

CHAPTER 20.

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-five. [24th May 1944.]

Most Gracious Sovereign,

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

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

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

Issue of
£1,000,000,000
out of the Con-
solidated Fund
for the service
of the year ending
31st March, 1945.

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 one thousand million pounds.

Power for
the Treasury
to borrow.

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

40 & 41 Vict.
c. 2.

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

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

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

3. This Act may be cited as the Consolidated Fund (No. 3) Act, 1944.

Short title.

CHAPTER 21.

Pensions (Increase) Act, 1944.

ARRANGEMENT OF SECTIONS.

Section.

1. Increase of certain pensions payable in respect of public service.
2. Special provisions as to increase of pensions payable under the Superannuation Acts.
3. Supplementary and administrative provisions.
4. Extension of provisions of section one.
5. Financial provisions.
6. Penalty for false statements, &c.

Section.

7. Provisions as to increase of pensions of naval, military and air force pensioners.
8. Interpretation.
9. Application to Scotland.
10. Short title, expiry and extent.

SCHEDULES:

First Schedule.—Pensions which may be increased under this Act.

Second Schedule.—Authorised increases of certain Pensions.

An Act to provide for the increase of certain pensions payable in respect of public service. [24th May 1944.]

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 :—

Increase of certain pensions payable in respect of public service.

1.—(1) Subject to the provisions of this section, a pension specified in the First Schedule to this Act may, in respect of any period after the thirty-first day of December, nineteen hundred and forty-three, be increased by the pension authority by an amount calculated in accordance with the provisions of the Second Schedule to this Act :

Provided that a pension shall not be increased under the provisions of this section unless the pension authority are satisfied that the income of the pensioner does not exceed, in the case of a pensioner who is married or has at least one dependant, three hundred pounds a year, and, in the case of any other pensioner, two hundred and twenty-five pounds a year.

(2) Where a pension is payable in respect of the pensioner's own services, the pension shall not be increased under the provisions of this section unless :—

- (a) the pensioner has attained the age of sixty years : or
- (b) the pensioner has retired on account of physical or mental infirmity from the office or employment in respect of which, or on retirement from which, the pension is payable : or
- (c) the pension authority are satisfied that the pensioner is disabled by physical or mental infirmity : or
- (d) the pensioner is a woman who has at least one dependant.

(3) Where a pension is payable in respect of the services of any person other than the pensioner, not being the deceased husband

of the pensioner, the pension shall not be increased under the provisions of this section unless :—

- (a) the pensioner has attained the age of sixty years : or
- (b) the pensioner has not attained the age of sixteen years : or
- (c) the pensioner is a woman who has at least one dependant :
or
- (d) the pension authority are satisfied that the pensioner is disabled by physical or mental infirmity.

(4) Where a pension is payable in respect of the services of the deceased husband of the pensioner, the pension shall not be increased under the provisions of this section unless :—

- (a) the pensioner has attained the age of forty years : or
- (b) she has at least one dependant : or
- (c) the pension authority are satisfied that she is disabled by physical or mental infirmity.

(5) For the purposes of this section and of the Second Schedule to this Act, the expression "dependant" means, in relation to any pensioner, any person other than the pensioner with respect to whom the pension authority are satisfied that he is wholly or mainly supported by the pensioner and that his total income from any other source does not exceed fifty-two pounds a year, being either—

- (a) a person who has not attained the age of sixteen years, or who, if he has attained that age, is receiving full-time instruction at any educational establishment or is undergoing training for any trade, profession, or vocation : or
- (b) the father, mother, brother, sister, child, uncle or aunt of the pensioner, or of the husband or wife of the pensioner, or of the deceased husband or wife of the pensioner : or
- (c) the child of any such person as is mentioned in the last foregoing paragraph : or
- (d) the stepfather or stepmother of the pensioner :

and in this subsection the expression "child" includes, in relation to any person, a step-child, an illegitimate child and a child adopted by him in pursuance of an adoption order made under the Adoption of Children Act, 1926, the Adoption of Children 16 & 17 Geo. 5. c. 29. (Scotland) Act, 1930, or any corresponding enactment of the Parliament of Northern Ireland, or adopted by him in accordance 20 & 21 Geo. 5. c. 37. with the law of the place where he was domiciled at the time of the adoption.

In calculating, for the purposes of this subsection, the income of any such person as is mentioned in paragraph (a) thereof, no

account shall be taken of any income accruing to that person as the holder of a scholarship or other educational endowment.

(6) For the purposes of this section, a pensioner shall be deemed to be disabled by physical or mental infirmity if he is permanently incapacitated by such infirmity from engaging in any regular full-time employment.

(7) Where any such pension as is specified in Part II of the First Schedule to this Act may be increased under the provisions of this section, it shall be the duty of the pension authority to increase the pension in accordance with those provisions.

Special provisions as to increase of pensions payable under the Superannuation Acts.

2.—(1) A pension payable under the Superannuation Acts, 1834 to 1943, may, in respect of any period after the thirty-first day of December, nineteen hundred and forty-three, be increased by the pension authority in accordance with the following scale, that is to say:—

- (a) where the pension does not exceed four hundred pounds a year, by ten per cent. :
- (b) where the pension exceeds four hundred pounds a year but does not exceed six hundred pounds a year, by seven and one half per cent. : and
- (c) where the pension exceeds six hundred pounds a year but is less than six hundred and forty-five pounds a year, to six hundred and forty-five pounds a year :

Provided that a pension shall not be increased under the provisions of this subsection if it is payable by reason of the death or retirement of any person before the twenty-first day of February, nineteen hundred and twenty-two.

(2) Where the increase of any pension is authorised by the provisions of the last foregoing subsection, then:—

- (a) if the amount of the increase so authorised equals or exceeds the amount by which the pension might have been increased under the provisions of section one of this Act, the pension shall not be increased under the provisions of the said section one : and
- (b) in any other case, the amount by which the pension may be increased under the provisions of the said section one shall be reduced by the amount of the increase authorised by the provisions of the last foregoing subsection.

Supplementary and administrative provisions.

3.—(1) The income of a pensioner shall be calculated for the purposes of section one of this Act and the Second Schedule thereto in accordance with the regulations made by the Treasury, and such regulations shall in particular provide:—

- (a) that the first fifty-two pounds a year of any income accruing to the pensioner otherwise than in respect of a

pension specified in the First Schedule to this Act shall be disregarded: and

- (b) that the income of a married pensioner shall be deemed to include the income of the husband or wife of the pensioner, but that, save as aforesaid, the income of a pensioner shall not be deemed to include the income of any other person.

(2) Where a pension specified in the First Schedule to this Act has been increased by reason of any addition, since the third day of September, nineteen hundred and thirty-nine, to the emoluments of any office or employment in respect of which, or on retirement from which, the pension is payable, and the pension authority are satisfied that the said addition was an addition by way of war bonus or other similar allowance, the increase authorised by the foregoing provisions of this Act shall be calculated as if the pension had not been increased by reason of the said addition, and:—

- (a) if the amount of the increase authorised by those provisions, when so calculated as aforesaid, is equal to or less than the amount by which the pension has been increased by reason of the said addition, the pension shall not be increased under those provisions: and
- (b) in any other case, the amount of the increase authorised by those provisions, after being so calculated as aforesaid, shall be reduced by the amount by which the pension has been increased by reason of the said addition.

(3) Where the amount to which a pension may be increased under the foregoing provisions of this Act is less than the amount to which that pension might have been increased if it had been smaller, the pension may be increased to the last mentioned amount.

(4) In calculating, for the purposes of the Pensions (Increase) Acts, 1920 and 1924, the means of any pensioner or the amount of any pension, any increase for which provision is made by this Act shall be disregarded; and where the amount of any pension has been increased under the Pensions (Increase) Acts, 1920 and 1924, or by or under any other enactment, the increase for which provision is made by this Act shall, subject to the provisions of subsection (2) of this section, be calculated upon the amount of the pension as so increased.

(5) The Treasury may by regulations:—

- (a) prescribe the manner in which claims for an increase of a pension under the provisions of section one of this Act are to be made, and the procedure to be followed in considering and determining any such claim:

- (b) prescribe the evidence required for the purpose of determining whether a pension may be increased in accordance with the provisions of the said section :
- (c) prescribe the manner in which the amount of any pension is to be calculated for any of the purposes of this Act in cases where any part thereof has been surrendered for the purpose of enabling the pension authority to grant a pension to the husband or wife of the pensioner and the manner in which, in any such case, the pension granted to the husband or wife of the pensioner is to be calculated for any such purpose as aforesaid :
- (d) provide that where a husband and wife are living apart, they shall, in such circumstances as may be prescribed by the regulations, be treated as unmarried persons for the purposes of this Act :
- (e) provide that, in relation to any class of pensions specified in the regulations, all or any of the functions of the pension authority under this Act shall be performed on behalf of the pension authority by such other authority as may be so specified.

(6) All regulations made by the Treasury under subsections (1) and (5) of this section shall be laid before Parliament as soon as may be after they are made, and if either House of Parliament, within the period of forty days beginning with the date on which any such regulations are laid before it, resolves that the regulations be annulled, the regulations 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.

(7) Notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, regulations made under subsections (1) and (5) of this section shall not be deemed to be statutory rules to which that section applies.

(8) Subject to the provisions of this Act and of any Order in Council made thereunder, any provision made by or under any enactment shall, in so far as it relates to the apportionment of the cost of a pension between two or more authorities, or to the manner in which a pension is to be paid, or to the proof of title to sums payable on account of a pension, or in so far as it prohibits or restricts the assignment or charging of a pension or its application towards the payment of debts, have effect in relation to any increase payable under this Act as it has effect in relation to the pension in respect of which the increase is payable ; but save as

aforesaid any such increase shall not be treated as part of the pension for the purposes of any such provision as aforesaid.

4.—(1) His Majesty may by Order in Council direct that this Act shall have effect in relation to any such pensions as are hereinafter mentioned, that is to say :— Extension of provisions of section one.

(a) pensions (not being pensions specified in Part II of the First Schedule to this Act) which are payable under any enactment by local authorities, whether out of super-annuation funds or otherwise :

(b) pensions payable in respect of service as a probation officer or in respect of service under any 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) : 26 Geo. 5. &
1 Edw. 8. c. 32.

as if those pensions were specified in Part II of the said First Schedule.

(2) Any Order in Council made under this section may include such incidental, consequential and supplemental provisions as appear to His Majesty to be expedient, and may in particular make provision for securing that the cost of increasing the pensions to which the Order in Council relates shall be borne by the appropriate authority.

(3) Any such Order in Council may be varied or revoked by a further Order in Council made by His Majesty.

(4) Before any Order proposed to be made under this section is submitted to His Majesty in Council a draft thereof shall be laid before Parliament, and the Order shall not be so submitted unless an Address is presented to His Majesty by each House of Parliament praying that the Order be made.

5.—(1) Any additional expenditure incurred by reason of the provisions of this Act in respect of the pensions specified in Part I of the First Schedule to this Act shall be defrayed out of moneys provided by Parliament. Financial provisions.

(2) Where any such pension as is specified in paragraph 1 of Part II of the First Schedule to this Act is increased under the provisions of this Act, the cost of the increase shall be defrayed by the pension authority :

Provided that where the pension authority are not the last employing authority, the last employing authority shall reimburse the cost of the increase to the pension authority.

(3) For the purposes of the last foregoing subsection, the expression "the last employing authority" means, in relation to any pension, the local authority to whom the services in respect of which the pension is payable were last rendered :

Provided that where the functions in connection with which those services were last rendered have been transferred to any other local authority, the said expression shall mean the local authority by whom those functions are for the time being exercisable.

(4) Any question as to who are the last employing authority for the purposes of subsection (2) of this section shall, in default of agreement, be determined by the Minister of Health.

Penalty
for false
statements,
&c.

6. Any person who, for the purpose of obtaining, either for himself or any other person, any sum payable by virtue of this Act, knowingly makes any false statement or false representation, 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.

Provisions as
to increase of
pensions of
naval, military
and air force
pensioners.

7.—(1) If provision is made by an appropriate instrument for the payment of additional sums to persons to whom pensions have been granted in respect of service in His Majesty's naval military or air forces, and it is declared in that instrument that the benefits thereby conferred are intended to correspond, as nearly as may be, with the benefits for which provision is made by this Act, then :—

- (a) the provisions of the last foregoing section shall have effect in relation to any additional sum so payable as they have effect in relation to any sums payable by virtue of this Act : and
- (b) in determining whether any person is eligible for a special Greenwich Hospital pension under section five of the Greenwich Hospital Act, 1869, and the amount of any such pension, any additional sum so payable shall be disregarded.

32 & 33 Vict.
c. 44.

(2) In this section the expression " appropriate instrument " means any Order in Council, Royal Warrant, order of His Majesty, or regulations of the Air Council.

Interpretation.

8.—(1) In this Act the expression " pension " means any pension payable by way of periodical payments, and includes :—

- (a) any allowance or other benefit payable (either in respect of the services of the recipient or in respect of the services of any other person) by virtue of any superannuation scheme, whether contained in any enactment or otherwise, including any superannuation scheme providing benefits in the case of injury or death : and
- (b) any compensation payable in respect of retirement from any office or employment in pursuance of the provisions of any enactment, any compensation payable in respect

of the loss abolition or relinquishment of any office or employment occasioned by any alteration in the organisation of any department or service, or by any transfer or other reorganisation of the functions of local authorities, and any compensation payable in respect of any diminution in the emoluments of any office or employment which has been so occasioned as aforesaid :

Provided that the said expression does not include any gratuity and does not include any sum payable otherwise than by way of periodical payments, and accordingly the provisions of this Act shall not have effect with respect to any pension which has been commuted, and, where a part of any pension has been commuted, those provisions shall not have effect with respect to that part thereof.

(2) For the purposes of this Act, a pensioner shall be treated as unmarried unless the husband or wife of the pensioner is alive.

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

“ Enactment ” includes any enactment in a local Act and any provisional order confirmed by Parliament :

“ Local authority ” has the meaning assigned to it by section forty of the Local Government Superannuation Act, 1937 :

1 Edw. 8. &
1 Geo. 6. c. 68.

“ Pension authority ” means, in relation to any pension, the authority by whom the pension is payable.

(4) References in this Act to any enactment shall be construed as references to that enactment as amended by or under any subsequent enactment, other than this Act.

(5) Nothing in this Act shall authorise the increase of any pension in respect of any period after the expiry of this Act.

9. This Act shall, in its application to Scotland, have effect subject to the following modifications :—

Application to
Scotland.

(a) for references to the Local Government Superannuation Act, 1937, and to section forty thereof, there shall be substituted respectively references to the Local Government Superannuation (Scotland) Act, 1937, and to section thirty-four thereof :

1 Edw. 8. &
1 Geo. 6. c. 69.

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

(c) for any reference to the Teachers (Superannuation) Acts, 1918 to 1939, there shall be substituted a reference to the Education (Scotland) (Superannuation) Acts, 1919 to 1939 :

9 & 10 Geo. 5.
c. 17.

(d) any additional expenditure incurred by reason of the provisions of this Act in respect of pensions payable under the Education (Scotland) (Superannuation) Acts, 1919 to 1939, shall be defrayed out of the Education (Scotland) Fund ; and for the purpose of ascertaining the sum to be paid into that Fund under section six of the Education (Scotland) (Superannuation) Act, 1919, any additional expenditure incurred by reason of the provisions of this Act in respect of pensions payable under the Elementary School Teachers (Superannuation) Acts, 1898 to 1912 (so far as they relate to England and Wales), and the Teachers (Superannuation) Acts, 1918 to 1939, shall be treated as included in the sums estimated to be expended and the sums actually expended from the Vote for Education in England and Wales on the superannuation of teachers :

2 & 3 Geo. 6.
c. 18.

(e) for any reference to subsection (1) of section one of the Local Government Superannuation Act, 1939, there shall be substituted a reference to subsection (2) of that section : and

(f) any expenditure incurred by any local authority by reason of any increase under this Act in any pension payable in respect of the services of any person shall be defrayed out of the funds rates or revenues upon which the remuneration of that person was charged.

Short title,
expiry and
extent.

10.—(1) This Act may be cited as the Pensions (Increase) Act, 1944.

(2) This Act shall continue in force for the period ending with the thirty-first day of December, nineteen hundred and forty-five, and shall then expire :

52 & 53 Vict.
c. 63.

Provided that upon the expiry of this Act subsection (2) of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals) shall have effect as if this Act had then been repealed.

22 & 23 Geo. 5.
c. 25.

(3) Except for the purpose of the increase of pensions payable under the Superannuation Acts, 1834 to 1943, or under section twenty-nine of the Finance Act, 1932, or under the enactments relating to the pensions of the Royal Irish Constabulary, this Act shall not extend to Northern Ireland.

SCHEDULES.**FIRST SCHEDULE.**Sections 1, 3, 4
and 5.**PENSIONS WHICH MAY BE INCREASED UNDER THIS ACT.****PART I.**

1. A pension payable under the Superannuation Acts, 1834 to 1943.
2. A pension payable under the Elementary School Teachers (Superannuation) Acts, 1898 to 1912.
3. A pension payable under the Teachers (Superannuation) Acts, 1918 to 1939, not being a pension payable under paragraph (b) of subsection (3) of section fourteen of the Teachers (Superannuation) Act, 1925. 15 & 16 Geo. 5.
c. 59.
4. A pension payable under the enactments relating to the pensions of the Royal Irish Constabulary.
5. A pension payable under section twenty-nine of the Finance Act, 1932. 22 & 23 Geo. 5.
c. 25.

PART II.

1. A pension payable by any local authority solely in respect of local government service.

For the purposes of this paragraph, the expression "local government service" means service under any local authority, any service which, by virtue of section two or section three of the Local Government (Emergency Provisions) Act, 1916, or by virtue of subsection (3) of section twelve of the Local Government Superannuation Act, 1937, or by virtue of the Local Government Staffs (War Service) Act, 1939, is, for superannuation purposes, treated as service under a local authority, and any service which, by virtue of subsection (1) of section one of the Local Government Superannuation Act, 1939, is to be treated as service for the purposes of the Local Government Superannuation Act, 1937; and the said expression includes any such service as aforesaid notwithstanding that the local authority concerned have ceased to exist. 6 & 7 Geo. 5.
c. 12.
1 Edw. 8 &
1 Geo. 6. c. 68.
2 & 3 Geo. 6.
c. 94.
2 & 3 Geo. 6.
c. 18.

2. A pension payable by any police authority, as defined by the Third Schedule to the Police Pensions Act, 1921, in the exercise of their functions as such an authority. 11 & 12 Geo. 5.
c. 31.
3. A pension payable by any local authority in respect of service as a professional fireman as defined by the Fire Brigade Pensions Act, 1925, or in respect of any service which, by or under any enactment, is treated as approved service in a fire brigade. 15 & 16 Geo. 5.
c. 47.

4. Any such pension as is specified in paragraph (b) of subsection (1) of section eight of this Act, being a pension payable by a local authority.

Sections 1 and 3.

SECOND SCHEDULE.**AUTHORISED INCREASES OF CERTAIN PENSIONS.**

1. In this Schedule the expression " authorised increase " means an increase of a pension authorised by the provisions of section one of this Act and the expression " service pension " means a pension granted, under any Order in Council, Royal Warrant, order of His Majesty, or regulations of the Air Council, in respect of service in His Majesty's naval, military or air forces, whether that service has been rendered by the pensioner or by any other person.

2. Where the pensioner is married or has at least one dependant, then, subject to the provisions of this Schedule :—

- (a) if the pension does not exceed one hundred pounds a year, the authorised increase shall be thirty per cent. of the amount of the pension :
- (b) if the pension exceeds one hundred pounds a year but does not exceed two hundred pounds a year, the authorised increase shall be twenty-five per cent. of the amount of the pension : and
- (c) if the pension exceeds two hundred pounds a year, the authorised increase shall be twenty per cent. of the amount of the pension.

3. Where the pensioner is unmarried and has no dependants then, subject to the provisions of this Schedule :—

- (a) if the pension does not exceed seventy-five pounds a year, the authorised increase shall be thirty per cent. of the amount of the pension :
- (b) if the pension exceeds seventy-five pounds a year but does not exceed one hundred and fifty pounds a year, the authorised increase shall be twenty-five per cent. of the amount of the pension : and
- (c) if the pension exceeds one hundred and fifty pounds a year, the authorised increase shall be twenty per cent. of the amount of the pension.

4. The authorised increase of a pension shall not exceed the amount which is necessary to increase the income of the pensioner :—

- (a) if he is married, or has at least one dependant, to three hundred pounds a year : and
- (b) in any other case, to two hundred and twenty-five pounds a year.

5. Where a person is in receipt of more than one pension specified in the First Schedule to this Act, the provisions of the last foregoing paragraph shall not have effect with respect to those pensions, but the

authorised increases thereof shall not in the aggregate exceed the amount specified in that paragraph; and any amount by which the authorised increases of the pensions are reduced by reason of the provisions of this paragraph shall be apportioned between the pensions in the proportions which they bear to one another.

2ND SCH.
—cont.

6. Where a person is in receipt of any pension specified in the First Schedule to this Act, and the husband or wife of that person is also in receipt of any pension so specified, the provisions of the last two foregoing paragraphs shall not have effect with respect to those pensions, but the authorised increases thereof shall not in the aggregate exceed the amount specified in paragraph 4 of this Schedule; and any amount by which the authorised increases of the pensions are reduced by reason of the provisions of this paragraph shall be apportioned between the pensions in the proportions which they bear to one another.

7. For the purpose of determining the percentage by reference to which the authorised increase of a pension specified in the First Schedule to this Act is to be calculated, there shall be aggregated with that pension :—

- (a) where the pensioner is in receipt of any other pension so specified, that other pension : and
- (b) where the pensioner is in receipt of a service pension, that service pension.

8. A service pension shall be disregarded for the purposes of the last foregoing paragraph if :—

- (a) the pension has been granted solely on account of death or disablement which is attributable to service in His Majesty's naval, military or air forces : or
- (b) the pension has been granted partly on account of death or disablement which is attributable to such service, and no specific part of the pension is referable to the death or disablement :

and where any service pension has been granted partly on account of death or disablement which is attributable to service in His Majesty's naval, military or air forces and a specific part of the pension is referable to the death or disablement, the pension shall, for the purposes of the last foregoing paragraph, be deemed to be reduced by the amount of that part.

For the purpose of this paragraph, the death or disablement of any person shall be treated as attributable to service in His Majesty's naval, military or air forces, if it is wholly or partly due to any wound, injury or disease which has been caused or aggravated by such service.

9. Where a woman is in receipt of a pension specified in the First Schedule to this Act which is payable in respect of the service of her deceased husband, and any person under the age of sixteen years who is dependent upon her is also in receipt of a pension so specified which is payable in respect of those services, then, without

2ND SCH.
—cont.

prejudice to the provisions of paragraph 7 of this Schedule, each of the pensions shall, for the purpose of determining the percentage by reference to which the authorised increase thereof is to be calculated, be deemed to be of an amount equal to the aggregate amount of both the pensions.

10. Where under the provisions of any enactment or other instrument for the time being in force a pension is not payable to the pensioner, but is payable to some other person, the pensioner shall, for the purposes of this Schedule, be deemed to be in receipt thereof.

CHAPTER 22.

Police and Firemen (War Service) Act, 1944.

ARRANGEMENT OF SECTIONS.

Section.

1. Grants in case of death or incapacity.
2. Provision for determination of questions and for medical appeals.
3. Presumption of death of persons serving in forces.
4. Alteration of certain time limits in principal Act.
5. Effect of suspension of right to retire on pension.
6. Consequential amendment of enactments.
7. Short title, citation, interpretation and extent.

An Act to amend the Police and Firemen (War Service) Act, 1939, and, in connection therewith, to amend certain other enactments. [24th May 1944.]

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

Grants in case
of death or
incapacity.

1.—(1) The following section shall be substituted for section four of the principal Act:—

“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 and one year after the end thereof, or, if the Secretary of State on the application of the appropriate authority so directs in his case, such longer period as may be specified in the direction; or

(b) in consequence of infirmity of mind or body which prevented him from resuming his service as a constable, whether the infirmity was occasioned while serving in those forces or before he began so to serve;

the appropriate pension enactment shall apply in relation to him as if he 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 had died otherwise than from the effects of an injury received in the execution of his duty; and the appropriate authority, if they think fit,—

- (i) where, by virtue of the foregoing provisions of this subsection, a gratuity is payable to the widow of any such person, may, in lieu of paying her a gratuity, pay to her under and subject to the provisions of the appropriate pension enactment, a pension of such amount as is provided in subsection (5) of this section;
- (ii) where, by virtue of the said provisions of this subsection, a pension or an allowance is payable to any person, may increase the amount thereof up to such amount as they think fit not exceeding the amount so provided:

Provided that the appropriate authority shall not exercise the powers conferred by paragraphs (i) and (ii) of this subsection, in a case where the deceased died in consequence of infirmity of mind or body which prevented him from resuming his service as a constable but was occasioned before he began to serve in His Majesty's forces, unless they are satisfied that the infirmity was occasioned by a non-accidental injury received by him in the execution of his duty as a constable without his own default.

(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 and one year after the end thereof, or, if the Secretary of State on the application of the appropriate authority so directs in his case, such longer period as may be specified in the direction; or
- (b) in consequence of infirmity of mind or body which prevented him from resuming his service as a fireman, whether the infirmity was occasioned while serving in those forces or before he began so to serve;

the appropriate authority may, if they think fit, pay—

- (i) a pension to his widow, of an amount not exceeding the amount provided in subsection (5) of this section;

- (ii) allowances to his children under sixteen years of age until they severally reach the age of sixteen years, of an amount not exceeding the amount so provided ;
- (iii) a gratuity to any relative of his who has been wholly or mainly dependent upon him, of an amount not exceeding the amount which would have been payable to such a relative if the deceased had died while serving in the fire brigade from the effects of an injury received in the execution of his duty without his own default ;

and the provisions of the appropriate pension 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 :

Provided that the appropriate authority shall not exercise the powers conferred by this subsection, in a case where the deceased died in consequence of infirmity of mind or body which prevented him from resuming his service as a fireman but was occasioned before he began to serve in His Majesty's forces, unless they are satisfied that the infirmity was occasioned by an injury received in, or disease resulting from, the execution of his duty as a fireman without his own default.

(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 infirmity of mind or body (whether occasioned while so serving or before he began so to serve), 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 expiration of the period (or last period, if more than one) which by virtue of subsection (1) of section two of this Act is treated as a period of approved service in his case ;

and the appropriate authority, if they think fit—

- (i) where, by virtue of the foregoing provisions of this subsection, a gratuity is payable to any such person, may, in lieu of paying him a gratuity, pay to him, under and subject to the provisions of the appropriate

pension enactment, a pension of such amount as is provided in subsection (5) of this section ;

- (ii) where by virtue of the said provisions of this subsection a pension is payable to any such person, may increase the amount thereof up to such amount as they think fit, not exceeding the amount so provided :

Provided that the appropriate authority shall not exercise the powers conferred by paragraphs (i) and (ii) of this subsection, in the case of a person prevented from resuming his service in consequence of infirmity of mind or body occasioned before he began to serve in His Majesty's forces, unless they are satisfied that the infirmity was occasioned, in the case of a constable, by an injury received in the execution of his duty as a constable without his own default, and, in the case of a fireman, by an injury received in or disease resulting from the execution of his duty as a fireman without his own default.

(4) If a person to whom section one of this Act applies, after ceasing to serve in His Majesty's forces, resumes his service as a constable or fireman, then—

- (a) if he dies in consequence of an injury or disease received or contracted while serving in those forces and either is at the time of his death serving as a constable or fireman or in receipt of a pension from the appropriate authority or has retired on account of that injury or disease, the appropriate authority may, if they think fit—

(i) in the case of a constable, exercise the powers conferred by paragraphs (i) and (ii) of subsection (1) of this section as if any gratuity, pension or allowance payable under the appropriate pension enactment in respect of his death were payable by virtue of that subsection ; and

(ii) in the case of a fireman, exercise the powers conferred by paragraphs (i), (ii) and (iii) of subsection (2) of this section ;

- (b) if he becomes incapacitated for the performance of his duty in consequence of any such injury or disease and retires on a medical certificate, the appropriate authority may, if they think fit, exercise the powers conferred by paragraphs (i) and (ii) of subsection (3) of this section as if any gratuity or pension payable to him under the appropriate pension enactment were payable by virtue of the said subsection (3).

(5) Subject to the provisions of this subsection, 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) or paragraph (a) of subsection (4) 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) or paragraph (b) of subsection (4) applies, the amount which would have been payable to that person for that period under the appropriate pension enactment 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 :

Provided that—

(i) where by virtue of subsection (1) or paragraph (a) of subsection (4) of this section a pension is paid in lieu of a gratuity to a widow, the pension shall be at a rate not less than thirty pounds a year ; and

(ii) where by virtue of subsection (3) or paragraph (b) of subsection (4) of this section a pension is paid in lieu of a gratuity to a person to whom section one of this Act applies, the amount of the pension shall be at a rate not less than one-twelfth of his annual pay.

(6) 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 annuity dependent on the life of that person.

(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."

(2) Any pension, allowance or gratuity granted before the commencement of this Act which could have been lawfully granted if the principal Act had originally been enacted as amended by this section shall be deemed to have been lawfully granted.

(3) After the commencement of this Act the appropriate authority may grant to any person any pension, allowance or gratuity which could have been lawfully granted before the commencement of this Act if the principal Act had originally been enacted as amended by this section, and any such pension or allowance may be granted as from such date as the authority think fit, not being later than the commencement of this Act or earlier than the date from which it could have been so granted :

Provided that where by virtue of this subsection a pension is granted in lieu of a gratuity which has been paid, the appropriate authority may, if and to such extent as they think fit, treat the gratuity as having been paid on account of the pension.

2.—(1) Before granting a pension, allowance or gratuity—

(a) under subsection (1) or (2) of section four of the principal Act, on the ground that a person has died in consequence of infirmity of mind or body which prevented him from resuming his service as a constable or fireman ; or

Provision for
determination
of questions
and for
medical
appeals.

(b) under subsection (4) of the said section four, on the ground that a person has died, or become incapacitated for the performance of his duty, in consequence of an injury or disease received or contracted while serving in His Majesty's forces ;

the appropriate authority may require such evidence as they think fit that that person has died in consequence of such an infirmity, or has died or become incapacitated in consequence of such an injury or disease, as the case may be.

(2) Before granting, under subsection (3) of the said section four, a pension or gratuity to any person on the ground that he is prevented in consequence of any infirmity from resuming his service as a constable or fireman, the appropriate authority shall be satisfied by the evidence of some duly qualified medical practitioner or practitioners, selected by the authority, that he is so prevented and is likely to continue to be so prevented.

(3) Where an application for the grant of a pension or gratuity under the said subsection (3) is made after the commencement of this Act, or has been made but not determined before the commencement of this Act, the following enactments (which provide for medical examinations and appeals thereon) namely—

(a) subsections (7) and (8) of section twelve of the Police Pensions Act, 1921 (in the case of a constable) ; and

11 & 12
Geo. 5. c. 31.

15 & 16
Geo. 5. c. 47.

(b) subsections (7) and (8) of section ten of the Fire Brigade Pensions Act, 1925 (in the case of a fireman) ;
shall apply as they apply for the purposes of those sections.

Presumption
of death of
persons
serving in
forces.

3.—(1) For the purposes of the following provisions of the principal Act, namely—

- (a) subsection (2) of section one (which authorises the supplementation of the pay of persons to whom that section applies while serving in His Majesty's forces) ;
- (b) subsection (1) of section two (which provides that a period for which any such person serves in His Majesty's forces is to be treated for the purpose of the appropriate pension enactment as a period of approved service) ; and
- (c) subsections (1) and (2) of section four (which provide for the grant of pensions, allowances and gratuities in respect of the death of any such person while serving in His Majesty's forces) ;

the question whether any such person has died while serving in His Majesty's forces shall be determined in accordance with the following rules :—

- (i) no such person shall be treated as having died while serving in those forces unless and until the appropriate authority are satisfied that he has been officially reported as dead or as missing ;
- (ii) where the appropriate authority are satisfied that any such person has been officially reported as dead, or as missing and presumed dead, he shall be treated as having died while serving in those forces unless and until the authority are satisfied that he has subsequently been officially reported as alive ;
- (iii) subject to the last foregoing paragraph, where the appropriate authority are satisfied that any such person has been officially reported as missing, the authority may, if they think fit, treat him as having died while serving in those forces unless and until they are satisfied that he has subsequently been officially reported as alive.

(2) Where the appropriate authority determine in accordance with the foregoing rules that any such person is to be treated as having died, the date of his death shall be taken to be such date as the authority may fix on the evidence available to them ; but any sums paid to or in respect of him under subsection (2) of section one of the principal Act for a period after the date of his death as so fixed shall be irrecoverable, and no pension or allowance shall be payable for any period for which such sums are paid.

(3) Where by virtue of the foregoing rules the appropriate authority determine that any person is to be treated as having died and subsequently determine that he is to be treated as being alive—

- (a) any pension, allowance or gratuity paid by virtue of the first determination shall be irrecoverable; and
- (b) no payments shall be made to or in respect of him under subsection (2) of section one of the principal Act for the period between the two determinations in excess of the difference between the aggregate amount of the payments which might have been so made if he had been treated as alive during the said period and the aggregate amount of all pensions, allowances and gratuities paid by virtue of the first determination; and
- (c) the said period 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, where a gratuity has been paid to any person as his wife or dependant by virtue of the first determination, the appropriate authority may, if and to such extent as they think fit, treat the gratuity as having been paid on account of any gratuity, pension or allowance that may subsequently become payable in respect of his death to that person.

(4) Where before the commencement of this Act the appropriate authority have determined that a person to whom section one of the principal Act applies is to be treated as having died while serving in His Majesty's forces, nothing in this section shall require them to revise that determination unless and until they are satisfied that he has been officially reported as alive.

(5) In this section the expression "officially reported" means reported (whether before or after the commencement of this Act) by or on behalf of the Admiralty, the Army Council or the Air Council.

4.—(1) A reference to the period of the present emergency and one year after the end thereof, or, if the Secretary of State on the application of the appropriate authority so directs in the case of any person, such longer period as may be specified in the direction, shall be substituted for any reference to the period of the present emergency in the following provisions of the principal Act, namely—

- (a) subsection (2) of section one (which authorises the supplementation of the pay of persons to whom that section applies while serving in His Majesty's forces during the period of the present emergency);

Alteration of certain time limits in principal Act.

- (b) subsection (1) of section two (which extends approved service so as to include service in His Majesty's forces during the period of the present emergency) ;
- (c) section five (which defines the amount of civil pay which a constable or fireman is to be deemed to have received while serving in His Majesty's forces during the period of the present emergency) ;
- (d) subsections (1) and (2) of section six (which substitute certain provisions of the Act for previous enactments in relation to service as a member of a reserve during the period of the present emergency) ;

and accordingly in subsection (2) of the said section two the words from "or within such further time" to the end of the subsection are hereby repealed.

(2) On the application of the appropriate authority, the Secretary of State may, in the case of any person to whom section one of the principal Act applies, direct that the period for which payments may be made to or in respect of him under subsection (3) of that section after he has ceased to serve in His Majesty's forces shall be extended to such longer period as may be specified in the direction.

(3) In section eight of the principal Act (which provides that a constable on probation joining His Majesty's forces, and subsequently resuming service as a constable during the period of the present emergency or within two months from the end of that period, shall serve on probation for his unexpired period of probation) the words "during that period or within two months from the end of that period" are hereby repealed.

(4) The period within which a person may, under section nine of the principal Act, resume service as a constable without making a declaration required to be made on accepting office as a constable shall be any period which is to be treated as a period of approved service in his case by virtue of subsection (1) of section two of that Act and two months from the end thereof, instead of the period of the present emergency and two months from the end thereof.

Effect of
suspension
of right
to retire
on pension.

5. Section ten of the principal Act (which suspends during the period of the present emergency the right to retire on pension) shall have effect, and be deemed always to have had effect, as if the following subsection were substituted for subsection (2) thereof :—

"(2) Where before the commencement of this Act or during the period of the present emergency written notice has been or is given—

- (a) by the chief officer of a police force or fire brigade to the appropriate authority ; or

(b) by any other constable or fireman to the chief officer of the police force or fire brigade to which he belongs ;
of his intention to retire on pension on a date on which he would have been entitled so to retire if the appropriate authority or chief officer consented thereto (hereafter referred to as 'the relevant date'), then if such consent is withheld and he continues to serve in the police force or fire brigade after the relevant date, the following provisions shall have effect :—

- (i) if he retires while serving in a lower rank or at a lower rate of pay than his rank or rate of pay at the relevant date, not having been required to retire as an alternative to dismissal, the amount of his pension shall not be less than it would have been if he had retired on the relevant date ;
- (ii) if he is dismissed, or required to retire as an alternative to dismissal, on grounds other than grounds on which his pension, had he been in receipt of a pension, would have been liable to forfeiture, he shall be entitled, as from the expiration of the period of the present emergency, to a pension of the same amount as that to which he would have been entitled if he had retired on the relevant date ;
- (iii) if he dies while serving in such lower rank or at such lower rate of pay as aforesaid, or while in receipt of a pension granted to him on his retirement while so serving, the amount of any pension or allowances payable to his widow or children shall not be less than it would have been if he had retired on the relevant date and been granted a pension as from that date ;
- (iv) if he dies before the expiration of the period of the present emergency, being entitled as from the expiration of that period to a pension by virtue of paragraph (ii) of this subsection, his widow and children shall be entitled, as from the date of his death, to a pension or allowances of the same amount as the pension or allowances (if any) to which they would have been entitled if he had retired on the relevant date and been granted a pension as from that date."

6.—(1) The power of the Parliament of Northern Ireland under section fifteen of the principal Act to make laws in respect of members of a police force or fire brigade in Northern Ireland for purposes similar to the purposes of that Act shall include power to make such laws for purposes similar to the purposes of this Act. Consequential amendment of enactments.

(2) Notwithstanding anything in subsection (2) of section one of the Emergency Powers (Defence) Act, 1940 (which provides 3 & 4 Geo. 6. c. 20.) that the enactments which may be applied with modifications

by Defence Regulations shall be enactments passed before the commencement of that Act), any such Regulation applying the provisions of the principal Act with modifications to persons engaged in war work as defined by the Regulation, having ceased to serve as constables or firemen in order to be so engaged or in order to serve in His Majesty's forces, and to persons serving in His Majesty's forces having ceased to serve as constables or firemen in order to be so engaged, may apply the provisions of this Act with modifications to such persons.

4 & 5 Geo. 6.
c. 22.

(3) The power of the Secretary of State under the Fire Services (Emergency Provisions) Act, 1941, as extended by any Defence Regulations (whether made before or after the commencement of this Act) to make regulations for the preservation of the pension rights of persons transferred to or joining the National Fire Service and similar matters shall include power—

- (a) to apply the provisions of this Act (including those provisions as extended by any Defence Regulation made by virtue of the last foregoing subsection), with or without modification, as if the rights and obligations thereby conferred and imposed had been conferred and imposed before the establishment of the National Fire Service ;
- (b) to make provision corresponding to subsection (2) of section ten of the principal Act ;
- (c) to declare what, during the existence of the National Fire Service, is to be treated for the purposes of the principal Act or this Act as resuming service as a fireman ;
- (d) to provide that any such regulations, in so far as they are made by virtue of this subsection, shall have effect from such date before the making thereof but after the passing of the said Act of 1941 as may be specified in the regulations.

(4) As soon as may be after the commencement of this Act, every local authority by whom a scheme was submitted to the Secretary of State under subsection (2) of section seven of the principal Act for securing that firemen mentioned in that subsection should as nearly as may be have the same rights and be under the same obligations as are conferred or imposed by sections two to six of the principal Act on a fireman to whom the Fire Brigade Pensions Act, 1925, applies—

- (a) shall submit, under paragraph (iii) of the said subsection (2), a further scheme varying the first mentioned scheme in such manner as to secure ; or

- (b) in a case where the first mentioned scheme has not been approved before the commencement of this Act, shall re-submit a new scheme for securing ;

that the said firemen shall, as nearly as may be, have the same rights and be under the same obligations as are so conferred or imposed by the said sections two to six as amended by this Act and by subsection (2) of section ten of the principal Act as so amended.

(5) Nothing in subsection (2) of section seven of the principal Act or in the last foregoing subsection shall be taken to require a scheme submitted and approved under those subsections, being a scheme for amending a scheme in operation in Scotland by virtue of paragraph (b) of subsection (1) of section twenty-four of the Fire Brigade Pensions Act, 1925, to contain provisions conferring rights or imposing obligations which are inconsistent with the provisions of the scheme so in operation.

7.—(1) This Act may be cited as the Police and Firemen (War Service) Act, 1944, and the principal Act and this Act may be cited together as the Police and Firemen (War Service) Acts, 1939 and 1944. Short title, citation, interpretation and extent.

(2) In this Act the expression "principal Act" means the Police and Firemen (War Service) Act, 1939. 2 & 3 Geo. 6.
c. 103.

(3) This Act, save in so far as it amends section fifteen of the principal Act, shall not extend to Northern Ireland.

CHAPTER 23.

Finance Act, 1944.

ARRANGEMENT OF SECTIONS.

PART I.

CUSTOMS AND EXCISE.

Section.

1. Beer.
2. Sugar preferences.
3. Entertainments duty on season tickets, &c.
4. Bottling of vintage port in bond.
5. Amendment of s. 6 (2) of Finance Act, 1927.
6. Repeal of armorial bearings and carriage duties.
7. Repeal of provisions as to church-door notices and provision of forms.
8. Licensed premises: continuance in force of term licences pending confirmation of re-grant.
9. Licensed premises: provision as to war damage occurring while licence suspended.

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PART II.

PURCHASE TAX.

Section.

10. Amendment as to purchase tax in respect of imported chargeable goods.
11. Application of customs enactments to imported chargeable goods.
12. Power to except a person from registration where tax on his purchases would be not less than tax on his sales.
13. Amendment as to exclusion from registration of small businesses.
14. Power to require security for tax as condition of holding a certificate of registration.
15. Relief against double charge of purchase tax.
16. Penalties for certain offences in relation to purchase tax.
17. Fraudulent evasion of purchase tax.
18. Definition of "registered" and "holder of certificate of registration".

PART III.

INCOME TAX (CHARGE OF TAX AND MISCELLANEOUS).

19. Income tax for 1944-45.
20. Higher rates of income tax for 1943-44.
21. Extension to 1944-45 of s. 11 of Finance (No. 2) Act, 1939.
22. Increased house allowance to clergymen and ministers.
23. Amendment of s. 24 of Finance Act, 1920.
24. Sale of copyrights for lump sum.
25. Maintenance orders.
26. Simplification of procedure.

PART IV.

INCOME TAX (EXPENDITURE ON SCIENTIFIC RESEARCH).

27. Allowances for expenditure on scientific research not of a capital nature and on payments to research associations, universities, &c.
28. Allowances for capital expenditure on scientific research.
29. Provisions as to assets representing capital expenditure.
30. Carrying forward of allowances.
31. Supplementary provisions.

PART V.

EXCESS PROFITS TAX.

32. Increase of standard profits in certain cases.
33. Tax avoidance.
34. Amendment of s. 21 of Finance Act, 1943.

PART VI.

ESTATE DUTY.

Basis of charge in respect of deceased's benefits from certain companies.

35. Amendment of basis of charge on company's assets in respect of deceased's benefits from the company.
36. Amendment of s. 59 of Finance Act, 1940.
37. Computation of losses.

Amendment as to avoidance of duplication of charge where deceased has received benefits from a company.

Section.

38. Amendment of s. 51 of Finance Act, 1940.

Computation of net income of company.

39. Computation of net income of company.

Relaxation of provisions as to purchases of annuities from relatives.

40. Relaxation of provisions of Finance Act, 1940, as to purchases of annuities, &c., from relatives.

Application of Part VI.

41. Application of Part VI.

PART VII.

MISCELLANEOUS.

42. Trading with the enemy.
43. Rate of succession and legacy duty payable in certain cases of illegitimate children.
44. Stamp duty on transfer of shares, stock or marketable securities previously transferable by delivery.
45. Exemption of certain assignments by seamen from stamp duty.
46. Extension of Barracks Act, 1890, s. 11.
47. Provisions as to permanent annual charge for the National Debt.
48. Amendment as to deficit for 1943-44.
49. Short title, construction, extent and repeals.

SCHEDULES:

First Schedule.—Beer (Rates of Duty and Drawback).

Second Schedule.—Purchase Tax (Consequential and Transitional Provisions relating to Amendment as to Tax in respect of Imported Goods).

Third Schedule.—Limitations on Relief from Estate Duty chargeable under Finance Act, 1940, s. 44.

Fourth Schedule.—Enemy Property.

Fifth Schedule.—Enactments Repealed.

An Act to grant certain duties, to alter other duties, and to amend the law relating to the Public Revenue and the National Debt, and to make further provision in connection with Finance. [13th July 1944.]

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.
2 & 3 Geo. 6.
c. 119.

1.—(1) Section one of the Finance (No. 2) Act, 1939 (which imposes duties of excise and customs in respect of beer) shall have effect as if Parts I, III and IV of the First Schedule to this Act were respectively substituted for Parts I, III and IV of the First Schedule to that Act.

(2) In the case of beer in respect of which it is shown to the satisfaction of the Commissioners that the increased duty chargeable by virtue of this section has been paid, the provisions of the said section one relating to drawback shall have effect as if Parts II, V and VI of the First Schedule to this Act were respectively substituted for Parts II, V and VI of the First Schedule to the Finance (No. 2) Act, 1939.

(3) This section shall be deemed to have had effect as from the twenty-sixth day of April, nineteen hundred and forty-four.

Sugar preferences.
16 & 17 Geo. 5.
c. 22.
5 & 6 Geo. 6.
c. 21.

2.—(1) Subsection (1) of section seven of the Finance Act, 1926 (which, as amended by section seven of the Finance Act, 1942, provides, inter alia, for the stabilisation of rates of imperial preference in the case of the duties of customs charged on sugar, molasses, glucose and saccharin, during a period ending with the thirty-first day of August, nineteen hundred and forty-four) shall, in so far as it relates to the said duties, have effect as if the said period were extended so as to expire at the end of August, nineteen hundred and forty-six.

(2) The maximum quantity of sugar in respect of which quota certificates may be issued under section one of the Finance Act, 1934 (which, inter alia, provides a special preference in respect of colonial sugar), shall, as respects the financial year ending with the thirty-first day of March, nineteen hundred and forty-five, and subsequent financial years, be increased from three hundred and sixty thousand tons to four hundred thousand tons.

Entertainments duty on season tickets, &c.

3. Where—

- (a) the payment for admission to an entertainment is made by means of a lump sum paid as a subscription or contribution to any club, association or society, or for a season ticket or for the right of admission to a series of entertainments or to any entertainment during a certain period of time; and
- (b) the person making the payment could have obtained the same rights of admission to entertainments (being entertainments in respect of which entertainments duty is payable) by making separate payments of ascertained amounts in respect of all those entertainments,

the duty chargeable in respect of the lump sum payment shall not exceed the total sums which would have been payable by way of entertainments duty if, in lieu of making the lump sum payment, he had made those separate payments.

PART I.
—cont.

4.—(1) Notwithstanding anything in section ninety-five of the Customs Consolidation Act, 1876, wine which the Commissioners are satisfied is vintage port may, subject to and in accordance with any regulations made by the Commissioners, be bottled for home consumption in a warehouse. Bottling of vintage port in bond. 39 & 40 Vict. c. 36.

(2) If any person contravenes any regulation made by the Commissioners under this section, he shall be liable to a customs penalty of fifty pounds and the wine in respect of which the offence is committed shall be forfeited.

5. The power of the Commissioners under subsection (2) of section six of the Finance Act, 1927, to make regulations for relieving from excise duty sweets intended for exportation or shipment as stores shall include power to make regulations for relieving from that duty sweets intended for use as ingredients of goods intended for exportation or shipment as stores. Amendment of s. 6 (2) of Finance Act, 1927. 17 & 18 Geo. 5. c. 10.

6.—(1) The duties of excise chargeable under the Revenue Act, 1869, in respect of armorial bearings and the Customs and Inland Revenue Act, 1888, in respect of carriages and hackney carriages, respectively, shall cease to be chargeable, and no licence shall be required to be taken out under the first-mentioned Act in respect of the wear or use of armorial bearings or the keeping of a carriage or hackney carriage. Repeal of armorial bearings and carriage duties. 32 & 33 Vict. c. 14. 51 & 52 Vict. c. 8.

(2) This section shall come into operation on the first day of January, nineteen hundred and forty-five.

7. Section seven of the Dog Licences Act, 1867, and sections twenty and twenty-one of the Revenue Act, 1869 (both as originally enacted and as amended or applied by any subsequent enactment) are hereby repealed. Repeal of provisions as to church-door notices and provision of forms. 30 & 31 Vict. c. 5.

8. Paragraph 5 of Part I of the Sixth Schedule to the Finance Act, 1942 (which provides that a justices' licence granted for a term and in force for all purposes after being suspended under section ten of that Act shall continue in force until the fifth day of April next following the expiration of a period beginning on the last day of the term equal to the period of suspension) shall, where a re-grant of such a licence is made before the said fifth day of April and application is made to the confirming authority for confirmation thereof in the same year, have effect, and be deemed always to have had effect, as if for the reference to the said fifth day of April there were substituted a reference to the date on which confirmation of the re-grant is granted or refused. Licensed premises: continuance in force of term licences pending confirmation of re-grant.

PART I.
—cont.
Licensed premises : provision as to war damage occurring while licence suspended.

9.—(1) Where under subsection (2) of section ten of the Finance Act, 1942, the Commissioners have certified that the business carried on in any licensed premises has been temporarily discontinued by reason of war circumstances not including the destruction of the premises or serious damage thereto, and the licence has been suspended accordingly, then if the holder of the licence satisfies the Commissioners that at any time during the suspension of the licence, whether before or after the passing of this Act, the premises have been affected by war circumstances consisting of the destruction thereof or serious damage thereto, the Commissioners shall certify accordingly ; and where a certificate is given under this subsection the provisions of the said section ten and the Sixth Schedule to the said Act shall, as respects the period after the time when the destruction or damage occurred during which the licence is in suspense, have effect as if the certificate by virtue of which the licence was suspended had certified that the war circumstances to which it related included the destruction of the premises or serious damage thereto.

(2) This section shall be construed as one with the said section ten.

PART II.

PURCHASE TAX.

Amendment as to purchase tax in respect of imported chargeable goods.
3 & 4 Geo. 6.
c. 48.

10.—(1) The following section shall be substituted for section eighteen of the Finance (No. 2) Act, 1940—

“ 18.—(1) A tax, to be called purchase tax, shall be charged, subject to and in accordance with the provisions of this Part of this Act, on the wholesale value of all chargeable goods bought under chargeable purchases.

(2) A chargeable purchase is any purchase made from a wholesale merchant or manufacturer (other than one who is not required by this Part of this Act to be registered) selling by wholesale, so far as regards,—

- (a) in the case of a purchase of ascertained goods, goods bought under the purchase which are in the United Kingdom at the time of the purchase,
- (b) in the case of a purchase of unascertained goods, goods appropriated to the purchase which are in the United Kingdom at the time of the appropriation,

with the exception of a purchase made by a registered wholesale merchant or a registered manufacturer of goods as stock for his business in the case of a wholesale merchant or as materials in the case of a manufacturer.

(3) Tax chargeable in respect of any goods by virtue of a purchase shall become due on the delivery of the goods under the purchase, and the seller under the purchase shall be accountable therefor.

(4) The tax shall also be charged, subject to and in accordance with the provisions of this Part of this Act, on the wholesale value of all chargeable goods imported into the United Kingdom, with the exception of goods imported for a registered wholesale merchant or a registered manufacturer as stock for his business or as materials."

(2) Imported goods shall be deemed to be imported for a registered wholesale merchant or a registered manufacturer as stock for his business or as materials if the Commissioners are satisfied, on a representation to that effect made to them in the prescribed manner and at the prescribed time by a person claiming to be the holder of a certificate of registration, that he is the holder of such a certificate and that he intends to sell the goods or to use them as materials.

(3) The Commissioners may, as respects any imported chargeable goods deemed in consequence of such a representation as aforesaid to be imported as aforesaid, from time to time require the person by whom the representation was made to account for the goods, and, unless he proves that he has sold the goods under a chargeable purchase or to a registered wholesale merchant as stock for his business or to a registered manufacturer as materials, or has used them as materials, or has appropriated or applied them as mentioned in section twenty-five of the Finance (No. 2) Act, 1940, or the goods are otherwise accounted for to the satisfaction of the Commissioners, the exception which had effect in consequence of the representation from the tax that apart from the representation would have been chargeable by virtue of the importation of the goods shall be deemed to have ceased to have effect on the making of the requirement, and that tax shall be deemed to have become payable thereupon and shall be recoverable as a debt due to His Majesty from that person.

(4) In subsection (1) of section twenty-five of the Finance (No. 2) Act, 1940 (which provides for treating as chargeable purchases certain appropriations and applications by registered persons of goods acquired by them as stock or as materials) there shall be inserted, after the words "acquired under a purchase of goods as stock for his business or as materials", the words "or which were imported for him as stock for his business or as materials".

(5) The consequential and transitional provisions set out in Parts I and II respectively of the Second Schedule to this Act shall have effect in relation to the provisions of this section.

11.—(1) The Customs Consolidation Act, 1876, and enactments amending that Act and other enactments (including provisions of regulations or other instruments having statutory effect) relating to Customs generally shall have effect, subject to the provisions of this section and with such exceptions and adaptations as may be prescribed, in relation to chargeable goods imported

Application of
customs
enactments to
imported
chargeable
goods.

PART II.
—*cont.*

into the United Kingdom, whether liable to any duty of customs or not, as if all such goods were liable to duties of customs and as if those duties included tax chargeable by virtue of importation :

Provided that nothing in this subsection shall be construed as—

3 & 4 Geo. 5.
c. 3.

(a) applying the Provisional Collection of Taxes Act, 1913, to the tax ; or

(b) extending the meaning of the expression “ the United Kingdom ” in any of the enactments relating to the tax so as to include the Isle of Man.

25 & 26 Geo. 5.
c. 24.

(2) Subsection (1) of section twenty-one of the Finance (No. 2) Act, 1940 (which prescribes the basis on which the wholesale value of goods in respect of which tax is chargeable is to be determined) shall have effect in relation to tax chargeable by virtue of importation to the exclusion of section ten of the Finance Act, 1935, and subsections (2) and (3) of the said section twenty-one (which relate to the determination by arbitration of questions as to the wholesale value of goods and to the deposit of tax pending a reference to arbitration) shall have effect in relation to tax chargeable by virtue of importation to the exclusion, so far as regards any such question, of sections thirty and thirty-one of the Customs Consolidation Act, 1876.

(3) Where it is shown to the satisfaction of the Commissioners that any chargeable goods are being imported solely with a view to the re-exportation thereof—

(a) after undergoing a process in the United Kingdom which will not change the form or character of the goods ; or

(b) after transit through the United Kingdom, or by way of transhipment ;

the Commissioners may, subject to such conditions as they think fit to impose for securing the re-exportation of the goods, allow the goods to be imported without payment of any tax chargeable by virtue of the importation of the goods.

(4) Section six of the Customs and Inland Revenue Act, 1879 (which relates to re-importation) shall be excepted from the enactments which are to have effect as mentioned in subsection (1) of this section, but tax shall not be chargeable by virtue of an importation into the United Kingdom of chargeable goods where it is shown to the satisfaction of the Commissioners that the goods had been previously exported from the United Kingdom and are in substantially the same state as they were in at the time of their exportation, and—

(a) that before their exportation the goods had been the subject of a purchase being a chargeable purchase, or of such an appropriation or application as is mentioned in section twenty-five of the Finance (No. 2) Act, 1940, or of an importation effected after the passing of this

Act and not being an importation of the goods for a registered person as stock for his business or as materials; and

- (b) if tax was chargeable by virtue of the goods being the subject of that purchase, appropriation or application or importation, and has become payable, that that tax has been duly paid, that subsection (1) of section twenty-nine of the said Act did not have effect in relation to the exportation and that no right to the payment of an allowance for any tax payable arose on the exportation; and
- (c) if tax was chargeable by virtue of that importation, that the goods whilst in the United Kingdom before their exportation were not there in any such circumstances as to render that tax not payable.

(5) Section sixteen of the Finance Act, 1934 (which relates to the prevention of smuggling in Northern Ireland) shall have effect, in its application by virtue of subsection (1) of this section, as if references to the importation of goods were references to the importation thereof in such circumstances that tax is chargeable by virtue of the importation.

(6) The following enactments shall be excepted from the enactments which are to have effect as mentioned in subsection (1) of this section, that is to say, section one hundred and fifty-six of the Customs Consolidation Act, 1876 (which relates to the importation of goods from the Channel Islands), and the provisions of the Schedule to the Customs Tariff Act, 1876, and of subsection (1) of section seven of the Finance Act, 1901, as to parts and ingredients of imported goods.

39 & 40 Vict.
c. 35.
1 Edw. 7. c. 7.

(7) Regulations made under subsection (2) of section fourteen and section fifteen of the Post Office (Parcels) Act, 1882 (which authorise the making of provision as to the application of customs enactments to certain postal packets, and otherwise in relation thereto) may make special provision in relation to chargeable goods and to tax chargeable by virtue of importation.

45 & 46 Vict.
c. 74.

12.—(1) Notwithstanding anything in subsection (1) of section twenty-three of the Finance (No. 2) Act, 1940 (which requires the registration of wholesale merchants and manufacturers whose businesses include the selling of chargeable goods), if the Commissioners are satisfied in the case of any such merchant or manufacturer, on a comparative estimate of—

Power to
except a
person from
registration
where tax
on his
purchases
would be not
less than
tax on his
sales.

- (a) the amount of the tax which, apart from any exercise of the power conferred on the Commissioners by this section, will become chargeable by virtue of purchases from him as being a person required to be registered, and of appropriations and applications such as are mentioned in section twenty-five of that Act made by him as being a person so required, and

PART II.
—cont.

- (b) the amount of the tax which, if he is not registered, will become chargeable by reason of the fact that the provisions of the enactments relating to the tax as to purchases by, sales to and importations for, a registered person as stock for his business or as materials will not in that event apply to him,

that the latter amount will on the average be not less than the former, they may, if he is not already registered, refrain from registering him so long as they are so satisfied, or, if he is already registered, cancel his registration and thereafter refrain from registering him so long as they are so satisfied.

(2) As respects any period during which the Commissioners refrain under this section from registering a person who would otherwise be required by the said subsection (1) to be registered, he shall be treated for the purposes of the enactments relating to the tax, other than the provisions of subsection (2) of the said section twenty-three, as being a person not required by the said subsection (1) to be registered.

(3) The provisions of subsection (8) of the said section twenty-three as to service by the Commissioners of notice of their intention to cancel a registration shall have effect, as respects a cancellation under this section, only where such a cancellation is effected without the assent of the registered person.

Amendment
as to
exclusion
from
registration
of small
businesses

13.—(1) The Treasury shall have power by an order made under subsection (9) of section twenty-three of the Finance (No. 2) Act, 1940, to direct that the proviso to subsection (1) of that section (which excludes from registration wholesale merchants and manufacturers whose gross takings from sales of chargeable goods do not exceed the amount therein mentioned) shall be suspended during the continuance in force of the order, and to revoke an order made under that subsection.

(2) In subsection (3) of the said section twenty-three (which requires a person carrying on business in such circumstances that he is required to be registered to make an application for registration to the Commissioners), the following paragraphs shall be substituted for paragraphs (a) and (b) respectively, that is to say—

- “(a) if he is carrying on business in such circumstances as aforesaid at the passing of the Finance Act, 1944, and is not then registered, before the expiration of fourteen days from the passing thereof; or
- (b) if he begins to carry on business in such circumstances as aforesaid, or if the circumstances become such as aforesaid (whether by reason of a change in the circumstances of his business or otherwise) after the passing of that Act, before the expiration of fourteen days from the date when he begins so to carry on business, or when the circumstances become such as aforesaid, as the case may be”.

14.—(1) The Commissioners may, where it appears to them to be requisite for the security of the revenue so to do, impose, as a condition of issuing a certificate of registration to a registered person or of the continuance in effect of such a certificate issued to such a person, or as a condition of a person's having the benefit of the proviso to subsection (1) of section twenty-four of the Finance (No. 2) Act, 1940 (which relates to treating certain purchases as purchases excepted from being chargeable purchases), a requirement that he shall give security up to an amount and in a manner approved by the Commissioners for the payment of tax for which he may be or become accountable.

PART II.
—*cont.*
Power to require security for tax as condition of holding a certificate registration.

(2) The fact that a person who is required to be registered is by virtue of this section not for the time being entitled to a certificate of registration shall not be treated as derogating in any respect from the effect of that requirement.

15.—(1) If a wholesale merchant or a manufacturer proves to the satisfaction of the Commissioners, in the case of any goods in respect of which tax has become chargeable by virtue of a purchase made from him or by virtue of such an appropriation or application as is mentioned in section twenty-five of the Finance (No. 2) Act, 1940, made by him, that tax also became chargeable in respect thereof on a previous occasion by virtue of a purchase thereof, or of such an appropriation or application thereof, made by him, or of an importation thereof effected by him at a time when he was not the holder of a certificate of registration, the Commissioners may remit payment of the first mentioned tax, or if it has been paid may repay it, up to an amount not exceeding the amount of the last mentioned tax.

Relief against double charge of purchase tax.

(2) If a manufacturer proves to the satisfaction of the Commissioners that he has used as materials for goods in respect of which tax has become chargeable by virtue of a purchase made from him or by virtue of such an appropriation or application as is mentioned in section twenty-five of the Finance (No. 2) Act, 1940, made by him, goods in respect of which tax became chargeable on a previous occasion by virtue of a purchase thereof, or of such an appropriation or application thereof, made by him, or of an importation thereof effected by him at a time when he was not the holder of a certificate of registration, the Commissioners may remit payment of the first mentioned tax, or if it has been paid may repay it, up to an amount not exceeding the amount of the last mentioned tax.

16. The penalty for a failure to comply with any requirement imposed by or under regulations made under Part V of the Finance (No. 2) Act, 1940 (which relate to the ascertainment of chargeable purchases and the amounts of tax chargeable by virtue thereof, the furnishing of information affecting liability to registration, the

Penalties for certain offences in relation to purchase tax.

PART II.
—cont.

keeping of accounts of the amounts of tax for which persons are accountable, and other matters), shall in lieu of fifty pounds be one hundred pounds, together, in the case of a failure to comply with a requirement so imposed that any act shall be done at a specified time, or within a specified period, with a further penalty of ten pounds for each day after that time or after the end of that period, as the case may be, during which failure to do the act in question continues.

Fraudulent
evasion of
purchase tax.

17.—(1) If any person is knowingly concerned in, or in the taking of steps with a view to, the fraudulent evasion, by him or any other person, of tax in respect of any goods, he shall be liable to a penalty of five hundred pounds or treble the amount of the tax, whichever is the greater, or to imprisonment for a term not exceeding two years, or to both such a penalty and such imprisonment.

(2) If any person acquires possession of or deals with any goods, having reason to believe that tax chargeable in respect thereof has been or will be evaded, he shall be liable to a penalty of five hundred pounds or treble the amount of the tax, whichever is the greater.

7 & 7 Geo. 6.
28.

(3) Subsection (3) of section twelve of the Finance Act, 1943 (which, where in pursuance of subsection (1) or (2) of that section a person is ordered by a court of summary jurisdiction both to be imprisoned for a term and to pay a penalty, and is also ordered to be imprisoned for a further term in default of payment or satisfaction of the penalty, limits the aggregate of the two terms of imprisonment to two years) shall apply to orders of a court of summary jurisdiction made in pursuance of subsection (1) of this section as it applies to such orders made in pursuance of subsection (1) or (2) of the said section twelve.

7 & 8 Geo. 4.
53.

(4) Section seventy-six of the Excise Management Act, 1827, as applied by paragraph 1 of the Ninth Schedule to the Finance (No. 2) Act, 1940, shall have effect as if purchase tax were a duty of excise.

Definition of
'registered'
and "holder
of certificate
of
registration".

18. In subsection (1) of section forty-one of the Finance (No. 2) Act, 1940 (which relates to interpretation) after the definition of "purchase" the following definitions shall be inserted, that is to say:—

“ ‘registered’ means registered under this Part of this Act, ‘registration’ has a corresponding meaning, and ‘holder of a certificate of registration’ means the holder of a certificate of registration which is in effect for the time being ”.

PART III.

INCOME TAX (CHARGE OF TAX AND MISCELLANEOUS).

19.—(1) Income tax for the year 1944-45 shall be charged at the standard rate of ten shillings in the pound, and in the case of an individual whose total income exceeds one thousand five hundred pounds, at such higher rates in respect of the excess over one thousand five hundred pounds as Parliament may hereafter determine.

(2) Subject to the provisions of the Income Tax (Employments) Act, 1943, and the Income Tax (Offices and Employments) Act, 1944, all such enactments as had effect with respect to the income tax charged for the year 1943-44, other than such enactments as by their terms relate only to tax for that year, shall have effect with respect to the income tax charged for the year 1944-45.

20. Income tax for the year 1943-44 shall be charged at rates exceeding the standard rate in the case of individuals whose total incomes exceed two thousand pounds and in respect of the excess of their total incomes over that sum; and the said rates shall be rates in the pound which respectively exceed the standard rate for the year 1943-44 by the amounts specified in the second column of the Table in subsection (1) of section seven of the Finance (No. 2) Act, 1940.

21. Section eleven of the Finance (No. 2) Act, 1939 (which grants relief in respect of diminution of earned income owing to circumstances directly or indirectly connected with the present war) shall apply in relation to tax for the year 1944-45 as it applied in relation to tax for the year 1939-40, with the adaptation that references to the year 1939-40 shall be construed as references to the year 1944-45 and references to the year 1938-39 shall be construed as references to the year 1943-44.

22. In sub-paragraph (b) of paragraph (i) of Rule 2 of the General Rules (which provides, in the case of a clergyman or minister of any religious denomination, for the deduction from any profits, fees or emoluments of his profession or vocation of a part, not exceeding one-eighth, of the rent or annual value of a dwelling-house any part of which is used mainly and substantially for the purposes of his duty as a clergyman or minister) for the words "one-eighth" there shall be substituted the words "one-quarter."

23.—(1) For the purposes of the proviso to subsection (1) of section twenty-four of the Finance Act, 1920 (which provides for the granting of reliefs from income tax to certain individuals not resident in the United Kingdom, subject to certain limitations on the amount of the relief) Dominion income tax relief shall be left out of account in computing—

- (a) the amount of the income tax payable by an individual; and

PART III.
—cont.

(b) the amount which would be payable by him by way of income tax if the tax were chargeable on his total income from all sources, including income which is not subject to income tax charged in the United Kingdom.

(2) In this section the expression "Dominion income tax relief" means the relief provided for by section twenty-seven of the Finance Act, 1920.

Sale of
copyrights
for lump
sum.

24.—(1) Where—

- (a) the author of a literary, dramatic, musical or artistic work assigns the copyright therein wholly or partially or grants any interest in the copyright by licence; and
- (b) the consideration for the assignment or grant consists wholly or partially of a lump sum payment the whole amount of which would, but for this section, be included in computing the amount of his profits or gains for a single year of assessment; and
- (c) the author was engaged on the making of the work for a period of more than twelve months,

he shall be entitled to claim that effect shall be given to the subsequent provisions of this section in connection with that payment.

(2) If the period for which he was engaged on the making of the work does not exceed twenty-four months, then, for all the purposes of the Income Tax Acts, one half only of the amount of the payment shall be treated as having become receivable on the date on which it actually became receivable, and the remaining half shall be treated as having become receivable twelve months before that date.

(3) If the period for which he was engaged on the making of the work exceeds twenty-four months, then, for all the purposes of the Income Tax Acts, one third only of the amount of the payment shall be treated as having become receivable on the date on which it actually became receivable, and one third shall be treated as having become receivable twelve months, and one third twenty-four months, before that date.

(4) A claim under subsection (1) of this section must be made to the Commissioners of Inland Revenue not later than twelve months from the end of the year of assessment mentioned in that subsection, and section nineteen of the Finance Act, 1925 (which relates to the making and allowing of claims for certain reliefs and to rights of appeal), shall apply in relation to claims under the said subsection (1) as it applies in relation to the claims mentioned in that section.

(5) Where, on a claim made under this section, liability to tax falls to be adjusted in accordance with subsection (2) or subsection (3) of this section, such additional assessments, reductions

15 & 16 Geo. 5.
c. 36.

of assessments and repayments shall be made as are necessary to give effect to the provisions of this section.

PART III.
—cont.

(6) In this section, the expression "author" includes a joint author, and the expression "lump sum payment" includes an advance on account of royalties which is not returnable.

25.—(1) In this section, the expression "small maintenance payments" means payments under an order made by a court in the United Kingdom—

(a) to or for the benefit of a woman for her maintenance ; or
(b) to any person for the benefit of, or for the maintenance or education of, a person under sixteen years of age, being payments which—

- (i) are for the time being required by the order (whether as originally made or as varied) to be made weekly at a rate not exceeding two pounds a week in the first-mentioned case and not exceeding one pound a week in the last-mentioned case ; and
- (ii) would, apart from this section, fall within Rule 19 or Rule 21 of the General Rules (which provide for the deduction of tax from interest, annuities and other annual payments) ;

and the expression "small maintenance order" means an order providing for the making of small maintenance payments.

(2) Notwithstanding anything in Rule 19 or Rule 21 of the General Rules, the following payments shall be made without deduction of tax, that is to say,—

- (a) any small maintenance payment under an order made after the passing of this Act ; and
- (b) any small maintenance payment falling due after the fifth day of April, nineteen hundred and forty-five, under an order made before the passing of this Act.

(3) Any sums paid in or towards the discharge of payments required by this section to be made without deduction of tax shall be chargeable under Case III of Schedule D as if they were mentioned in Rule 1 of the Rules applicable to that Case, but the tax shall be computed in all cases on the payments falling due in the year of assessment, so far as paid in that or in any other year.

(4) A claimant shall be entitled, in computing his total income for any year of assessment for any of the purposes of the Income Tax Acts, to deduct sums paid by him in or towards the discharge of any such small maintenance payments required by this section to be made without deduction of tax as fall due in that year, and effect shall be given to this deduction by reducing any assessment made on him or by repayment, as the case may require ; and for the purposes of section seventeen of the Income Tax Act, 8 & 9 Geo. 5, 1918 (which provides that relief is not to be given in respect of

PART III.
—cont.

charges on income) any amount which can be deducted under this subsection in computing the total income of a person shall be treated as if it were income the tax on which that person is entitled to charge against another person.

(5) Where a court—

- (a) make a small maintenance order ; or
- (b) vary an order so that it becomes or ceases to be a small maintenance order ; or
- (c) change the persons who are entitled to small maintenance payments ;

the court shall furnish to the Commissioners of Inland Revenue, in such form as those Commissioners may prescribe, particulars of the order or variation, as the case may be, the names of the persons affected by the order and, so far as known to the court, the addresses of those persons.

(6) In this section, the expression “ persons affected ”, in relation to a small maintenance order, means the person liable to make the payments under the order and any person for the time being entitled to the payments, references to the making of an order include references to the revival of an order, and references to the variation of an order include references to the making of an order changing the persons entitled to the payments thereunder.

Simplification
of procedure.

26.—(1) The provisions of this section shall have effect as respects—

- (a) the year 1945-46 and subsequent years of assessment ; and
- (b) any additional assessment for the year 1944-45 or any previous year signed or signed and allowed after the fifth day of April, nineteen hundred and forty-five.

(2) Section one hundred and eighteen of the Income Tax Act, 1918 (which relates to the entry in books of abstracts of particulars contained in lists and statements) shall not have effect except in relation to assessments under Schedule A.

(3) In subsection (1) of section one hundred and twenty-two of the Income Tax Act, 1918 (which requires the Additional Commissioners to cause certificates of assessments to be made out and entered in books provided for the purpose) for the words “ made out and entered ” there shall be substituted the word “ embodied ”.

(4) So much of sub-paragraph (2) of paragraph 7 of Part I of the Tenth Schedule to the Finance Act, 1942, as relates to the numbering of pages in each book of assessment and adding up the sums on each page shall not have effect except in relation to assessments under Schedule A.

(5) All notices of assessment under Schedules B and D shall be prepared and issued by the surveyor.

(6) The proviso to sub-paragraph (3) of paragraph 7 of Part I of the Tenth Schedule to the Finance Act, 1942 (which relates to the preparation in the division of the City of London of particulars of sums to be collected) shall not have effect except in relation to assessments under Schedule A.

PART IV.

INCOME TAX (EXPENDITURE ON SCIENTIFIC RESEARCH).

27. Notwithstanding anything in Rule 3 of the Rules applicable to Cases I and II of Schedule D, where, after the appointed day, a person carrying on a trade—

- (a) incurs expenditure not of a capital nature on scientific research related to that trade and directly undertaken by him or on his behalf ; or
- (b) pays any sum to any scientific research association for the time being approved for the purposes of this section by the appropriate Research Council or Committee, being an association which has as its object the undertaking of scientific research related to the class of trade to which the trade he is carrying on belongs ; or
- (c) pays any sum to be used for such scientific research as is mentioned in the last preceding paragraph to any such university, college, research institute or other similar institution as is for the time being approved for the purposes of this section by the appropriate Research Council or Committee,

Allowances for expenditure on scientific research not of a capital nature and on payments to research associations, universities, &c.

the expenditure incurred or sum paid, as the case may be, may be deducted as an expense in computing the profits or gains of the trade for the purposes of income tax. •

28.—(1) Subject to the provisions of the next succeeding section, where, after the appointed day, a person—

- (a) while carrying on a trade, incurs expenditure of a capital nature on scientific research related to that trade and directly undertaken by him or on his behalf ; or
- (b) incurs expenditure of a capital nature on scientific research directly undertaken by him or on his behalf and thereafter sets up and commences a trade connected with that research,

Allowances for capital expenditure on scientific research.

a deduction equal to one fifth of the expenditure shall be allowed in charging the profits or gains of the trade for each of the five years of assessment mentioned in the succeeding provisions of this section.

(2) If the expenditure is incurred before the end of the year of assessment in which the trade was set up and commenced, the five years shall be that and the next four years of assessment.

PART IV.
—cont.

(3) If the expenditure is incurred after the end of the year of assessment in which the trade was set up and commenced but not later than twelve months from the setting up and commencement of the trade, the five years shall be the year of assessment next following that in which the trade was set up and commenced and the next four years of assessment.

(4) If the expenditure is incurred after twelve months from the setting up and commencement of the trade, and during the basis year for any year of assessment, the five years shall be that and the next four years of assessment :

Provided that—

- (a) where two basis years overlap, any expenditure incurred in the period common to both shall be deemed for the purposes of this subsection to have been incurred in the first basis year only ; and
- (b) where there is an interval between the end of the basis year for one year of assessment and the beginning of the basis year for the next year of assessment, any expenditure incurred during the interval shall be deemed for the purposes of this subsection to have been incurred in the second basis year ; and
- (c) any expenditure which is incurred before the end of, but after the end of the basis year for, the last complete year of assessment before the permanent discontinuance of the trade shall be deemed for the purposes of this subsection to have been incurred in the said basis year.

In this subsection, the expression “ basis year ” means, in relation to a year of assessment, the period the profits or gains of which are, under section thirty-four of the Finance Act, 1926, to be taken to be the profits or gains of the year preceding that year of assessment.

Provisions as to assets representing capital expenditure.

29.—(1) Where an asset representing scientific research expenditure of a capital nature incurred by the person carrying on a trade ceases to be used by that person for scientific research related to that trade—

- (a) no allowance shall be made under the last preceding section for any year of assessment after that in which the cessation takes place ; and
- (b) if the amounts, if any, allowed under the last preceding section in respect of the expenditure, added to the value of the asset immediately before the cessation, are less than the said expenditure, there shall be allowed in charging the profits and gains of the trade for the year of assessment in which the cessation takes place an additional deduction equal to the difference ; and
- (c) if in any subsequent year of assessment a claim is, or would but for this subsection be, admissible by the

person carrying on the trade to a deduction in respect of the asset for wear and tear, obsolescence, depreciation or exceptional depreciation and the amount of that deduction is dependent upon the actual cost to that person of the asset, the cost of the asset, or the net cost of the asset, then the actual cost, cost or net cost, as the case may be, shall, for the purpose of ascertaining whether any and if so what deduction is admissible, be treated as reduced by the amount of any deductions allowed in respect of the asset under this or the last preceding section.

(2) Where an asset representing scientific research expenditure of a capital nature in respect of which an allowance or allowances has or have been made under this or the last preceding section in charging the profits or gains of a trade ceases to be used by the person carrying on the trade for scientific research related to that trade and is then or thereafter sold by him without having been used in the meantime for other purposes, then—

- (a) if an additional allowance, or a greater additional allowance, would have been made under the last preceding subsection for the year of assessment in which the cessation occurred if the proceeds of sale of the asset had been taken to be the value of the asset, an amount equal to the additional allowance which would have been made or, as the case may be, to the difference between the additional allowance which would have been made and the additional allowance which was made for that year shall be allowed in charging the profits or gains of the trade for the year of assessment in which the sale occurs or, if the sale occurs on or after the date on which the trade is permanently discontinued, for the last year of assessment in which the trade is carried on before the discontinuance ;
- (b) in any other case, if the proceeds of sale plus the total amount of the allowances made under this and the last preceding section in respect of the expenditure exceed the amount of the expenditure, the excess or the amount of the allowances so made, whichever is the less, shall be treated as a trading receipt of the trade accruing at the time of the sale, or, if the sale occurs on or after the date on which the trade is permanently discontinued, accruing immediately before the discontinuance.

(3) Where an asset is destroyed by fire or any similar cause, it shall for the purposes of the last preceding subsection be treated as if it had been sold immediately before the destruction thereof and any insurance moneys or other compensation of any description received by the person carrying on the trade in respect of

PART IV.
—cont.

the destruction and any moneys received by him for the remains of the asset shall be treated as if they were proceeds of that sale.

(4) Where a deduction is allowed for any year under this or the last preceding section in respect of expenditure represented wholly or partly by any assets, no deduction shall be allowed under any provision of the Income Tax Acts other than this Part of this Act in respect of wear and tear, obsolescence, depreciation or exceptional depreciation of those assets for any year of assessment during any part of which they are used by the person carrying on the trade for scientific research related to the trade.

Carrying
forward of
allowances.

30. Paragraph (3) of Rule 6 of the Rules applicable to Cases I and II of Schedule D (which relates to the carrying forward of deductions allowable in respect of wear and tear) and section nineteen of the Finance Act, 1932 (which provides for the carrying forward of losses for which relief cannot be given owing to the grant of relief given in respect of wear and tear) shall apply in relation to deductions allowable under either of the two last preceding sections as they apply in relation to deductions allowable in respect of wear and tear.

Supplement-
ary provisions.

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

“ the appointed day ” means such day as Parliament may hereafter determine ;

“ scientific research ” means any activities in the fields of natural or applied science for the extension of knowledge ;

“ scientific research expenditure ” means expenditure incurred on scientific research ;

references to expenditure incurred on scientific research do not include any expenditure incurred in the acquisition of rights in, or arising out of, scientific research, but, save as aforesaid, include all expenditure incurred for the prosecution of, or the provision of facilities for the prosecution of, scientific research ;

references to scientific research related to a trade or a class of trades include—

(a) any scientific research which may lead to or facilitate an extension of that trade or, as the case may be, of trades of that class ;

(b) any scientific research of a medical nature which has a special relation to the welfare of workers employed in that trade or, as the case may be, trades of that class ;

“ the appropriate Research Council or Committee ” means the Committee of the Privy Council for Scientific and

Industrial Research, the Medical Research Council established under the Committee of the Privy Council for Medical Research, or the Agricultural Research Council established under the Committee of the Privy Council for Agricultural Research, according as may be appropriate in relation to the activities in question ;

“asset” includes a part of an asset ;

references to the setting up and commencement of a trade and to the permanent discontinuance of a trade include references to the occurring of any event which, under any of the provisions of the Income Tax Acts, is to be treated as equivalent to the setting up and commencement of a trade or, as the case may be, to the permanent discontinuance thereof.

(2) For the purposes of this Part of this Act, expenditure shall not be regarded as incurred by a person in so far as it is, or is to be, met directly or indirectly by the Crown or by any Government or public or local authority, whether in the United Kingdom or elsewhere, or by any person other than the first-mentioned person.

(3) The same expenditure shall not be taken into account for any of the purposes of this Part of this Act in relation to more than one trade.

(4) If any question arises under this Part of this Act as to whether, and if so to what extent, any activities constitute or constituted, or any asset is or was being used for, scientific research, the Commissioners of Inland Revenue shall refer the question to the appropriate Research Council or Committee for decision, and the decision of the Council or Committee shall be final.

PART V.

EXCESS PROFITS TAX.

32.—(1) Subject to the provisions of this section, if, in relation to any chargeable accounting period beginning at or after the end of March, nineteen hundred and forty-four, the standard profits of a trade or business are ascertained otherwise than by reference to the profits of the standard period, the standard profits shall, in relation to that chargeable accounting period, be increased by one thousand pounds : Increase of standard profits in certain cases.

Provided that, in relation to a chargeable accounting period which is less than twelve months, the said increase shall be proportionately reduced so as to correspond with the length of the period.

(2) Where—

- (a) a trade or business is carried on by a partnership or by a company the directors whereof have a controlling interest therein ; and

PART V.
—cont.

- (b) the standard profits of the trade or business are ascertained by reference to the minimum amount specified in subsection (2) of section thirteen of the Finance (No. 2) Act, 1939; and
- (c) there are three or more working proprietors in the trade or business;

subsection (1) of this section shall have effect as if for the reference to one thousand pounds there were substituted a reference to such greater sum, not exceeding two thousand pounds, as is arrived at by allowing five hundred pounds for each working proprietor in the trade or business.

(3) The preceding provisions of this section shall not apply to any member of a group of companies other than the principal company and, in the case of the principal company of a group of companies, the condition set out in subsection (1) of this section that the standard profits of the trade or business must be ascertained otherwise than by reference to the profits of the standard period shall not be deemed to be complied with in relation to a chargeable accounting period if—

- (a) the standard profits of the group for any relevant period consisting of or comprising the whole or any part of that chargeable accounting period are ascertained by aggregating the profits and losses arising in the standard period of the group in the trades or businesses of all the members of the group, other than new subsidiaries, or by aggregating those profits and losses and halving the amount arrived at; or
- (b) the standard profits of any new subsidiary for any chargeable accounting period coinciding with or falling wholly or partly within the said chargeable accounting period of the principal company are ascertained by reference to the profits of the standard period of that new subsidiary.

3 & 4 Geo. 6.
c. 29. Expressions used in this subsection have the same meanings as they have in the Fifth Schedule to the Finance Act, 1940 (which relates to groups of companies).

(4) Where a deficiency of profits occurring in a chargeable accounting period beginning at or after the end of March, nineteen hundred and forty-four, is greater than it would have been if this section had not been passed, the amount of the increase shall not be available (whether under section fifteen of the Finance (No. 2) Act, 1939, or paragraph 6 of Part IV of the Fifth Schedule to the Finance Act, 1940) to reduce profits for any chargeable accounting period ending at or before that date; but where by virtue of this subsection the whole of a deficiency occurring in a chargeable accounting period cannot be applied in reducing profits for previous chargeable accounting periods, the amount which cannot be applied shall, for the purposes of paragraph (b) of subsection (2)

of the said section fifteen, be treated as part of the balance which, under that paragraph, is to be applied in reducing profits in subsequent chargeable accounting periods.

(5) The following provisions shall have effect in relation to chargeable accounting periods falling partly before and partly after the end of March, nineteen hundred and forty-four :—

- (a) the standard profits for the whole period shall be computed, first on the basis that the foregoing provisions of this section do not apply to such periods as aforesaid and secondly as if the said foregoing provisions applied to such periods as aforesaid as they apply to periods beginning at or after the said end of March, and it shall then be ascertained, on each basis, whether there are excess profits or a deficiency of profits for the whole period, and if so what is the amount thereof ;
- (b) there shall be deemed to be for the first part of the period, excess profits or a deficiency of profits, as the case may be, equal to an apportioned part of the excess profits or deficiency of profits ascertained under paragraph (a) of this subsection on the first basis mentioned therein, and there shall be deemed to be, for the second part of the period, excess profits or a deficiency of profits, as the case may be, equal to an apportioned part of the excess profits or deficiency of profits ascertained under paragraph (a) of this subsection on the second basis mentioned therein ;
- (c) for the purposes of this section, the first part of the whole period and the second part of the whole period shall each be treated as if it were a separate chargeable accounting period.

Any apportionment required to be made by paragraph (b) of this subsection shall be made by reference to the number of months or fractions of months in each of the parts of the whole period.

In this subsection, references to the whole period, the first part of the period and the second part of the period shall be construed respectively as references to the whole of the chargeable accounting period falling partly before and partly after the said end of March, so much thereof as falls before the said end of March and so much thereof as falls after the said end of March, and the expression “excess profits” means the amount by which the profits for any period exceed the standard profits therefor.

33.—(1) Section thirty-five of the Finance Act, 1941 (which relates to transactions designed to avoid liability to excess profits tax), shall have effect, and shall, subject to the provisions of this section, be deemed always to have had effect, as amended by the subsequent provisions of this section. ance. 4 & 5 Geo. 6. c. 30.

PART V.
—cont.

(2) In subsection (1) of the said section, for the words "the main purpose for which any transaction or transactions was or were effected" there shall be substituted the words "the main purpose or one of the main purposes for which any transaction or transactions was or were effected", and in subsection (3) of the said section, for the words "on the ground that the main purpose of the transaction or transactions was not the avoidance or reduction of liability to tax" there shall be substituted the words "on the ground that the avoidance or reduction of liability to tax was not the main purpose or one of the main purposes of the transaction or transactions".

(3) If it appears in the case of any transaction or transactions, being a transaction which involves, or transactions one or more of which involve—

- (a) the transfer or acquisition of shares in a company; or
- (b) a change or changes in the person or persons carrying on a trade or business or part of a trade or business,

that, having regard to the provisions of the law relating to excess profits tax, other than the said section thirty-five and this section, which were in force at the time when the transaction or transactions was or were effected, the main benefit which might have been expected to accrue from the transaction or transactions during the currency of excess profits tax was avoidance or reduction of liability to the tax, the avoidance or reduction of liability to excess profits tax shall be deemed for the purposes of the said section thirty-five to have been the main purpose or one of the main purposes of the transaction or transactions.

(4) A direction under the said section thirty-five as amended by this section may be given notwithstanding that a direction has been given under that section before the passing of this Act in relation to the transaction or transactions in question or some of them:

Provided that in any case where a direction so given has, before the twenty-fifth day of April, nineteen hundred and forty-four, been cancelled or varied on appeal by the Special Commissioners, no direction given by virtue of this section in relation to the transaction or transactions in question shall affect any chargeable accounting periods ending before the first day of April, nineteen hundred and forty-four.

34. Section twenty-one of the Finance Act, 1943, shall have effect and be deemed always to have had effect as if the word "coal" were inserted after the second word "to" in the fifth line thereof.

Amendment
of s. 21 of
Finance Act,
1943.

PART VI.

ESTATE DUTY.

Basis of charge in respect of deceased's benefits from certain companies.

35. In section forty-six of the Finance Act, 1940 (which provides that, where the deceased has made to a company to which that section applies a transfer of any property and any benefits accruing to him from the company accrued to him in the three years ending with his death, the assets of the company shall be deemed for the purposes of estate duty to be included to a certain extent in the property passing on his death), for subsection (2) there shall be substituted the following subsection:—

Amendment of basis of charge on company's assets in respect of deceased's benefits from the company. 3 & 4 Geo. 6. c. 29.

“(2) The extent to which the assets of the company are to be deemed to be included as aforesaid shall be the proportion ascertained by comparing the aggregate amount of the benefits accruing to the deceased from the company in the last three accounting years with the aggregate amount of the net income of the company for the said years :

Provided that—

- (a) where, in any of the said accounting years, the company sustained a loss, the amount of that loss shall be deducted in ascertaining the said aggregate net income of the company ;
- (b) where the company came into existence in the last but one, or in the last, of the said accounting years, the references in this subsection to the said accounting years shall be construed as references to the last two, or, as the case may be, the last, of those years ”.

36. In section fifty-nine of the Finance Act, 1940, for the definition of “Average rate” there shall be substituted the following definition—

Amendment of s. 59 of Finance Act, 1940.

“ ‘Average rate’ means, in relation to a company, a rate per cent. per annum, the percentage being ascertained by—

- (a) computing the aggregate amount of the net income of the company for the relevant accounting years (a deduction being made, where the company sustained a loss in any of those years, of the amount of the loss) ;
- (b) dividing that amount by the number of those years ; and
- (c) comparing the result with the principal value of the assets of the company passing on the death of the deceased by virtue of section forty-six of this Act, after making the allowances to be made under section fifty of this Act ”.

PART VI.
—cont.
Computation
of losses.

37. Section forty-nine of the Finance Act, 1940, shall, with the necessary adaptations, apply to the determination, for the purposes of Part IV of that Act, of any loss sustained by a company as it applies to the determination for the purposes thereof of the net income of a company.

Amendment as to avoidance of duplication of charge where deceased has received benefits from a company.

Amendment
of s. 51 of
Finance Act,
1940.

38. For subsection (2) of section fifty-one of the Finance Act, 1940 (which contains provisions for preventing the duplication of charge of estate duty in certain cases) there shall be substituted the following subsections—

“(2) Where the following conditions are satisfied, that is to say, that any benefits accrued to the deceased from the company by virtue of any interest that he at any time had in shares in or debentures of the company, or by virtue of a power’s having at any time been exercisable by him or with his consent in relation to shares in or debentures of the company, and apart from this subsection estate duty would be payable on the death both on the value of those shares or debentures by virtue of any of the enactments relating to that duty other than section forty-six of this Act and on the proportion of the value of the company’s assets that corresponds to the benefits that so accrued to him by virtue of that section, then—

- (a) if the value of the shares or debentures is equal to, or greater than, the said proportion, or if the Commissioners are satisfied that the said proportion would not, if fully ascertained, be found to be substantially in excess of the value of the shares or debentures, duty on the said proportion shall not be payable;
- (b) in any other case, the amount on which duty is to be charged in respect of the said proportion shall be reduced by the amount of the value of the shares or debentures.

(2A) Where the conditions set out in the last preceding subsection would be satisfied but for the fact that, by reason of an exemption from estate duty (not being an exemption on the ground that the deceased or other person having an interest in the shares or debentures ceasing on the death of the deceased had only an interest as the holder of an office), that duty is not payable on the value of the shares or debentures, paragraphs (a) and (b) of that subsection shall apply as if that exemption did not operate and as if the duty had been payable on the value of the shares and debentures accordingly:

Provided that where—

PART VI.
—cont.

- (a) the exemption in question depends on a payment of any duty on an earlier death, or does not depend on such a payment but depends wholly or partly on any dispositions having been made; and
- (b) since the date of that death or disposition, as the case may be, the shares or debentures have been substantially increased in value by reason of a transfer of property to any company by any person or by reason of the extinguishment of, or any alteration of the rights attaching to, shares in or debentures of any company,

then, unless the exemption takes the form of a deduction from the value of the shares or debentures of a fixed amount which is independent of the value of the shares or debentures, the references in paragraphs (a) and (b) of the last preceding subsection to the value of the shares or debentures therein mentioned shall have effect as if they were references to the value thereof reduced to the extent to which, in the opinion of the Commissioners, that value is attributable to that transfer, extinguishment or alteration.

(2B) Where, by reason of an exemption from estate duty, that duty is payable on part only of the value of the shares or debentures, subsection (2) of this section shall, with the necessary adaptations, be applied to the part of the value of the shares or debentures on which duty is payable and subsection (2A) of this section shall be applied to the part of the value of the shares or debentures affected by the exemption; and, where there are two or more exemptions from estate duty each of which operates on part only of the value of the shares or debentures and the exemptions are such that the said subsection (2A) would operate differently in relation to them, then, whether or not there is any part of the value of the shares or debentures on which estate duty is payable, the said subsection (2A) shall, with the necessary adaptations, be applied separately in relation to the parts of the value of the shares or debentures affected by each exemption.

(2C) In this section the expression "exemption from estate duty" includes any exemption conferred by any provision of the enactments relating to estate duty which has the effect of exempting property, in whole or in part, from the duty, whether that provision takes the form that the property is not to be deemed to pass, or the form that the duty is not to be payable, or the form that a deduction is to be made from the value of the property, or any other

PART VI.
—cont.

form ; and the reference in paragraph (b) of the proviso to subsection (2A) of this section to an increase in the value of shares or debentures includes, where those shares or debentures have been acquired in substitution for any other property, any increase in the value of any property which those shares or debentures directly or indirectly represent”.

Computation of net income of company.

Computation
of net income
of company.

39. In determining under section forty-nine of the Finance Act, 1940, the net income of a company for any accounting year, no deduction from the income of the company shall be made in respect of—

- (a) the amount of any liability, deduction or set-off for which allowance has already been made in computing the amount of the income of the company ; or
- (b) the amount of any loss sustained before the beginning of that year, or of any payment which, under section nineteen of the Finance Act, 1928, would be treated as a loss sustained before the beginning of that year ; or
- (c) the amount of any deduction representing the diminished value by reason of wear and tear during any previous year of any machinery or plant.

18 & 19 Geo. 5.
c. 17.

Relaxation of provisions as to purchases of annuities from relatives.

Relaxation of
provisions of
Finance Act,
1940, as to
purchases of
annuities, &c.,
from relatives.

40.—(1) Subject to the provisions of this section, the relief specified therein shall be granted where, on the death of a person who has made a disposition of property in favour of a relative of his or a company (hereafter in this section referred to as “the disposition”), any estate duty becomes, or would but for this section become, payable by virtue of section forty-four of the Finance Act, 1940 (which relates to purchases of annuities or other interests from relatives).

(2) The sum on which estate duty would be payable apart from this section on the death in respect of the property which was the subject matter of the disposition or in respect of the property liable to a debt or incumbrance created by the deceased which was the subject matter of the disposition, as the case may be, shall first be computed and, subject to the limitations provided for by subsection (3) of this section, there shall then be allowed as a deduction from that sum—

- (a) the amount, if any, by which the aggregate of the payments which have been made on account of the annuity or other interest for the period from the date when the annuity or other interest began to accrue in favour of the deceased until his death, exceeds the

aggregate of the income derived from the deceased by virtue of the disposition for the period from the date of the disposition until his death ; and

- (b) simple interest on so much, if any, of the amount aforesaid, and for such period, as, in the opinion of the Commissioners, is in all the circumstances just, at the rates from time to time payable during that period on death duties in arrear.

In this subsection, the expression " the aggregate of the income derived from the deceased by virtue of the disposition " means—

- (i) in relation to so much of the property which was the subject matter of the disposition as did not consist of a debt or incumbrance created by the deceased, such amount as, in the opinion of the Commissioners, is in all the circumstances equal to a reasonable return from the property ; and
- (ii) in relation to so much of the property which was the subject matter of the disposition as did consist of a debt or incumbrance created by the deceased, the aggregate amount of the interest paid or payable by the deceased in respect of that debt or incumbrance.

(3) The amount to be allowed as a deduction under subsection (2) of this section shall, in the circumstances specified in the provisions of the Third Schedule to this Act, be limited to the extent specified in those provisions respectively.

In the said Schedule, the expression " the disposition " has the same meaning as in this section, the expression " the annuity payments " means the payments specified in paragraph (a) of subsection (2) of this section, and the expression " the amount allowed " means the amount to be allowed as a deduction under this section.

(4) In this section, the expressions " relative " and " annuity " have the meanings assigned to them by section forty-four of the Finance Act, 1940, and sections fifty-eight and fifty-nine of that Act shall apply for the interpretation of this section and the said Third Schedule as they apply for the interpretation of Part IV of that Act.

Application of Part VI.

41. The last preceding section shall have effect in the case of all persons dying after the twenty-seventh day of June, nineteen hundred and forty, but save as aforesaid the provisions of this Part of this Act shall have effect in the case only of persons dying after the passing of this Act.

PART VII.

MISCELLANEOUS.

Trading with
the enemy.

42. The provisions of the Fourth Schedule to this Act shall have effect in relation to income tax and death duties where persons, income or property are or is affected by the law relating to trading with the enemy.

Rate of
succession and
legacy duty
payable in
certain cases
of illegitimate
children.

43.—(1) Where—

- (a) an illegitimate child or the spouse or issue of an illegitimate child takes any interest in real or personal property under the intestacy of the mother of the child or under a disposition made by her ;
- (b) the mother of an illegitimate child takes an interest in real or personal property under his intestacy or under a disposition made by him or his issue,

any succession or legacy duty which, after the passing of this Act, become leviable in respect of the taking of the interest shall be payable at the same rate as if the child had been born legitimate.

(2) In this section, the expression "disposition" means an assurance of any interest in property by any instrument inter vivos or by will or codicil, and the expression "illegitimate child" does not include a person legitimated whether by the

16 & 17 Geo. 5.
c. 60.

Legitimacy Act, 1926, or otherwise.

(3) In the application of this section to Scotland the expression "disposition" means any deed or instrument, whether inter vivos or mortis causa, whereby any interest in property is conveyed or created, the expression "personal property" means moveable property, and the expression "real property" means heritable property.

Stamp duty
on transfer
of shares,
stock or
marketable
securities
previously
transferable
by delivery.

44. Where after the passing of this Act stamp duty is paid by the transferee on a transfer on sale of any share, stock or marketable security, and the Commissioners of Inland Revenue are satisfied, on an application made by the transferor within one month after the date of the transfer, that,—

- (a) the share, stock or marketable security was previously transferable, in the case of a share or stock, by means of an instrument to bearer, and, in the case of a marketable security, by delivery, and had ceased to be so transferable at any time after the second day of September, nineteen hundred and thirty-nine ; and
- (b) stamp duty was chargeable, and was duly paid, on the instrument to bearer or, as the case may be, the security, otherwise than under subsection (2) of section four of the Finance Act, 1899 (which provides for the stamping of instruments to bearer relating to shares and stocks of companies and bodies outside the United Kingdom, not being share warrants or stock certificates to bearer) ; and

62 & 63 Vict.
c. 9.

- (c) the share, stock or security had not previously been transferred on sale since it ceased to be transferable by means of an instrument to bearer, or by delivery, as the case may be,

PART VII.
—cont.

the Commissioners shall pay over to the applicant the amount of the duty so paid on the transfer, or, in a case where a maximum duty of ten shillings is chargeable on the transfer by virtue of subsection (1) of section forty-two of the Finance Act, 1920 (which relates to transfers to dealers), the amount of the duty which would have been chargeable on the transfer if that subsection had not applied thereto.

45. Stamp duty shall not be charged, and shall be deemed never to have been chargeable, on any assignment rendered valid by Regulation forty-seven D of the Defence (General) Regulations, 1939 (which relates to assignments of wages in payment of contributions to certain bodies representing the interests of or providing benefits for seamen).

Exemption of certain assignments by seamen from stamp duty.

46. Section eleven of the Barracks Act, 1890 (which exempts from stamp duty contracts, conveyances and other documents made with a view to carrying into effect the purposes of that Act) shall have effect as if in the preamble to that Act (which defines the purposes of that Act) the reference to military forces included a reference to naval forces.

Extension of Barracks Act, 1890, s. 11. 53 & 54 Vict. c. 25.

47.—(1) The permanent annual charge for the National Debt for the financial year ending with the thirty-first day of March, nineteen hundred and forty-five, shall be the sum of four hundred and twenty million pounds instead of the sum of three hundred and fifty-five million pounds.

Provisions as to permanent annual charge for the National Debt.

(2) The Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, for providing any sums required during the said financial year for the purposes mentioned in paragraph (a) or paragraph (b) of subsection (4) of section twenty-three of the Finance Act, 1928, and the amount required by the said subsection (4) to be issued from the permanent annual charge for the National Debt for the purposes aforesaid in that year shall be decreased by the amount raised under this subsection.

2 & 3 Geo. 6. c. 117.

(3) Any securities created and issued to raise money under the last preceding subsection shall be deemed for all purposes to have been created and issued under the National Loans Act, 1939.

48. No issue shall be made out of the Consolidated Fund under section forty-eight of the Finance Act, 1930 (which provides in the case of a deficit in any year for the redemption in the next year of a corresponding amount of debt), in respect of the deficit

Amendment as to deficit for 1943-44. 20 & 21 Geo. 5. c. 28.

PART VII. for the financial year ending with the thirty-first day of March,
—cont. nineteen hundred and forty-four.

Short title,
construction,
extent and
repeals.

49.—(1) This Act may be cited as the Finance Act, 1944.

(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 ;

(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 Part V of the Finance (No. 2) Act, 1940.

(4) Parts III and IV of this Act shall be construed as one with the Income Tax Acts.

(5) Part V of this Act shall be construed as one with Part III of the Finance (No. 2) Act, 1939.

(6) Part VI of this Act shall be construed as one with Part I of the Finance Act, 1894.

57 & 58 Vict.
c. 30.

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

(8) The provisions of the Fourth Schedule to this Act shall, if provision in that behalf is made by an Act of the Parliament of Northern Ireland, apply with any necessary modifications to death duties payable in Northern Ireland as they apply to death duties payable in Great Britain, but save as aforesaid such of the provisions of this Act as relate to matters with respect to which the Parliament of Northern Ireland has power to make laws shall not extend to Northern Ireland.

(9) The enactments specified in Part I of the Fifth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Part of that Schedule as from the passing of this Act, and the enactments specified in Part II of that Schedule are hereby repealed to the extent mentioned in the third column of that Part of that Schedule as from the first day of January, nineteen hundred and forty-five.

SCHEDULES.

FIRST SCHEDULE.

Section 1.

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	7	0	7½
For every 36 gallons of worts of a specific gravity exceeding 1,027 degrees—			
For the first 1,027 degrees	7	0	7½
For every additional degree in excess of 1,027 degrees	5	2½	

and so in proportion for any less number of gallons.

PART II.

Rate of Excise Drawback.

	£	s.	d.
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity of 1,027 degrees or less	7	0	9½
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity exceeding 1,027 degrees—			
For the first 1,027 degrees	7	0	9½
For every additional degree in excess of 1,027 degrees	5	2½	

and so in proportion for any less number of gallons.

As respects beer the worts whereof were, before fermentation, of a specific 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.

Rate of Customs Duty in case of Beer being an Empire Product.

	£	s.	d.
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity of 1,027 degrees or less	7	1	0½
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity exceeding 1,027 degrees—			
For the first 1,027 degrees	7	1	0½
For every additional degree in excess of 1,027 degrees	5	2½	

and so in proportion for any less number of gallons.

1ST SCH.
—cont.

PART IV.

Rate of Customs Duty in case of Beer not being an Empire Product.

	£	s.	d.
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity of 1,027 degrees or less	8	1	0½
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity exceeding 1,027 degrees—			
For the first 1,027 degrees 	8	1	0½
For every additional degree in excess of 1,027 degrees	5	2½	

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 the worts whereof were, before fermentation, of a specific gravity of 1,027 degrees or less	7	0	9½
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity exceeding 1,027 degrees—			
For the first 1,027 degrees 	7	0	9½
For every additional degree in excess of 1,027 degrees	5	2½	

and so in proportion for any less number of gallons.

As respects beer the worts whereof were, before fermentation, of a specific 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 the worts whereof were, before fermentation, of a specific gravity of 1,027 degrees or less	8	0	9½
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity exceeding 1,027 degrees—			
For the first 1,027 degrees 	8	0	9½
For every additional degree in excess of 1,027 degrees	5	2½	

and so in proportion for any less number of gallons.

As respects beer the worts whereof were, before fermentation, of a specific 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 10.

PURCHASE TAX (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS
RELATING TO AMENDMENT AS TO TAX IN RESPECT OF IMPORTED GOODS).

PART I.

*Consequential provisions.**Enactment to be amended
and subject matter thereof.**Amendment.*The Finance (No. 2) Act,
1940 (3 & 4 Geo. 6. c. 48):—Section twenty, subsection
(3).
(Date of coming into
operation of orders as to
tax.)For the subsection substitute the following
subsection—

“(3) An order under this section shall specify a date for its coming into operation, and such an order shall, for the purpose of determining whether tax is chargeable by virtue of a purchase of goods of the class to which the order relates and if so at what rate, have effect, subject as provided in subsection (4) of this section, in respect of goods of that class delivered under the purchase on or after the specified date, notwithstanding that the purchase was made before that date”.

Section twenty-two
(Person accountable for tax
chargeable by virtue of a
purchase, and time when
such tax becomes due.)

The section shall be repealed.

Section twenty-four, sub-
sections (2) and (3).
(Penalty, and liability for
tax, on false representation
in connection with pur-
chase of goods as stock or
materials.)

In subsection (2) after “for the purposes of the preceding subsection”, and in subsection (3) after “subsection (1) of this section”, insert “or of subsection (2) of section ten of the Finance Act, 1944”; and in subsection (3) after “purchase” insert “or importation”.

Section twenty-nine ...
(Relief from tax in respect
of goods exported.)

In subsection (1), for “a purchase which is a chargeable purchase by virtue of paragraph (a) of subsection (2) of section eighteen of this Act” substitute “a chargeable purchase”; in subsection (2), the words from “by a person” to “materials” and the words “by that person” shall be repealed, and for paragraphs (a) and (b) substitute—

“(a) that tax has become chargeable, by virtue of a purchase or of an importation, in respect of the goods exported or of goods of the specified

2ND SCH.
—cont.

*Enactment to be amended
and subject matter thereof.*

Section twenty-nine—*cont.*

Section thirty-one ...
(Ascertainment and re-
covery of tax chargeable.)

Section forty, subsection
(1).
(Provisions as to the Isle
of Man.)

Section forty-one, sub-
section (1).
(Interpretation.)

Eighth Schedule, para-
graph 2.
(Terms of assumed sale by
reference to which valua-
tion is to be made.)

Eighth Schedule, para-
graph 4.
(Provision as to the taking
into account in valuation
of a right to the use of a
trade mark.)

Amendment.

class used by the exporter in making
the goods exported, and has been or
will be paid ;

(b) that the exporter was the buyer
under the purchase by virtue of
which tax has become chargeable, or
the importer on the importation by
virtue of which it has become
chargeable, as the case may be, and";
and in subsection (3) for "in para-
graph (b)" substitute "in paragraph
(a)".

In subsection (1), after "Tax becoming
due" insert "by virtue of a purchase";
in subsection (2), after the first "Tax"
insert "chargeable by virtue of a pur-
chase"; in subsection (2), the words
from "and where the aggregate amount
of tax" to the end of the subsection
shall be read, with the omission of the
word "and", as a separate subsection
numbered (3); and subsections (3) and
(4) shall be repealed.

In paragraph (b) the words "paragraph
(a) of subsection (2) of section eighteen
of" and the words "the corresponding
provisions of", and in paragraph (c) the
words "as aforesaid", shall be repealed.

The definitions of "entered for home use"
and "importer's purchase" shall be
repealed.

After paragraph (a), insert "(aa) where
the valuation is to be made in relation
to an importation, that the seller has
paid any duties of customs chargeable
on the importation".

For "Where the seller under the purchase
in relation to which the valuation is to
be made is, or is associated in business
with, the proprietor or a registered user
of a trade mark" substitute "Where
the seller under a purchase of goods to
be valued in relation to the purchase, or
a foreign supplier of imported goods to
be valued in relation to the importation
(that is to say, any person by whom
those goods have been grown, produced,
manufactured, selected, dealt with or
offered for sale outside the United
Kingdom) is, or is associated in business
with, the proprietor or a registered user
of a trade mark"; after "could have
sold them under such a trade mark"

*Enactment to be amended
and subject matter thereof.*

Eighth Schedule, para-
graph 4—*cont.*

Eighth Schedule, para-
graph 5.
(Provision as to taking
into account in valuation
of a right to the use of a
particular form of get-up
of goods.)

The Finance Act, 1942
(5 & 6 Geo. 6. c. 21):—

Section eighteen, sub-
section (3).
(Charge of tax in respect of
account books, etc.)

Amendment.

insert " or have used such a trade mark
in connection with the importation " ;
and after " the seller under the said
purchase " insert " or of the foreign
supplier, as the case may be " .

After " of the seller under the purchase in
relation to which the valuation is to be
made " insert " or of a foreign supplier
of imported goods in relation to the
importation of which the valuation is to
be made, as the case may be " .

In paragraph (a) after " delivered " insert
" under a purchase " ; in paragraph (a)
the words " if the purchase under which
the goods are bought is other than an
importer's purchase " shall be repealed;
and for paragraph (b) substitute—

" (b) imported on the date of the
passing of the Finance Act, 1944, or
(subject to any order under section
twenty of the Finance (No. 2) Act,
1940) thereafter " .

PART II.

Transitional provisions.

1. A purchase which apart from this provision would be a chargeable purchase by virtue of sub-paragraph (iii) of paragraph (a), or of paragraph (b), of subsection (2) of section eighteen of the Finance (No. 2) Act, 1940, as in force before the passing of this Act (which relate to purchases of certain goods imported) shall not be a chargeable purchase if the goods are entered for home use after the passing of this Act, notwithstanding that the purchase was made before the passing thereof.

2. A purchase which, if section ten of this Act had not been passed, would have been a chargeable purchase by virtue of paragraph (c) of subsection (2) of section eighteen of the Finance (No. 2) Act, 1940, as in force before the passing of this Act (which relates to purchases of certain imported goods purchased after their being entered for home use) shall be a chargeable purchase if the goods were so entered before the passing of this Act, notwithstanding that the goods are delivered, or that the purchase is made, after the passing thereof, and the enactments relating to the tax shall have effect in relation to tax chargeable by virtue of such a purchase as if the said section ten and Part I of this Schedule had not been passed.

3. Where goods are delivered after the passing of this Act under a purchase made before the passing thereof which would have been a chargeable purchase by virtue of section ten of this Act if it had been in force at the time of the purchase, the enactments relating to the tax shall have effect in relation to the purchase in like manner as if the said section ten and Part I of this Schedule had been in force at the time of the purchase.

2ND SCH.
—*cont.*

THIRD SCHEDULE.

LIMITATIONS ON RELIEF FROM ESTATE DUTY CHARGEABLE UNDER FINANCE ACT, 1940, S. 44.

1.—(1) The provisions of subsection (1) of section thirty-one of the Finance Act, 1939 (which provides, amongst other things, for the disallowance of debts the consideration for which was property derived from the deceased) shall, in the manner specified in this paragraph, have effect in relation to the computation of the amount allowed.

(2) Where, if—

(a) the annuity payments had formed the consideration for a debt created by the deceased equal to the total amount of those payments; and

(b) subsection (1) of section seven of the Finance Act, 1894 (which provides for an allowance for debts in computing the amount on which estate duty is payable), were applied to that debt, the full amount of that debt would not, having regard to the operation of subsection (1) of the said section thirty-one, have been allowable under subsection (1) of the said section seven, the annuity payments shall, for the purpose of ascertaining the amount allowed, be reduced so as not to exceed the amount, if any, which would have been allowable in the circumstances aforesaid under subsection (1) of the said section seven :

Provided that, in applying the said section thirty-one for the purposes of this paragraph, property which is the subject matter of the disposition shall not be treated as property derived from the deceased.

2. Where, if section forty-four of the Finance Act, 1940, had not been passed and section three of the Finance Act, 1894 (which relates, amongst other things, to property which the deceased has parted with before his death for consideration) had been applied to the property which was the subject matter of the disposition, a deduction would have been allowable under subsection (2) of that section for partial consideration, the amount allowed shall not exceed the amount of that deduction.

3. Where the amount allowed is allowed as a deduction from the value of property liable to a debt or incumbrance created by the deceased, it shall not exceed the amount, if any, which would be allowed under subsection (1) of section seven of the Finance Act, 1894, if section forty-four of the Finance Act, 1940, had not been passed.

FOURTH SCHEDULE.

Section 42.

ENEMY PROPERTY.

PART I.

INCOME TAX.

Tax on income payable to custodian.

1. Where any income which, but for the operation of the law relating to trading with the enemy, would be chargeable to income tax for any year of assessment apart from this paragraph becomes payable to a custodian, the same assessments to income tax (other than surtax) shall be made for that year on the custodian in respect of income from the source from which that income arose as might have been made on any person if the person who, but for the operation of the said law, would have been entitled to the income had been so entitled.

2. Where an assessment is made on a custodian under paragraph 1 of this Part of this Schedule in respect of any income, or any income which is paid subject to deduction of income tax is received by a custodian, and, in either case, it is shown to the satisfaction of the Commissioners of Inland Revenue that, but for the operation of the law relating to trading with the enemy, the person who, but for the operation of that law, would have been assessable to, or would have borne, the tax on that income, would, if a claim were made in that behalf, have been granted relief from all or any of the tax, the same relief shall be granted to the custodian by repayment or otherwise.

3. Where an assessment is made on a custodian under paragraph 1 of this Part of this Schedule in respect of any income, or any income which is paid subject to deduction of income tax is received by a custodian, and, in either case, it appears that, but for the operation of the law relating to trading with the enemy, the income would have been taken into account in computing the total income of an individual for surtax purposes, that income shall be deemed for surtax purposes to be income of that individual and the same assessments to surtax may, without any notice to make a return being served on the custodian or that individual, be made on the custodian in respect of the income as might have been made on that individual or his executors or administrators if it had been his income and, where that individual has other income, if it were treated as the highest part of his total income :

Provided that where, in the case of any individual, assessments to surtax under this paragraph for any year of assessment could, apart from this proviso, be made on two or more custodians, one of those custodians (to be selected by the Special Commissioners) shall be assessed to surtax for that year in respect of all income to which this paragraph applies in relation to that individual.

4. Where, in the case of any individual who, but for the operation of the law relating to trading with the enemy, would be entitled to any income which is payable to a custodian, the Special Commissioners,

4TH SCH.
—cont.

on any information before them, are of opinion that any income (not being income to which the preceding paragraphs of this Part of this Schedule apply) would, if notice to make a return were served on that individual, fall to be included in his total income for surtax purposes, they may, without any notice to make a return being served on him or any notice of assessment, make an assessment to surtax upon that individual in respect of that income.

Payment of tax by custodian.

5. A custodian shall, save as expressly provided in this Part of this Schedule, pay or cause to be paid, out of money in his hands to which some other person would be entitled but for the operation of the law relating to trading with the enemy, any income tax (including surtax) assessed on a custodian by virtue of paragraph 1 or paragraph 3 of this Part of this Schedule, which, but for the operation of that law, would have been chargeable on or borne by that other person.

6.—(1) A custodian shall, on demand of the Commissioners of Inland Revenue as respects tax other than surtax, and on demand of the Special Commissioners as respects surtax, pay or cause to be paid, out of money in his hands to which some other person would be entitled but for the operation of the law relating to trading with the enemy, any sum stated in the demand to be due from that person in respect of income tax other than surtax, or in respect of surtax, as the case may be, for whatever year of assessment (including years before the year 1939-40).

(2) Any sum paid by a custodian in pursuance of such a demand shall be deemed for the purposes of the Income Tax Acts to have been paid by the person who is stated in the demand to be the person from whom it is due.

(3) A sum may be included in any such demand as aforesaid notwithstanding that the relevant assessment is, or is still capable of being, the subject of an appeal.

Effect of release of property or income by custodian.

7. Where a custodian releases to or for the benefit of, or to the personal representatives of, any person who has ceased to be an enemy or has died everything in the custodian's hands to which that person or his personal representatives, as the case may be, would, but for the operation of the law relating to trading with the enemy, be entitled—

(a) any income which, but for the operation of that law, would have belonged to that person or to some person under whom he claims, shall thereafter be treated for all the purposes of the Income Tax Acts as having been income of the person whose income it would have been for those purposes but for the operation of the said law ;

(b) all income tax (including surtax) paid by deduction or otherwise by a custodian in respect of any such income shall thereafter be treated as having been paid by, and all reliefs allowed

to a custodian in respect of any such income shall thereafter be treated as having been allowed to, the last-mentioned person; and

- (c) appeals may thereafter be brought by the last-mentioned person or his personal representatives against any assessment (including any assessment to surtax) made on a custodian in respect of any such income as if the assessment had been made on him.

8. Where an assessment is made under any of the preceding provisions of this Part of this Schedule on a custodian and, whether before or after the making of the assessment, the income or any part thereof is paid, transferred or released, or permitted to be paid or transferred, to any other person by the custodian, so much, if any, of the tax payable by virtue of the assessment as cannot, under the preceding provisions of this Part of this Schedule, be paid by the custodian shall be a debt due to the Crown—

- (a) in a case to which the last preceding paragraph applies, from the person whose income it is, under that paragraph, treated as having been, or his personal representatives; and
 (b) in any other case, from the person to whom the income is so paid, transferred or released,

and may be recovered accordingly, and the custodian shall cease to be liable in respect of the tax.

Relaxation of time limits.

9. Notwithstanding anything in the Income Tax Acts limiting the time for making assessments, assessments may be made under paragraphs 1, 3 and 4 of this Part of this Schedule at any time before such date as Parliament may hereafter determine, and any appeal against any such assessment, and any claim made either by a custodian or by virtue of paragraph 7 of this Part of this Schedule to relief from tax, may, notwithstanding anything in the Income Tax Acts restricting the time for bringing appeals or making claims for relief, be brought or made at any time before the said date.

Supplementary.

10. For the purposes of paragraphs 1 to 4 of this Part of this Schedule it shall, except so far as the contrary is proved, be assumed that nothing has occurred since the third day of September, nineteen hundred and thirty-nine, to change the persons who, but for the operation of the law relating to trading with the enemy, would be entitled to any money or property, or to income therefrom, and any assessment under paragraph 1 or paragraph 3 of this Part of this Schedule shall specify the person who has been taken to be the person who, but for the operation of the said law, would have been entitled to the relevant income.

11. Where income from any source for any year of assessment would become payable to a custodian but for the fact that no income from that source is available for payment in that year, but, apart from the operation of the law relating to trading with the enemy, income tax would nevertheless be chargeable in respect of income from that source for that year, the provisions of this Part of this Schedule shall have effect as if income from that source had been available for payment in that year and become payable to the custodian.

4TH SCH.
—cont

12. In this Part of this Schedule, the expression "income" means income for the purposes of the Income Tax Acts :

Provided that the said expression includes any rents, profits or other sums arising from any land, and any tax under Schedule A or Schedule B in respect of any land shall be treated as tax in respect of income from that land.

Years to which this Part of this Schedule applies.

13. This Part of this Schedule shall have effect with respect to income tax (including surtax) for the year 1939-40 and subsequent years of assessment and, to the extent expressly provided by paragraph 6 of this Part of this Schedule, with respect also to income tax (including surtax) for previous years of assessment.

PART II.

ESTATE DUTY.

1. Property which, but for the operation of the law relating to trading with the enemy, would, for the purposes of the enactments relating to estate duty, pass on the death of a person or be included to a particular extent in property so passing shall, on the death of that person, be deemed for those purposes to pass or to be included to that extent in property so passing, as the case may be.

2. Where, but for the operation of the law relating to trading with the enemy, there would have existed at the death of the deceased a debt for which an allowance would have been made under subsection (1) of section seven of the Finance Act, 1894, by deduction from the value of any property deemed to pass as aforesaid, an allowance of the like amount shall be made, and deducted from the value of that property.

3. On the death of a person who, immediately before his death, would, but for the operation of the law relating to trading with the enemy, have been entitled to any property in the hands of or money payable to a custodian, the custodian shall be accountable for any estate duty in respect of any property of which the deceased would, but for the operation of the said law, have been competent to dispose at his death, but shall not be liable for any duty in excess of the amount which can be raised from, or from the proceeds of, property which is in his hands when he first receives notice of the death or which thereafter comes into his hands, being in either case property of which the deceased would have been competent to dispose as aforesaid.

4. No property shall be deemed for the purposes of section four of the Finance Act, 1894, to be property in which the deceased never had an interest if the deceased would at some time have had an interest therein but for the operation of the law relating to trading with the enemy.

5. A custodian shall, on demand of the Commissioners of Inland Revenue, pay or cause to be paid, out of property in his hands or money payable to him, any sum stated in the demand to be due in respect of, or of interest on, estate duty, being duty for the satisfaction of which that property or money is, or would, but for the operation of the law relating to trading with the enemy be, available.

6. Where a custodian releases to the executor of any person everything in his hands to which the executor would, but for the operation

of the law relating to trading with the enemy, be entitled, the executor shall be accountable for all estate duty and interest on estate duty for the satisfaction of which the property released is, or but for the operation of the said law would have been, available, in so far as that duty and interest remains unpaid and the custodian shall cease to be accountable therefor.

7. This Part of this Schedule shall have effect, and be deemed always to have had effect, in relation to deaths occurring on or after the third day of September, nineteen hundred and thirty-nine :

Provided that, where before the passing of this Act a trustee or executor has distributed any property, his maximum liability for duty and interest remaining unpaid shall not exceed the amount which can be raised from, or from the proceeds of, property in his hands at the passing of this Act or coming into his hands thereafter, being in either case property which he received as trustee or executor.

PART III.

LEGACY DUTY AND SUCCESSION DUTY.

1. For the avoidance of doubt it is hereby declared that, where any money or other property is paid to or vested in a custodian and, but for the operation of the law relating to trading with the enemy, that money or property would have been paid to or become vested in some other person under such circumstances that legacy duty or succession duty would have become payable, the custodian is accountable for the duty, except so far as it is paid by any other person.

2. Where, whether before or after the passing of this Act, a custodian releases to a person property to which that person would, but for the operation of the law relating to trading with the enemy, have become beneficially entitled upon or by virtue of the death of any person, then, whether the death occurred before or after the passing of this Act, the title of the first-mentioned person to the property shall, for the purposes of the enactments relating to legacy duty and succession duty, be deemed to have been created by the same instrument or the same operation of law that would have created it if the law relating to trading with the enemy had not come into operation, the enactments relating to the said duties shall have effect accordingly and, as respects property released after the passing of this Act, the custodian shall be accountable for the duties in the like manner and to the like extent as the person who, if the said law had not come into operation, would have been accountable.

3. Where, whether before or after the passing of this Act, a custodian releases to a person property which thereupon becomes subject to trusts, express or implied, which secure the application or devolution of the property in the manner in which it would have been applied or would have devolved if the law relating to trading with the enemy had not come into operation, any title to property arising by virtue of the said trusts shall, for the purposes of the enactments relating to legacy duty and succession duty, be deemed (whether the relevant death took place before or after the passing of this Act) to have been created by the same instrument or the same operation of law that would have created it if the law relating to trading with the enemy had not come into operation, and the said enactments shall have effect accordingly :

4TH SCH.
—cont.

Provided that, where before the passing of this Act the trustee has distributed any property, his maximum liability for duty remaining unpaid shall not exceed the amount which can be raised from, or from the proceeds of, property in his hands at the passing of this Act or coming into his hands thereafter, being in either case property which he received as trustee.

4. Nothing in the last two preceding paragraphs shall render any legacy duty or succession duty payable in respect of any property in connection with any death if, under paragraph 1 of this Part of this Schedule, legacy duty or, as the case may be, succession duty is payable in respect of that property in connection with that death.

PART IV.

GENERAL.

1.—(1) Any custodian and any person who holds any property to the order of any custodian, on being requested in writing by the Commissioners of Inland Revenue or the Special Commissioners so to do, shall furnish to the Commissioners making the request, within such time, not being less than twenty-eight days, as may be specified therein, such particulars as those Commissioners may require for the purpose of enabling any tax or duty to be charged or recovered in accordance with the provisions of this Schedule.

(2) If any person other than a custodian fails without reasonable excuse to comply with any request under this paragraph within the time specified in the request he shall be liable to a penalty not exceeding fifty pounds and, after judgment has been given for that penalty, to a further penalty of the like amount for every day during which the failure continues.

2. In this Schedule the following expressions have the meanings hereby respectively assigned to them, that is to say,—

“the law relating to trading with the enemy” includes the Trading with the Enemy Act, 1939, the Defence (Trading with the Enemy) Regulations, 1940, and any orders made by the Treasury or the Board of Trade under or by virtue of that Act or those Regulations, and, except in relation to property in enemy territory within the meaning of that Act, includes also any corresponding law of any country or territory outside the United Kingdom ;

“custodian” means a custodian of enemy property appointed under the said Act ;

“property” has the meaning assigned to it by section seven of the said Act ;

and any reference in this Schedule to any money, property or income received by or in the hands of a custodian shall be construed as including a reference to money, property or income held to the order of a custodian.

3. Part I of this Schedule shall be construed as one with the Income Tax Acts, Part II of this Schedule shall be construed as one with Part I of the Finance Act, 1894, and Part III of this Schedule shall be construed as one with the enactments relating to legacy duty and succession duty.

FIFTH SCHEDULE.

Section 49.

ENACTMENTS REPEALED.

PART I.

Miscellaneous enactments repealed as from the passing of this Act.

Session and Chapter.	Short Title.	Extent of Repeal.
30 & 31 Vict. c. 5	The Dog Licences Act, 1867.	Section seven.
32 & 33 Vict. c. 14	The Revenue Act, 1869.	Sections twenty and twenty-one.
10 & 11 Geo. 5. c. 72	The Roads Act, 1920.	In section five, in subsection (6), the words from the beginning to "under this section, and".
3 & 4 Geo. 6. c. 48	The Finance (No. 2) Act, 1940.	Section twenty-two. In subsection (2) of section twenty-nine, the words from "by a person" to "materials" and the words "by that person". In section thirty-one, in subsection (2) the word "and", and subsections (3) and (4). In subsection (1) of section forty, in paragraph (b) the words "paragraph (a) of section eighteen of" and the words "the corresponding provisions of", and in paragraph (c) the words "as aforesaid". In subsection (1) of section forty-one, the definitions of "entered for home use" and "importer's purchase".
5 & 6 Geo. 6. c. 21	The Finance Act, 1942.	In section eighteen, in subsection (3), in paragraph (a), the words "if the purchase under which the goods are bought is other than an importer's purchase".
6 & 7 Geo. 6. c. 28	The Finance Act, 1943.	Subsection (1) of section one and Parts I, III and IV of the First Schedule.

5TH SCH.
—cont.

PART II.

Enactments relating to Armorial Bearings and Carriage Duties repealed as from 1st January, 1945.

Session and Chapter.	Short Title.	Extent of Repeal.
32 & 33 Vict. c. 14	The Revenue Act, 1869.	Part V and Schedule F.
35 & 36 Vict. c. 20	The Customs and Inland Revenue Act, 1872.	Section six.
38 & 39 Vict. c. 23	The Customs and Inland Revenue Act, 1875.	The whole Act.
51 & 52 Vict. c. 8	The Customs and Inland Revenue Act, 1888.	Section four, except the definition of "hackney carriage".
51 & 52 Vict. c. 41	The Local Government Act, 1888.	In the First Schedule, the words "Carriages" and "Armorial bearings".
57 & 58 Vict. c. 60	The Merchant Shipping Act, 1894.	In subsection (2) of section five hundred and twelve, the words "but a person shall not be liable to pay any duty in respect of any such waggon, cart or horses, by reason only of the use of the same under this section".
8 Edw. 7. c. 16...	The Finance Act, 1908.	In subsection (4) of section six, the words "carriages (including duties charged under subsection (1) of section eight of the Locomotives on Highways Act, 1896), armorial bearings".
10 & 11 Geo. 5. c. 72.	The Roads Act, 1920.	In subsection (1) of section one, the words "and the excise duties on licences for carriages imposed by section four of the Customs and Inland Revenue Act, 1888". In section five, in subsection (1), the words "or under section four of the Customs and Inland Revenue Act, 1888"; and subsection (6).

CHAPTER 24.

An Act to make temporary amendments of the Parliamentary Electors (War-Time Registration) Act, 1943, as to the qualifying date for an election and the qualifications required for registration in the civilian residence and business premises registers, and to provide for matters consequential thereon. [13th July 1944.]

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) In relation to any election initiated while this section is in force, the Parliamentary Electors (War-Time Registration) Act, 1943 (hereinafter referred to as the principal Act), shall have effect subject to the following modifications, that is to say:—

Qualifying date and qualifying period.

6 & 7 Geo. 6.
c. 48.

(a) subsection (4) of section one (which provides that the qualifying date shall be the last day of the month next before that in which the election is initiated) shall have effect as if the words "but one" were inserted therein after the word "next";

(b) for subsection (1) of section five (which defines the qualifications required for registration in the civilian residence register), there shall be substituted the following subsection:—

"(1) Subject to the provisions of this Part of this Act, a person, being on the qualifying date a British subject of full age and not subject to any legal incapacity, shall be entitled to be registered in the civilian residence register for an election in any constituency if on that date that person is registered in the National Register as residing at a place in the constituency";

(c) in subsection (1) of section six (which defines the qualifications required for registration in the business premises register), the following words "and has throughout the period of two months ending with that date occupied those business premises or some other business premises in the same constituency" shall not have effect.

(2) This section shall expire with the thirty-first day of December, nineteen hundred and forty-five:

Provided that

- (a) if at any time while this section is in force, not being less than two months before the date on which it would otherwise expire, the Secretary of State is satisfied that sufficient staff and facilities are available for the operation of the principal Act as originally enacted, he shall make an order advancing the date of expiration to a date specified in the order ;
- (b) if at any such time a resolution is passed by each House of Parliament postponing the date of expiration to a date specified in the resolution, the date of expiration shall be postponed accordingly.

52 & 53 Vict.
c. 63.

(3) On the expiration of this section, subsection (2) of section thirty-eight of the Interpretation Act, 1889, shall apply as if this section had then been repealed by another enactment ; and where the day fixed for nomination at any election occurs before the expiration of this section, but the poll has not taken place before the expiration of this section, this section shall continue in force for the purposes of the election.

Consequential
amendments.

2.—(1) The said section five of the principal Act shall have effect as respects elections initiated after the date of the expiration of the last foregoing section as if in paragraph (b) of subsection (1) of the said section five (which provides for continuing the qualification of an elector who removes from one constituency without obtaining a qualification in another) the reference to the appointed day were a reference to the said date.

(2) Electoral registration regulations shall not be made under subsection (3) of section twelve of the principal Act (which provides for altering the procedure for compilation of the register as soon as the Secretary of State is satisfied that sufficient staff and facilities are available) so as to have effect while the last foregoing section is in force.

Short title
and
citation,

3. This Act may be cited as the Parliamentary Electors (War-Time Registration) Act, 1944, and may be cited together with the principal Act as the Parliamentary Electors (War-Time Registration) Acts, 1943 and 1944, and shall be included among the Acts which may be cited as the Representation of the People Acts.



CHAPTER 25.

An Act to enable the functions of the Attorney General, of the Lord Advocate and of the Attorney General for Northern Ireland to be discharged respectively by the Solicitor General, by the Solicitor General for Scotland and by deputy in certain cases. [13th July 1944.]

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) Any functions authorised or required, by any enactment to which this subsection applies, to be discharged by the Attorney General may be discharged by the Solicitor General, if— Attorney General and Solicitor General.

- (a) the office of Attorney General is vacant ; or
- (b) the Attorney General is unable to act owing to absence or illness ; or
- (c) the Attorney General authorises the Solicitor General to act in any particular case.

The enactments to which this subsection applies are—

- (i) any enactment passed before the commencement of this Act which makes no provision for enabling the Solicitor General to discharge the functions of the Attorney General thereunder, or which makes provision enabling him to discharge them only in certain circumstances defined by the enactment ; and
 - (ii) any enactment passed after the commencement of this Act which does not expressly provide that this section shall not apply thereto.
- (2) During any period when the office of Attorney General is vacant, any certificate, petition, direction, notice, proceeding or other document, matter or thing whatsoever authorised or required, by any enactment to which this subsection applies, to be given, delivered, served, taken or done to, on or against the Attorney General, may be given, delivered, served, taken or done to, on or against the Solicitor General.

The enactments to which this subsection applies are—

- (a) any enactment passed before the commencement of this Act ; and
- (b) any enactment passed after the commencement of this Act which does not expressly provide that this subsection shall not apply thereto.

K

Lord
Advocate
and Solicitor
General for
Scotland.

2.—(1) Any functions authorised or required, by any enactment or otherwise, to be discharged by the Lord Advocate may be discharged by the Solicitor General for Scotland, if—

- (a) the office of Lord Advocate is vacant ; or
- (b) the Lord Advocate is unable to act owing to absence or illness ; or
- (c) the Lord Advocate authorises the said Solicitor General to act in any particular case.

(2) During any period when the office of Lord Advocate is vacant, any certificate, notice, information, intimation, proceedings or other matter or thing whatsoever authorised or required by any enactment to be given, made, directed or done to or against the Lord Advocate may be given, made, directed or done to or against the Solicitor General for Scotland.

(3) In this section the expression "enactment" includes any enactment passed before the commencement of this Act, and, unless the contrary intention appears, any enactment passed thereafter :

50 & 51 Vict.
c. 35.

Provided that nothing in this section shall derogate from or prejudice the provisions of section three of the Criminal Procedure (Scotland) Act, 1887.

Attorney
General for
Northern
Ireland and
deputy.

3.—(1) If at any time the Governor of Northern Ireland, by virtue of section two of an Act of the Parliament of Northern Ireland known as the Office of Attorney General Act (Northern Ireland), 1923, appoints a deputy to act as Attorney General for Northern Ireland, then, during the continuance of the appointment, references to the Attorney General for Northern Ireland in any enactment to which this section applies shall, in relation to matters which are not for the time being within the powers of the Government of Northern Ireland, be construed as references to the deputy so appointed.

- (2) The enactments to which this section applies are—
- (a) any enactment passed before the commencement of this Act which makes no provision for enabling such a deputy as aforesaid to discharge the functions of the Attorney General for Northern Ireland thereunder in relation to such matters as aforesaid ; and
 - (b) any enactment passed after the commencement of this Act which does not expressly provide that this section shall not apply thereto.

Short title.

4. This Act may be cited as the Law Officers Act, 1944.

CHAPTER 26.

An Act to make provision as to water supplies, sewerage and sewage disposal in rural localities, and to make expenses incurred by rural district councils in connection with water supply, sewerage and sewage disposal general expenses. [27th July 1944.]

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

1.—(1) Subject to such conditions as the Treasury may determine, the Minister of Health (in this Act referred to as "the Minister") may, in any case in which it appears to him to be desirable so to do, undertake to make a contribution towards the expenses incurred by a local authority at any time after the passing of this Act—

- (a) in providing a supply, or improving an existing supply, of water in a rural locality ;
- (b) in making adequate provision for the sewerage, or the disposal of the sewage, of a rural locality ;

Provided that the Minister shall not undertake to make a contribution towards the expenses of making provision for the sewerage, or the disposal of the sewage, of a rural locality unless he is satisfied that the need for making the provision is due to anything done or proposed to be done, whether before or after the passing of this Act, to supply, or increase the supply of, water in pipes in that locality.

(2) Subject to the provisions of the next succeeding subsection, an undertaking under this section shall provide for the making of the contribution in the form of a lump sum, payable either as a whole on the completion of the works to be executed or of the transaction to be effected for the purposes of the supply of water, or the purposes of sewerage or sewage disposal, as the case may be, or, in the case of the execution of works, in instalments on the completion of parts of the works.

(3) Where the expenses incurred by the local authority are expenses in respect of liabilities arising from time to time under a lease or hiring agreement or a contract for the supply of water or for sewage disposal, an undertaking under this section may provide for the making of the contribution in the form of sums payable from time to time, within any period not exceeding twenty years from the date of the undertaking.

In this subsection, the expression "contract for the supply of water" includes any undertaking to make, or guarantee of,

payments to a person supplying water given under section one hundred and twenty-three of the Public Health Act, 1936, or under this Act.

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

(4) The Minister may withhold, or reduce the amount of, a contribution which he has undertaken to make towards the expenses incurred by a local authority in respect of any works or transaction, if it appears to him either—

- (a) that any of the works have been executed in an unsatisfactory manner ; or
- (b) that the effectiveness of any of the works is substantially less than as estimated in the proposals submitted to him by the local authority, and that the difference is due to any default, for which the local authority is responsible, in the formulation of the proposals ; or
- (c) that there has been any default in the carrying out of the transaction.

(5) Any contributions made by the Minister under this section shall be defrayed out of moneys provided by Parliament, and shall not, in the aggregate, exceed fifteen million pounds.

(6) Local authorities, for the purposes of this section, shall be—

- (a) the council of any borough or urban or rural district ;
- (b) the council of a county which is for the time being exercising the functions relating to water supply or sewerage or sewage disposal of any such council as aforesaid by virtue of an agreement under section three hundred and twenty, or an order under section three hundred and twenty-two, of the Public Health Act, 1936, or by virtue of a local Act (whether passed before or after the passing of this Act) ;
- (c) a joint board, or joint committee, constituted by or under any Act (whether public general or local and whether passed before or after the passing of this Act) for the purposes of the provision of a common water supply or common sewerage or common sewage disposal.

24 & 25
Geo. 5. c. 7.

(7) The Rural Water Supplies Act, 1934, shall cease to have effect except as respects undertakings thereunder given before the passing of this Act.

Contributions
by county
councils.

2.—(1) Where the Minister undertakes under the preceding section to make a contribution towards expenses incurred by the council of any borough or urban or rural district or by a joint board or joint committee, the council of the county within which the area of the authority to whom the undertaking is given falls, or, where that area falls within more than one county, the councils of each of the counties, shall undertake to make towards those expenses contributions of such amount, and payable at such times and subject to such conditions, as may be agreed between

the council and the authority or in default of agreement as may be determined by the Minister :

Provided that, where the amount of any such contribution is determined by the Minister, it shall not, without the consent of the council of the county, exceed the amount of the contribution which the Minister has himself undertaken to make.

(2) Where the council of any borough or urban or rural district or a joint board or joint committee submit to the Minister proposals with a view to his undertaking, under the preceding section, to make a contribution towards the expenses incurred by them in carrying out the proposals, they shall—

(a) before submitting the proposals to him, transmit for their observations thereon particulars thereof to the council of any county which will, under this section, be bound to undertake to make contributions towards those expenses if the Minister gives the undertaking ; and

(b) report to the Minister, when they submit the proposals to him, the observations, if any, of any such county council thereon.

(3) Where, under the preceding section, the Minister withholds, or reduces the amount of, a contribution which he has undertaken to make thereunder towards any such expenses as aforesaid, the council of the county may withhold, or, as the case may be, reduce in the same proportion, the amount of the contributions which they have undertaken under this section to make towards those expenses.

3.—(1) Every local authority shall provide a supply of wholesome water in pipes to every rural locality in their district in which there are houses or schools, and shall take the pipes affording that supply to such point or points as will enable the houses or schools to be connected thereto at a reasonable cost :

*Extension of
duties of
local authorities
and joint
boards as to
water supply.*

Provided that—

(a) this subsection shall not require a local authority to do anything which is not practicable at a reasonable cost ; and

(b) if any question arises under this subsection as to whether anything is or is not practicable at a reasonable cost or as to the point or points to which pipes must be carried in order to enable houses or schools to be connected to them at a reasonable cost, the Minister, if requested so to do by the council of the county or by ten or more local government electors in the district of the local authority, shall, after consulting the local authority, and, where the request was made by local government electors, after consulting also the council of the county, if any, determine that question and the local authority shall give effect to his determination.

(2) The Public Health Act, 1936, shall have effect as if the obligations imposed by the preceding subsection were part of the obligations imposed on local authorities by section one hundred and eleven of that Act, and expressions to which a meaning is assigned by section three hundred and forty-three of that Act have the same meanings for the purposes of this section.

38 & 39 Vict.
c. 55.

(3) The obligations of any joint board constituted under the Public Health Act, 1875, or, before the passing of this Act, under the Public Health Act, 1936, for the purpose of discharging the functions relating to water supply of two or more local authorities shall, as respects rural localities within the district of the board, include the obligations which are imposed on local authorities by virtue of the preceding provisions of this section as respects rural localities within their respective districts, and the enactments and orders relating to any such board shall have effect accordingly.

Amendment
of s. 322
of the Public
Health
Act, 1936.

4. Where—

- (a) the Minister has made an order under subsection (2) of section three hundred and twenty-two of the Public Health Act, 1936, declaring a council or joint board to be in default; and
- (b) that council or board has failed to comply with any requirement thereof within the time limited thereby for compliance with that requirement; and
- (c) the Minister is satisfied that that requirement is a requirement connected with the supply of water in, or with the sewerage or the disposal of the sewage of, a rural locality,

the power of the Minister under subsection (3) of that section shall extend to the making of an order transferring to himself functions of the body in default, notwithstanding that the body in default is such a body as is mentioned in paragraph (i) of that subsection.

Duty of
statutory
water under-
takers to
accept
guarantees
from local
authorities.

5.—(1) The provisions of this section shall have effect in any case where the owners or occupiers of any premises in a rural locality can require statutory water undertakers to bring water to that locality if the aggregate amount of the water rates which will be payable annually in respect of those premises will not be less than a prescribed fraction of the cost to be incurred by the undertakers in complying with the requisition, and if the owners or occupiers of those premises agree to take a supply of water for a prescribed period.

(2) If, in any such case as aforesaid, the aggregate amount of the water rates which would be payable annually in respect of any premises in the locality is not sufficient to enable a valid requisition to be made by the owners and occupiers of those premises, the local authority of the district in which the locality is situate may undertake that, until the water rates paid for any year in respect of premises in that locality amount to a sum which would have enabled such a requisition to be made, the authority will

make good to the undertakers in each year the difference between that sum and the amount of the water rates actually paid in respect of premises in that locality, and, thereupon, the undertakers shall lay any necessary mains and bring water to that locality.

(3) Any two or more local authorities may combine for the purposes of giving such an undertaking as aforesaid.

(4) If the undertakers, after tender to them of an undertaking which satisfies the preceding provisions of this section, do not before the expiration of three months lay the necessary mains and bring water to the locality in question, they shall, unless they show that the failure was due to unavoidable accident or other unavoidable cause, be liable on summary conviction to a fine not exceeding fifty pounds and to a further fine not exceeding five pounds for each day on which their default continues after conviction therefor.

(5) In this section the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“local authority” means the council of a borough, urban district or rural district;

“prescribed” means prescribed by the enactments regulating the undertaking in question;

“statutory water undertakers” means any company, local authority, board, committee or other persons or person supplying water under any enactment;

“enactment” means an enactment in an Act of Parliament whether public general, local or private and a provision in an order confirmed by or made under an Act of Parliament.

6. Notwithstanding anything in section three hundred and eight of the Public Health Act, 1936, all expenses incurred (whether before or after the passing of this Act) by a rural district council in connection with sewers or sewage disposal works or a supply of water shall, in so far as they fall to be defrayed out of rates made in respect of periods beginning after the end of March, nineteen hundred and forty-five, be ^{Sewerage, sewage disposal and water supply} general expenses.

7. This Act shall apply to Scotland subject to the following ^{Application to Scotland.} modifications:—

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

(2) in the application of section one—
for subsections (5) and (6) the following subsections shall be respectively substituted:—

“(5) Any contributions made by the Secretary of State, under this section shall be defrayed out of moneys provided by Parliament and shall not, in

the aggregate, exceed six million three hundred and seventy-five thousand pounds.

(6) Local authorities for the purposes of this section shall be—

- (a) the council of any burgh or county ;
- (b) a combination of any such councils whether constituted under the Public Health (Scotland) Act, 1897, or otherwise for the purposes of the provision of a common water supply or of works in regard to sewerage ;
- (c) any board or any trustees or other body constituted under a local Act for the purposes of the provision of a water supply or of sewerage ;”

(3) in the application of section three—

- (i) the expression “ local authority ” means a county or town council or a combination of any such councils whether constituted under the Public Health (Scotland) Act, 1897, or otherwise for the purposes of the provision of a common water supply, or any board or any trustees or other body constituted under a local Act for the purposes of the provision of a water supply ;
- (ii) proviso (b) to subsection (1) shall have effect as if any reference to the council of the county were omitted ;
- (iii) for subsection (2) the following subsection shall be substituted :—

“ (2) The obligations imposed by this section shall, for the purposes of section one hundred and forty-seven of the Public Health (Scotland) Act, 1897 (which makes provision for refusal or neglect of a local authority), be deemed to be imposed by that Act ”.

(iv) subsection (3) shall not apply ;

(4) sections two, four, five and six shall not apply.

8.—(1) This Act may be cited as the Rural Water Supplies and Sewerage Act, 1944.

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

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

Provided that the repeal of provisions of the Public Health Act, 1936, shall not affect any expenses in so far as they are defrayed out of rates made in respect of periods ending before the first day of April, nineteen hundred and forty-five.

60 & 61 Vict.
c. 38.

Short title,
extent and
repeals.

SCHEDULE.

Section 8.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
24 & 25 Geo. 5. c. 7.	The Rural Water Supplies Act, 1934.	The whole Act except as respects undertakings there-under given before the passing of this Act.
26 Geo. 5. & 1 Edw. 8. c. 49.	The Public Health Act, 1936.	In section twelve, the words "of works of sewerage, sewage disposal or water supply, or" and the word "other". In section three hundred and eight, paragraphs (a) and (b) of subsection (1), subsection (2) and, in subsection (3), the words "and, if those expenses were incurred in respect of separate undertakings for supplying water, those undertakings shall for the purposes of this Act and of the Local Government Act, 1933, be deemed to be one undertaking".

CHAPTER 27.

An Act to amend the law with respect to customs in the Isle of Man. [27th July 1944.]

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

1.—(1) Subject to the provisions of this section, the duties of Annual duties customs imposed on goods removed or imported into the Isle of Man, being goods of the descriptions set out in the first column of the following Table, by the respective enactments set out in (continuation).

the second column of that Table, shall continue to be payable until the first day of August, nineteen hundred and forty-five :—

TABLE

	Description of goods.	Enactment imposing duty.
3 & 4 Geo. 6. c. 49.	Ale and beer... ..	Section 1 of the Act of 1940.
14 & 15 Geo. 5. c. 24.	Cocoa	Section 4 of the Act of 1924.
15 & 16 Geo. 5. c. 56.	Hops and extracts, essences and other similar preparations (other than hop oil) made from hops.	Section 5 of the Act of 1925.
20 & 21 Geo. 5. c. 1.	Hop oil	Section 3 of the Act of 1929.
	Matches	Section 6 of the Act of 1940.
	Silk and artificial silk and articles made wholly or in part from silk or artificial silk.	Section 7 of the Act of 1925, as amended by section 8 of the Act of 1926, section 9 of the Second Act of 1932, section 4 of the Act of 1933, section 3 of the Act of 1936 and section 3 of the Act of 1937.
16 & 17 Geo. 5. c. 27.		
22 & 23 Geo. 5. c. 41.		
23 & 24 Geo. 5. c. 40.		
26 Geo. 5 & 1 Edw. 8. c. 45.		
1 Edw. 8. & 1 Geo. 6. c. 64.		
6 & 7 Geo. 6. c. 37.	Spirits	Section 1 of the Act of 1943.
	Sweets	Section 3 of the Act of 1943.
1 & 2 Geo. 6. c. 68.	Tea	Section 5 of the Act of 1938.
	Tobacco	Section 4 of the Act of 1943.
	Wines	Section 2 of the Act of 1943.

(2) Where any enactment set out in the second column of the foregoing Table confers power on the Governor to make orders varying or repealing the duties of customs payable on the goods referred to in that enactment or imposing a new duty on such goods, the provisions of that enactment relating to the said power shall continue in force until the said first day of August, nineteen hundred and forty-five, and the foregoing provisions of this section shall have effect subject to any orders made in pursuance of any such power (whether before or after the commencement of this Act) which are for the time being in force.

Short title.

2. This Act may be cited as the Isle of Man (Customs) Act, 1944.

CHAPTER 28.

Agriculture (Miscellaneous Provisions) Act, 1944.

ARRANGEMENT OF SECTIONS.

Section.

1. National Agricultural Advisory Service.
2. Increase of resources of Agricultural Mortgage Corporation.
3. Minimum time rates of wages for agricultural workers employed on piece work.
4. Period for making Exchequer contributions towards purchases of lime.

Section.

5. Supply of water to farm houses and cottages.
 6. Extension of 21 & 22 Geo. 5. c. 43 to pigs, and minor corrections of that Act.
 7. Extension of time for recovery of expenses of drainage works or of improving ways over fen-land.
 8. Application to Scotland.
 9. Application to Northern Ireland.
 10. Short title.
- SCHEDULE.—Compensation and superannuation benefits of officers.

An Act to provide for the establishment of a National Agricultural Advisory Service, and for increasing the resources of the Agricultural Mortgage Corporation and the Scottish Agricultural Securities Corporation, and otherwise to amend the law relating to agriculture and matters connected therewith. [27th July 1944]

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

1.—(1) The Minister of Agriculture and Fisheries (hereafter in this Act referred to as "the Minister") shall, as from the appointed day, establish and maintain a National Agricultural Advisory Service for giving free of charge technical advice and instruction, whether practical or scientific, on agricultural matters, and may appoint for that purpose such officers and other staff as he may with the approval of the Treasury determine.

(2) As from the day fixed for the purposes of this subsection, there shall be transferred and attached to the Ministry of Agriculture and Fisheries all such persons as have made an application in that behalf in such manner and within such time as may be prescribed by regulations made by the Minister, being persons who were on the twenty-third day of August, nineteen hundred and thirty-nine, employed in a whole-time capacity either—

- (a) by the council of any county wholly or mainly on or in connection with the giving of advice or education on agricultural matters; or
- (b) at any university or agricultural college on or in connection with the giving of specialist advice on agricultural matters other than agricultural economics;

and who between then and the date of their application have been continuously employed as aforesaid or, while not so employed, have been engaged in a whole-time capacity in war service or partly engaged in war service and partly employed as mentioned in paragraph (a) or (b) of this subsection:

Provided that, where the Minister receives an application under this subsection from an officer or servant of a county council, or a person engaged in war service who ceased to be such an officer or servant in order to undertake such service, he shall inform the council of the receipt of the application, and, if on representations made to him within one month thereafter he is satisfied that the applicant's services should be retained by the council in order to enable the council to discharge their functions in connection with agricultural education, the applicant shall not be transferred under this subsection.

The day fixed for the purposes of this subsection shall be the appointed day or such earlier day as the Minister may fix in any particular case or, in the case of persons engaged in war service on the appointed day, such later day as the Minister may fix in any particular case.

(3) There shall be paid to persons appointed or transferred under this section such salaries or remuneration as the Minister may, with the approval of the Treasury, determine.

(4) Part I of the Schedule to this Act shall have effect with respect to the compensation of officers and servants of county councils who are not entitled to be transferred to the Ministry of Agriculture and Fisheries on an application made for the purpose under subsection (2) of this section, and Part II of that Schedule shall have effect with respect to the superannuation benefits of persons transferred under that subsection who are or have been officers or servants of county councils.

(5) The expenses of the Minister under this section (including the salaries and other remuneration payable to persons appointed or transferred under this section) shall be defrayed out of moneys provided by Parliament.

(6) In this section the following expressions have the meanings hereby respectively assigned to them :—

“ agriculture ” includes dairy farming, livestock breeding, poultry farming, bee keeping, fruit growing, vegetable growing and horticulture ; and the expression “ agricultural ” shall be construed accordingly ;

“ appointed day ” means such day as may be appointed by order of the Minister ;

“ war service ” means service in His Majesty's forces and any employment which the Minister considers may properly be treated for the purposes of subsection (2) of this section in the same manner as service in those forces.

2.—(1) The Minister may agree with the Agricultural Mortgage Corporation formed for the purposes of Part I of the Agricultural Credits Act, 1928 (hereafter in this section referred to as "the Corporation") that, if the Memorandum and Articles of the Corporation are altered so as to contain the provisions hereafter mentioned in this section, he will for the purpose of increasing the Corporation's guarantee fund make advances to the Corporation not exceeding in the aggregate, with the advances made by him to that fund under the said Part I, two million five hundred thousand pounds and on the same conditions as to repayment and as to payment of interest as the last-mentioned advances.

Increase of resources of Agricultural Mortgage Corporation. 18 & 19 Geo. 5. c. 43.

Any sums required for the purpose of making advances under this subsection shall be issued out of the Consolidated Fund or the growing produce thereof at such times and to such amounts as the Treasury think fit; and any sums paid by the Corporation by way of repayment of or interest on any such advances shall be paid into the Exchequer.

(2) If the Memorandum and Articles of the Corporation are altered as aforesaid, the maximum amount of the payment which may be made out of moneys provided by Parliament by the Minister to the Corporation under section thirty-two of the Agricultural Development Act, 1939, in the year in which they are so altered or any subsequent year shall be one hundred and fifty thousand pounds instead of sixty thousand pounds.

2 & 3 Geo. 6. c. 48.

(3) The provisions to be contained in the Memorandum or Articles as above mentioned are provisions—

- (a) for securing that, so long as any part of the advances made by the Minister to the guarantee fund (whether under the said Part I or under this section) remains outstanding, two of the directors shall be persons nominated by the Minister and that the number of directors shall not exceed five in addition to the two persons so nominated and the person nominated by the Treasury in accordance with the said Part I;
- (b) for restricting the dividends on the share capital of the Corporation for any year at the beginning of which any part of the said advances remains outstanding to three and a half per cent. per annum, and for providing that the dividend for any such year shall not be cumulative so as to be payable in a later year;
- (c) for securing that in any year after the year nineteen hundred and fifty-eight in which the total reserves exceed twelve and a half per cent. of the liabilities of the Corporation there shall be allocated to the repayment of the guarantee fund one half of the profits remaining

after payment of the maximum dividend on the share capital, and that for this purpose the reserves shall be taken to include, and the liabilities shall be taken to exclude, the guarantee fund and the share capital.

19 & 20 Geo. 5.
c. 23.

(4) The provisions above referred to may be included in the Memorandum or Articles notwithstanding anything in subsection (3) of section two of the Agricultural Credits Act, 1928, or anything in the Companies Act, 1929; and any alterations of the Memorandum for the purpose of inserting any of those provisions, and any alterations thereof declared by the Minister in giving his approval under subsection (2) of the said section two to be incidental to or consequential on their insertion, may be made by special resolution without being confirmed by an order of the court under section five of the Companies Act, 1929, and shall take effect as soon as made and approved by the Minister:

Provided that subsections (6) and (7) of the said section five (providing for delivery to the registrar of companies of copies of the order confirming an alteration in the Memorandum of a company and of a printed copy of the Memorandum as altered) shall apply as if any references to an office copy of the order confirming the alteration were a reference to a certified copy of the Minister's approval and the reference to the date of that order were a reference to the date of that approval.

Minimum
time rates
of wages for
agricultural
workers
employed on
piece work.
14 & 15 Geo. 5.
c. 37.

3.—(1) The power conferred by subsection (1) of section two of the Agricultural Wages (Regulation) Act, 1924, as amended by or under any subsequent enactment (hereafter in this section referred to as "the Act of 1924"), to fix minimum rates of wages for workers employed in agriculture for piece work shall include power to fix minimum time rates to apply in the case of workers employed on piece work for the purpose of securing to such workers a minimum rate of remuneration on a time work basis:

Provided that the minimum time rate for piece work shall not in any case be higher than the minimum rate which, if the work were time work, would be applicable thereto by virtue of the Act of 1924.

(2) Any minimum time rate for piece work may (without prejudice to the powers of fixing special rates conferred by subsection (2) of the said section two) be fixed so as to provide for a differential rate for work done in such circumstances that, if it were time work, it would be treated as overtime for the purposes of the minimum rate applicable thereto by virtue of the Act of 1924.

(3) In subsection (3) of the said section two (which empowers an agricultural wages committee to fix an individual rate of wages lower than the minimum for a worker employed on time

work who is affected by injury or other infirmity) after the words "employed on time work to which a minimum rate fixed under this Act is applicable" there shall be inserted the words "or on piece work to which a minimum time rate so fixed is applicable."

(4) Section four of the Act of 1924 (which empowers an agricultural wages committee to require the payment of extra wages to a worker who is employed on piece work for which no minimum piece rate has been fixed and who complains that his wages are too little by comparison with the minimum rate for time work) shall not apply in the case of a worker employed on piece work for which a minimum time rate has been fixed under this section.

(5) In relation to any workers for whom a special minimum rate for time work is fixed under any Defence Regulation in substitution for the minimum rate fixed under the Act of 1924, the references in subsections (1) and (2) of this section to the minimum rate for time work applicable by virtue of the said Act shall be construed as references to the minimum rate applicable by virtue of the Regulation.

4. In subsection (1) of section one of the Agriculture (Miscellaneous Provisions) Act, 1941 (which extended until the thirty-first day of July, nineteen hundred and forty-four, the period in respect of which Exchequer contributions towards purchases of lime might be made under Part I of the Agriculture Act, 1937), for the reference to the said thirty-first day of July there shall be substituted a reference to the thirty-first day of July, nineteen hundred and forty-seven.

Period for making Exchequer contributions towards purchases of lime.
4 & 5 Geo. 6. c. 50.
1 Edw. 8 & 1 Geo. 6. c. 70.

5.—(1) Where water is supplied or proposed to be supplied to any agricultural land, whether under a scheme under subsection (1) of section fifteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, or otherwise, and a scheme for extending the said supply so as to supply water for domestic purposes to dwelling houses occupied or usually occupied in connection with, or by persons employed in connection with, that land or any other agricultural land—

Supply of water to farm houses and cottages.
3 & 4 Geo. 6. c. 14.

- (a) has been submitted by the owner or occupier of each of the houses to the War Agricultural Executive Committee for the county or county borough in which the houses are situated; and
- (b) has been approved for the purposes of this section by that Committee;

the Minister may out of moneys provided by Parliament make, towards expenditure incurred by any person in carrying out the scheme for extending the said supply, grants of such amounts and subject to such conditions as the Treasury may approve:

Provided that no grant shall be made under this section if the Minister is satisfied that the scheme is not likely to be of practical and lasting utility having regard in particular to the situation of the houses in relation to any water mains maintained by statutory water undertakers and any probable extension of those mains.

(2) The reference in this subsection to subsection (1) of section fifteen of the Agriculture (Miscellaneous War Provisions) Act, 1940, shall be construed as a reference to that subsection as amended by section one of the Agriculture (Miscellaneous War Provisions) (No. 2) Act, 1940, and by section three of the Agriculture (Miscellaneous Provisions) Act, 1941.

3 & 4 Geo. 6.
c. 50.

Extension of
21 & 22 Geo. 5.
c. 43 to pigs,
and minor
corrections
of that Act.

6.—(1) The Improvement of Live Stock (Licensing of Bulls) Act, 1931, shall—

- (a) in England, as from such day as may be appointed by the Minister ; and
- (b) in Scotland, as from such day as may be appointed by the Secretary of State ;

apply to pigs as it applies to cattle, and for that purpose references therein to the appointed day, bulls, cows and cattle-breeding societies shall respectively have effect as references to the day appointed under this section, boars, sows (including gilts) and pig-breeding societies.

(2) For the avoidance of doubt it is hereby declared that, as respects the period during which Regulation eighteen of the Defence (Agriculture and Fisheries) Regulations, 1939 (which suspends certain provisions of the said Act as to the procedure on a change of ownership of a bull, or a change of address of the owner of a bull), continues in force, the said Act shall by virtue of the foregoing subsection apply to pigs subject to the modifications made by that Regulation.

(3) The powers of the Minister and the Secretary of State under subsection (2) of section two of the said Act to refuse to grant a licence to keep a bull or boar for breeding purposes shall include power to refuse to grant such a licence if he is not satisfied by the applicant that the bull or boar—

- (a) is registered or eligible for registration as a pedigree bull or boar with an approved breeding society ; or
- (b) conforms to the standard of type laid down for pedigree bulls or boars of that type by an approved breeding society, and is unlikely to beget progeny which do not conform to that standard.

In this subsection the expression “ approved breeding society ” means a cattle breeding or pig breeding society prescribed by regulations made under the said Act as an approved breeding society for the purposes of this subsection.

(4) Where a licence is refused by virtue of the last foregoing subsection, or by virtue of subsection (2) of the said section two on the ground that the bull or boar in question is of defective or inferior conformation and likely to beget defective or inferior progeny, and the applicant applies for a referee's inspection under section five of the said Act, the referee shall, in addition to inspecting the bull or boar, consider any information as to its breeding that may be given to him.

(5) The said Act shall have effect as if—

- (a) in subsection (7) of section three thereof (which penalises the holder of a licence or permit for failing to comply with certain requirements of that section as to the procedure on a change of ownership) for the words "subsection (5) of this section" there were substituted the words "subsection (6) of this section"; and
- (b) in paragraph (b) of subsection (1) of section five thereof (which allows the holder of a licence to appeal to a referee against the revocation of the licence on any ground other than that a condition of the licence has not been complied with) for the words "has not been complied with" there were substituted the words "has been contravened or not complied with."

(6) Any increase occasioned by the passing of this section in the expenses incurred under the said Act by the Minister within the meaning of that Act shall be defrayed out of moneys provided by Parliament.

7.—(1) The following enactments (which enable expenses incurred under the authority of the Minister in the execution of drainage works or in the improvement of ways over fen-lands to be recovered from owners of land upon whom notice is served within one year from the completion of the work), that is to say—

- (a) subsection (2) of section two of the Agriculture (Miscellaneous War Provisions) (No. 2) Act, 1940; and
- (b) paragraph 1 of the Third Schedule to the Agriculture (Miscellaneous Provisions) Act, 1941;

shall have effect as if for the words "one year" there were in each case substituted the words "two years".

(2) The foregoing provisions of this section shall apply in relation to expenses incurred before the date of the commencement of this Act notwithstanding that the work was completed more than one year before that date.

Provided that—

- (a) any notice served by virtue of this subsection, and any charge imposed by virtue of any such notice on the land specified therein, shall be void as against a purchaser of the land in pursuance of an agreement

entered into more than one year after the completion of the work and before the first day of May, nineteen hundred and forty-four, or any person claiming through or under such a purchaser, or any agent for any such purchaser or person, unless the notice is served before the completion of the purchase; and

- (b) subsection (2) of section seven of the Agriculture (Miscellaneous Provisions) Act, 1941, and, so far as it applies that subsection, subsection (2) of section eight of that Act (which authorise an owner of fen-land from whom any sum is recoverable in respect of expenses incurred in connection with the improvement of a way over the land to recover interest on that sum from the tenant of the land) shall not authorise the recovery from a tenant of interest on any sum recoverable from the owner by reason of a notice served by virtue of this subsection, if the tenancy was created in pursuance of an agreement entered into more than one year after the completion of the work and before the first day of May, nineteen hundred and forty-four.

In this subsection the expression "purchaser" means, in relation to any land, any person (including a mortgagee or lessee) who, whether before or after the commencement of this Act, acquires for money or money's worth any interest in that land or in a charge on that land.

- (3) The provisions of the last foregoing subsection shall not be taken to affect the operation as to any charge imposed as aforesaid of the Land Charges Act, 1925 (which provides among other things that certain charges shall be void as against a purchaser unless registered in accordance with that Act).

15 & 16 Geo. 5.
c. 22.

Application
to Scotland.

8. This Act shall in its application to Scotland have effect subject to the following modifications—

- (a) section one shall not apply;
(b) in section two—

(i) for references to the Minister of Agriculture and Fisheries there shall be substituted references to the Secretary of State;

(ii) for references to the Agricultural Credits Act, 1928, and the Agricultural Mortgage Corporation there shall be respectively substituted references to the Agricultural Credits (Scotland) Act, 1929, and the Scottish Agricultural Securities Corporation; and for the reference in subsection (1) to two million five hundred thousand pounds there shall be substituted a reference to four hundred and twenty-five thousand pounds;

19 & 20 Geo. 5.
c. 13.

(iii) for subsection (2) the following subsection shall be substituted :—

“(2) If the Memorandum and Articles of the Corporation are altered as aforesaid, the Secretary of State may, with the approval of the Treasury, make, out of moneys provided by Parliament to the Corporation in the year beginning on the first day of April nineteen hundred and forty-four and in each or any of the succeeding nineteen years, a payment not exceeding thirty thousand pounds, either by way of grant or by way of loan and on such terms as may be agreed between the Secretary of State and the Corporation with the approval of the Treasury.”

(iv) subsection (3) shall have effect as if paragraph (a) were omitted and as if in paragraph (c) for the reference to the year nineteen hundred and fifty-eight there were substituted a reference to the year nineteen hundred and sixty-three ;

(c) in section three, for references to the Agricultural Wages (Regulation) Act, 1924, to the Act of 1924, and to subsection (3) of section two of that Act, there shall be substituted respectively references to the Agricultural Wages (Regulation) (Scotland) Act, 1937, to the Act of 1937, and to subsection (6) of section two of that Act ;

(d) for section five the following section shall be substituted :—

“5. Section sixteen of the Agriculture Act, 1937, as amended by section three of the Agriculture (Miscellaneous Provisions) Act, 1941, shall have effect as if after the words ‘ the supply of water thereto ’ there were inserted the words ‘ or to owners or occupiers of dwelling houses occupied or usually occupied in connection with, or by persons employed in connection with, such land in respect of expenditure on the provision of a supply of water for domestic purposes to such dwelling houses ’.”

Edw. 8 &
Geo. 6. c. 53.

9. This Act, except the section relating to Exchequer contributions towards purchases of lime, shall not extend to Northern Ireland. Application to Northern Ireland.

10. This Act may be cited as the Agriculture (Miscellaneous Provisions) Act, 1944. Short title.

Section 1.

SCHEDULE.

COMPENSATION AND SUPERANNUATION BENEFITS OF OFFICERS.

PART I.

Compensation of displaced officers.

1. If, in consequence of the passing of section one of this Act or of anything done in pursuance thereof, any person, not being a person entitled to be transferred to the Ministry of Agriculture and Fisheries under subsection (2) of that section on an application made for the purpose, but being a person who—

- (a) was on the appointed day an officer or servant of a county council employed by that council in a whole-time capacity wholly or mainly on or in connection with the giving of advice or education on agricultural matters ; and
- (b) had, between the twenty-third day of August, nineteen hundred and thirty-nine and the appointed day, been continuously employed in a whole-time capacity in local government service, or, while not so employed, been engaged in a whole-time capacity in war service or partly engaged in war service and partly employed in local government service ;

suffers any direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments, he shall be entitled to recover compensation for his loss from that county council :

Provided that no person shall, by virtue of this Part of this Schedule, be entitled to recover compensation for any loss if provision is made for compensating him for that loss by or under any other enactment which is for the time being in force.

2. For the purpose of this Part of this Schedule, any such person as aforesaid—

- (a) who, at any time during the period of five years from the appointed day, relinquishes his office by reason of his having been required to perform duties which are not analogous, or which are an unreasonable addition to, those which he was required to perform immediately before that day ; or
- (b) whose appointment is determined or whose emoluments are reduced during the period aforesaid because his services are not required or his duties are diminished (no misconduct being established) ;

shall be deemed unless the contrary is shown to have suffered direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments in consequence of the passing of section one of this Act or of something done in pursuance thereof.

3. The provisions of the Fourth Schedule to the Local Government Act, 1933, shall have effect in relation to claims for compensation under this Part of this Schedule subject to the following modifications, that is to say:—

- (a) references in the said Fourth Schedule to a scheme or order shall be construed as references to this Act; and
- (b) any period during which a person has been engaged in war service shall be reckoned for the purposes of the said Fourth Schedule as a period of service in his office as therein defined and, where any such period is so reckoned, his emoluments during that period shall, for the purposes of sub-paragraph (2) of paragraph 4 of the said Schedule, be deemed to be such as he would have received if he had not been engaged in war service.

4. In this Part of this Schedule—

- (a) the expression “the appointed day” has the same meaning as in section one of this Act;
- (b) the expression “emoluments” has the same meaning as in the Local Government Act, 1933;
- (c) the expression “local government service” means service under a local authority within the meaning of the Local Government Act, 1933, or the London Government Act, 1939, or the Common Council of the City of London;
- (d) the expression “war service” has the same meaning as in section one of this Act.

PART II.

Superannuation.

1. Where a pensionable officer of a county council becomes a civil servant in consequence of his transfer to the Ministry of Agriculture and Fisheries under subsection (2) of section one of this Act, then—

- (a) that council shall, within three months after his becoming a civil servant, give to the Minister full information as to his previous service, the amount of his emoluments which will be pensionable emoluments for the purpose of the rules made under section nine of the Superannuation Act, 1935 (which relates to the superannuation of transferred officers), and the amount of the superannuation allowance which he may become entitled to receive from the council; and
- (b) if the said rules do not already apply to the council, those rules shall nevertheless apply in relation to him as if the Treasury, upon the application of the council, had directed that the rules should apply to the council.

2. Where a person, not being a pensionable officer of a county council, becomes a civil servant in consequence of his transfer to the Ministry of Agriculture and Fisheries under subsection (2) of section one of this Act, having been, within three months before he became a civil servant, a person in respect of whom a county council was required or authorised

2 & 3 Geo. 6.
c. 94.

to pay contributions for superannuation purposes under section four of the Local Government Staffs (War Service) Act, 1939, then—

- (a) the rules made under the said section nine shall apply in relation to him as if he had been a pensionable officer of that council immediately before he became a civil servant; and
- (b) sub-paragraphs (a) and (b) of paragraph 1 of this Part of this Schedule shall apply in relation to him and in relation to that council as they apply for the purposes of that paragraph.

3. In this Part of this Schedule—

- (a) the expression “pensionable officer”, in relation to a council, means an officer or servant of that council who is a pensionable officer or servant of the council within the meaning of section nine of the Superannuation Act, 1935;
- (b) the expression “civil servant” has the meaning assigned to it by section twelve of the Superannuation Act, 1887.

50 & 51 Vict.
c. 67.

CHAPTER 29.

Food and Drugs (Milk and Dairies) Act, 1944.

ARRANGEMENT OF SECTIONS.

Section.

1. Amendment of s. 20 of principal Act.
2. Amendment of s. 21 of principal Act.
3. Amendment of s. 22 of principal Act.
4. Consequential and supplementary amendments.
5. Compensation to displaced officers.
6. Superannuation rights of officers transferred from local authorities.
7. Expenses of Minister of Agriculture and Fisheries.
8. Interpretation.
9. Short title, citation, and commencement.

SCHEDULE.—Section 22 of principal Act as amended by this Act.

An Act to amend the provisions of the Food and Drugs Act, 1938, relating to Milk and Dairies Regulations and other matters connected therewith.

[27th July 1944.]

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

Amendment of
s. 20 of prin-
cipal Act.

1.—(1) The power of making Milk and Dairies Regulations under section twenty of the principal Act shall, instead of being exercised by the Minister of Health, be exercised jointly by that Minister and the Minister of Agriculture and Fisheries.

(2) Regulations made under paragraph (a) of subsection (1) of the said section twenty for the registration of dairies, and of persons carrying on or proposing to carry on the trade of dairymen, shall provide—

- (a) for the registration by the Minister of Agriculture and Fisheries of dairy farms, and of persons carrying on, or proposing to carry on, the trade of a dairy farmer ;
- (b) for the refusal of any such registration by that Minister if in his opinion, having regard to conditions existing at the premises to be registered, the regulations cannot be complied with and the registration should be refused, and for the cancellation of any such registration by that Minister if in his opinion the regulations are not being complied with and the registration should be cancelled.

(3) Any regulations made by virtue of paragraph (b) of the last foregoing subsection shall—

- (a) require notice to be given to the person affected of any intention to refuse or cancel the registration, stating the grounds on which it is alleged that the regulations cannot be or are not being complied with, as the case may be, and his rights of making objections and representations in accordance with the regulations ;
- (b) enable the said person, within the time prescribed by the regulations (which shall not be less, in the case of a refusal, than twenty-eight days or, in the case of a cancellation, than twenty-one days, from the date of the service of the said notice), to object, in respect of all or any of the grounds stated in the said notice, that the regulations can be or are being complied with, as the case may be ;
- (c) provide for the reference of any such objection to a tribunal constituted in accordance with the regulations ;
- (d) provide for the procedure of the said tribunal, and in particular for entitling the person objecting to appear before the tribunal with any witnesses he desires to call, and to require the tribunal to inspect the premises to which the objections relate ;
- (e) require the said tribunal to determine whether the objections are made out and, if not, on which of the grounds in respect of which they are made they are not made out, and provide that, in the event of a difference of opinion among the members of the tribunal, the determination of the majority of them shall be the determination of the tribunal ;
- (f) require that the determinations of the tribunal shall be reported to the Minister of Agriculture and Fisheries and communicated by him to the person objecting, and provide that the determinations of the tribunal as stated

in the report shall, for the purpose of the proposal to refuse or cancel registration, be conclusive evidence of the facts found thereby ;

- (g) enable the said person within the time so prescribed to make representations to the Minister of Agriculture and Fisheries that the registration should not be refused or cancelled on the grounds stated in the notice mentioned in paragraph (a) of this subsection ;
- (h) provide that no registration shall be cancelled—
 - (i) in any case, until the expiration of the prescribed time for making objections or representations under the regulations ;
 - (ii) in a case where an objection is made within that time, until the report of the tribunal thereon has been received and considered by the said Minister ;
 - (iii) in a case where representations are made to the said Minister within that time, until the representations have been considered by him.

(4) Any premises being immediately before the commencement of this Act a dairy farm, and any person then carrying on the trade of a dairy farmer, shall be deemed to have been registered in accordance with Milk and Dairies Regulations by the Minister of Agriculture and Fisheries at the commencement of this Act ; and those regulations shall include provision for ascertaining the premises and persons deemed to have been registered as aforesaid and for making consequential adjustments of the register kept by any authority under the said regulations immediately before the commencement of this Act, and may include provision for any matter incidental to or consequential on the foregoing provisions of this subsection.

(5) The power of making regulations under paragraph (b) of subsection (1) of the said section twenty of the principal Act for the inspection of dairies and persons in or about dairies shall include power to make regulations for the inspection of cattle on dairy farms.

(6) The power of making regulations under paragraph (h) of the said subsection (1) regulating the conveyance and distribution of milk shall include power to make regulations regulating the storage of milk.

Amendment of
s. 21 of prin-
cipal Act.

2.—(1) Regulations made under subsection (1) of section twenty-one of the principal Act (which relates to special designations in connection with milk) shall cease to be contained in Milk and Dairies Regulations, and shall be separate regulations, which shall be called Milk (Special Designation) Regulations.

(2) The power of making Milk (Special Designation) Regulations shall, in so far as the regulations relate to raw milk, be exercised jointly by the Minister of Health and the Minister of Agriculture

and Fisheries, instead of being exercised by the Minister of Health ; and accordingly any designation prescribed under paragraph (a) of the said subsection (1) in relation to raw milk of any description shall be such as those Ministers consider appropriate.

(3) Regulations made under paragraph (b) of the said subsection (1) shall provide, as respects any special designation of raw milk, for the granting by the Minister of Agriculture and Fisheries, instead of by the Minister of Health or county councils or local authorities, of licences to producers of raw milk authorising the use of that special designation.

3. Section twenty-two of the principal Act (which provides for the refusal or cancellation of the registration of persons who apply to be or are registered as retail purveyors of milk) shall extend to all persons who apply to be or are registered in pursuance of Milk and Dairies Regulations by an authority other than the Minister of Agriculture and Fisheries, whether as retail purveyors of milk or not ; and accordingly that section shall have effect as set out in the Schedule to this Act. Amendment of
s. 22 of prin-
cipal Act.

4.—(1) The power of a county council or local authority under subsection (3) of section sixty-five of the principal Act to institute proceedings under any regulation made under that Act shall not include power to institute proceedings against any person for contravening or failing to comply with Milk and Dairies Regulations in respect of a dairy farm or in respect of the registration of persons carrying on or proposing to carry on the trade of a dairy farmer. Consequential
and supple-
mentary
amendments.

(2) Section ninety-two of the principal Act (which contains supplementary provisions as to Milk and Dairies Regulations and other regulations) shall apply to Milk (Special Designation) Regulations as it applies to Milk and Dairies Regulations but, in its application to Milk (Special Designation) Regulations and Milk and Dairies Regulations, shall have effect subject to the following modifications :—

- (a) references to the Minister in subsections (2) and (4) shall, in relation to any Milk (Special Designation) Regulations relating to raw milk and in relation to any Milk and Dairies Regulations, be construed as references to the Minister of Health and the Minister of Agriculture and Fisheries ;
- (b) subsection (3) (which requires the regulations to specify the authorities by whom they are to be enforced and executed) shall not apply to the enforcement or execution of Milk and Dairies Regulations in respect of dairy farms or in respect of the registration of persons carrying on or proposing to carry on the trade of a dairy farmer, or to the enforcement or execution of Milk (Special Designation) Regulations in respect of the use of a special designation of raw milk by a producer of such milk.

(3) Milk and Dairies Regulations shall provide for the constitution of a central committee, and of county committees for the several administrative counties, to keep under review the operation and administration of Milk and Dairies Regulations and Milk (Special Designation) Regulations and to make recommendations with respect thereto, in the case of the central committee, to the Minister of Agriculture and Fisheries and, in the case of a county committee, to the central committee.

Compensation
to displaced
officers.

5.—(1) If, in consequence of the passing of this Act or of anything done in pursuance thereof, any officer or servant of a local authority, being a county council or a local authority within the meaning of the principal Act, suffers any direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments, he shall be entitled to recover compensation for that loss from that authority :

Provided that no person shall, by virtue of this section, be entitled to recover compensation for any loss if provision is made for compensating him for that loss by or under any other enactment which is for the time being in force.

(2) For the purposes of this section, an officer or servant—

- (a) who at any time during the period of five years from the date of the commencement of this Act, relinquishes his office by reason of his having been required to perform duties which are not analogous to, or which are an unreasonable addition to, those which he was required to perform immediately before that date ; or
- (b) whose appointment is determined or whose emoluments are reduced during the period aforesaid because his services are not required or his duties are diminished (no misconduct being established) ;

shall be deemed, unless the contrary is shown, to have suffered direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments in consequence of the passing of this Act or of something done in pursuance thereof.

23 & 24 Geo. 5.
c. 51.

(3) The provisions of the Fourth Schedule to the Local Government Act, 1933, shall have effect in relation to claims for compensation under this section subject to the following modifications, that is to say :—

- (a) references in that Schedule to a scheme or order shall be construed as references to this Act ; and
- (b) any period during which a person has been engaged in war service shall be reckoned for the purposes of that Schedule as a period of service in his office as therein defined and where any such period is so reckoned his

emoluments during that period shall, for the purposes of sub-paragraph (2) of paragraph 4 of the said Schedule, be deemed to be such as he would have received if he had not been engaged in war service.

(4) In this section the expression " emoluments " has the same meaning as in the Local Government Act, 1933.

6.—(1) Where a person becomes, within twelve months from the commencement of this Act, a civil servant on the staff of the Ministry of Agriculture and Fisheries,—

Superannua-
tion rights of
officers
transferred
from local
authorities.

- (a) having been, immediately before he became such a civil servant, a pensionable officer of a local authority ; and
- (b) having been employed by that authority, immediately before the commencement of this Act, in connection with the enforcement or execution of Milk and Dairies Regulations or Milk (Special Designation) Regulations ;

then—

- (i) that authority shall, within three months after his becoming a civil servant, give to the Minister of Agriculture and Fisheries full information as to his previous service, the amount of his emoluments which will be pensionable emoluments for the purposes of the rules made under section nine of the Superannuation Act, 1935 (which relates to the superannuation of transferred officers), and the amount of the superannuation allowance which he may become entitled to receive from the authority ; and
- (ii) if the said rules do not already apply to that authority, those rules shall nevertheless apply in relation to him as if the Treasury, upon the application of the authority, had directed that the rules should apply to the authority.

25 & 26 Geo. 5.
c. 23.

(2) Where a person to whom subsection (1) of this section does not apply becomes, within twelve months from the commencement of this Act or such further period as the Treasury may approve, a civil servant on the staff of the Ministry of Agriculture and Fisheries,—

- (a) having been, within three months before he became such a civil servant, a person engaged in war service in respect of whom a local authority was required or authorised to pay contributions for superannuation purposes under section four of the Local Government Staffs (War Service) Act, 1939 ; and
- (b) having been employed by that authority, immediately before he became engaged in war service, in connection with the enforcement or execution of the regulations aforesaid ;

2 & 3 Geo. 6.
c. 94.

then—

- (i) the rules made under the said section nine shall apply in relation to him as if he had been a pensionable officer

of that authority immediately before he became a civil servant ; and

(ii) paragraphs (i) and (ii) of subsection (1) of this section shall apply in relation to him and in relation to that authority as they apply for the purposes of subsection (1) of this section.

(3) In this section—

(a) the expression “ local authority ” means a county council or local authority within the meaning of the principal Act ;

(b) the expression “ pensionable officer ”, in relation to a local authority, means an officer or servant of that authority who is a pensionable officer or servant of the authority within the meaning of section nine of the Superannuation Act, 1935 ;

(c) the expression “ civil servant ” has the meaning assigned to it by section twelve of the Superannuation Act, 1887.

50 & 51 Vict.
c. 67.

Expenses of
Minister of
Agriculture
and Fisheries.

7. Any expenses incurred by the Minister of Agriculture and Fisheries under this Act shall be defrayed out of moneys provided by Parliament.

Interpretation

8.—(1) In this Act the following expressions have the meanings respectively assigned to them—

“ dairy farm ” means any farm, cowshed or other premises being a dairy within the meaning of the principal Act on which milk is produced from cows, but does not include any part of any such farm or premises on which milk is manufactured into other products unless the milk produced on the farm or premises forms a substantial part of the milk so manufactured ;

“ dairy farmer ” means a dairyman within the meaning of the principal Act who produces milk from cows ;

“ principal Act ” means the Food and Drugs Act, 1938 ;

“ raw milk ” means milk which has not been treated by heat ;

“ war service ” has the same meaning as in the Local Government Staffs (War Service) Act, 1939.

(2) If any question arises whether the milk produced on a farm or other premises forms a substantial part of the milk that is manufactured into other products thereon, that question shall be determined by the Minister of Agriculture and Fisheries.

1 & 2 Geo. 6.
c. 56.

Short title,
citation,
and
commence-
ment.

9.—(1) This Act may be cited as the Food and Drugs (Milk and Dairies) Act, 1944, and may be cited together with the principal Act as the Food and Drugs Acts, 1938 and 1944.

(2) This Act shall come into operation on such day as the Minister of Health may by order appoint.

SCHEDULE .

Section 3.

SECTION 22 OF PRINCIPAL ACT AS AMENDED BY THIS ACT.

22.—(1) If it appears to an authority by whom dairymen are registered in pursuance of Milk and Dairies Regulations, other than the Minister of Agriculture and Fisheries, that the public health is, or is likely to be, endangered by any act or default of a person who has applied to be, or is, so registered by the authority, being an act or default, committed whether within or without the district of the authority, in relation to the quality, storage or distribution of milk, they shall serve on him a notice—

Power to
refuse or cancel
registration of
dairymen.

- (a) stating the place and time, not being less than seven days after the date of the service of the notice, at which they propose to take the matter into consideration ; and
- (b) informing him that he may attend before them, with any witnesses whom he desires to call, at the place and time mentioned to show cause why they should not, for reasons specified in the notice, refuse to register him or cancel his registration, as the case may be, either generally or in respect of any specified premises.

(2) If a person on whom a notice is served under the preceding subsection fails to show cause to the satisfaction of the authority, they may refuse to register him or cancel his registration, as the case may be, and shall forthwith give notice to him of their decision in the matter, and shall, if so required by him within fourteen days of their decision, give to him within forty-eight hours a statement of the grounds on which it was based.

(3) A person aggrieved by the decision of an authority under this section to refuse to register him, or to cancel his registration, may appeal to a court of summary jurisdiction.

(4) The court before which a person registered as a dairyman otherwise than by the Minister of Agriculture and Fisheries is convicted of an offence under any of the provisions of this Act relating to milk, or under any Milk and Dairies Regulations may, in addition to any other penalty, cancel his registration as such.

(5) An authority other than the Minister of Agriculture and Fisheries may require a person who applies to them for registration as a dairyman to give to them, before his application is considered, information as to whether he is, or has been, registered as a dairyman, whether by them or the Minister of Agriculture and Fisheries or some other authority, and if an applicant who is so required gives to the authority any information which is false in any material respect, he shall be guilty of an offence.

(6) Where under this section a person's application for registration is refused, or his registration is cancelled, he shall not be liable for any breach of a contract for the purchase of further supplies of milk from another person, if such refusal or cancellation was due to the quality of the milk supplied by that person.

CHAPTER 30.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and forty-three and one thousand nine hundred and forty-five, and to appropriate the Supplies granted in this Session of Parliament. [3rd August 1944.]

Most Gracious Sovereign,

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

GRANTS OUT OF CONSOLIDATED FUND.

Issue of
£22,738 5s. 6d.
out of the
Consolidated
Fund for the
service of the
year ended 31st
March 1943.

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 ended on the thirty-first day of March one thousand nine hundred and forty-three the sum of twenty-two thousand, seven hundred and thirty-eight pounds, five shillings and sixpence.

Issue of
£1,395,929,702
out of the
Consolidated
Fund for the
service of the
year ending
31st March
1945.

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

Power for
the Treasury
to borrow.

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

(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-five and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

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

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

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

APPROPRIATION OF GRANTS.

4. All sums granted by this Act and the other Acts mentioned in Schedule (A) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the said schedule, in the aggregate, to the sum of four thousand three hundred and sixty-nine million, five hundred and fifty thousand, four hundred and forty-four pounds, five shillings and sixpence, are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the services and purposes expressed in Schedule (B) annexed hereto.

Appropriation of sums voted for supply services.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

In addition to the sums hereby granted out of the Consolidated Fund, there may be applied out of any money directed under section two of the Public Accounts and Charges Act, 1891, to be applied as appropriations in aid of the grants for the services and purposes specified in Schedule (B) annexed hereto the sums respectively set forth in the last column of the said schedule.

54 & 55 Vict. c. 24.

5.—(1) So long as the aggregate expenditure on navy, army and air services respectively is not made to exceed the aggregate sums appropriated by this Act for those services respectively, any surplus arising on any vote for those services, either by an excess of the sum realised on account of appropriations in aid of the vote over the sum which may be applied under this Act as appropriations in aid of that vote, or by saving of expenditure on that vote, may, with the sanction of the Treasury, be temporarily applied either in making up any deficiency in the sums realised on account of appropriations in aid of any other vote in the same department, or in defraying expenditure in the same department which is not provided for in the sums appropriated to the service of the department by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course.

Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for navy, army and air services respectively be not exceeded.

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the navy, army and air services for the year, in order that any temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

Sanction for application of surpluses on certain navy, army and air votes for 1942. 5 & 6 Geo. 6. c. 27. 6 & 7 Geo. 6. c. 31.

6. Whereas under the powers given for the purpose by the Appropriation Acts, 1942 and 1943, surpluses arising on certain votes for navy, army and air services have been applied towards making good deficits on those services respectively as shown in the statements set out in Schedule (C) to this Act :

It is enacted that the application of those surpluses as shown in the said statements is hereby sanctioned.

Declaration required in certain cases before receipt of sums appropriated.

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

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

- (a) such a declaration has been subscribed within a period of twelve calendar months preceding the date of the payment, or such longer period as the Treasury may in any particular case or class of cases allow ; or
- (b) the payment is made through a banker who has entered into an undertaking in such form as may be approved by the Treasury with respect to the notification of circumstances coming to the knowledge of the banker which might affect the right to such payments of the person to whom the payment is made.

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

Short title.

8. This Act may be cited for all purposes as the Appropriation Act, 1944.

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

SCHEDULE (A).

Section 4.

Grants out of the Consolidated Fund - - $\underline{\underline{\begin{matrix} \text{£} & \text{s. } d. \\ 4,369,550,444 & 5 \ 6 \end{matrix}}}$

SCHEDULE (B).—APPROPRIATIONS OF GRANTS.

Section 4.

	Sums not exceeding			
	Supply Grants.		Appropriations in Aid.	
1942 and 1943.	£	s. d.	£	s. d.
Part I. Civil (Excesses), 1942 - - -	22,738	5 6	9,832,669	3 7
„ 2. Navy (Supple- mentary), 1943 -	10	0 0	40,000,000	0 0
„ 3. Army (Supple- mentary), 1943 -	10	0 0	110,000,000	0 0
„ 4. Air (Supple- mentary), 1943 -	10	0 0	125,000,000	0 0
„ 5. Civil (Supple- mentary), 1943 -	3,495,684	0 0	586,415,400	0 0
„ 6. Expenditure arising out of the war (Supple- mentary Vote of Credit), 1943 -	750,000,000	0 0	—	
£	753,518,452	5 6	871,248,069	3 7

M

SCHED. (B).
Appropriations
of Grants.

SCHEDULE (B).—APPROPRIATIONS OF GRANTS—*cont.*

		Sums not exceeding			
		Supply Grants.		Appropriations in Aid.	
		£	s. d.	£	s. d.
1944.					
Part 7.	Navy - -	1,800	0 0	180	0 0
„	8. Army - -	1,500	0 0	150	0 0
„	9. Air - -	1,100	0 0	110	0 0
	£	4,400	0 0	440	0 0
Part 10.	Civil, Class I -	3,490,344	0 0	1,163,175	0 0
„	11. Civil, Class II -	20,872,382	0 0	427,105	0 0
„	12. Civil, Class III -	20,077,732	0 0	1,937,457	0 0
„	13. Civil, Class IV -	86,740,963	0 0	6,696,674	0 0
„	14. Civil, Class V -	211,480,569	0 0	4,755,685	0 0
„	15. Civil, Class VI -	21,426,980	0 0	4,131,899	0 0
„	16. Civil, Class VII -	15,815,323	0 0	1,464,573	0 0
„	17. Civil, Class VIII -	39,495,240	0 0	70,243	0 0
„	18. Civil, Class IX -	52,772,859	0 0	1,278,000	0 0
„	19. Civil, Class X -	1,900	0 0	190	0 0
	TOTAL, CIVIL £	472,174,292	0 0	21,925,001	0 0
Part 20.	Revenue De- partments -	143,853,300	0 0	5,743,750	0 0
„	21. Expenditure arising out of the war (Votes of Credit) -	3,000,000,000	0 0	—	
	GRAND TOTAL £	4,369,550,444	5 6	898,917,260	3 7

SCHEDULE (A).

SCHED. (A).

GRANTS OUT OF THE CONSOLIDATED FUND.

	<i>£</i>	<i>s.</i>	<i>d.</i>
For the service of the year ended on the 31st day of March 1943—			
Under this Act - - - - -	22,738	5	6
For the service of the year ended on the 31st day of March 1944—			
Under Act 7 & 8 Geo. 6. c. 4 - - -	750,000,000	0	0
Under Act 7 & 8 Geo. 6. c. 17 - - -	3,495,714	0	0
For the service of the year ending on the 31st day of March 1945—			
Under Act 7 & 8 Geo. 6. c. 4 - - -	1,000,000,000	0	0
Under Act 7 & 8 Geo. 6. c. 17 - - -	220,102,290	0	0
Under Act 7 & 8 Geo. 6. c. 20 - - -	1,000,000,000	0	0
Under this Act - - - - -	1,395,929,702	0	0
TOTAL - - - - -	£4,369,550,444	5	6

SCHED. (B).
PART I.
Civil
(Excesses),
1942.

SCHEDULE (B).—PART I.

CIVIL (EXCESSES), 1942.

SUMS granted to make good Excesses on certain Grants for Civil Services for the year ended on the 31st day of March 1943.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CLASS V.		
Vote.	£ s. d.	£ s. d.
14. Supplementary Pensions - - -	22,728 5 6	40,471 19 1
CLASS X.		
11. Ministry of Supply - - - - -	10 0 0	9,792,197 4 6
TOTAL, CIVIL (EXCESSES), 1942 - - - - -	22,738 5 6	9,832,669 3 7

SCHED. (B).
PART 2.
Navy
(Supple-
mentary),
1943.

SCHEDULE (B).—PART 2.

NAVY (SUPPLEMENTARY), 1943.

SCHEDULE OF SUPPLEMENTARY SUM granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the grants for Navy Services for the year ended on the 31st day of March 1944.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
I. Wages, &c., of Officers and Men of the Royal Navy and Royal Marines and of certain other personnel serving with the fleet	10	40,000,000

SCHEDULE (B).—PART 3.

ARMY (SUPPLEMENTARY), 1943.

SCHEDULE OF SUPPLEMENTARY SUM granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the grants for Army Services for the year ended on the 31st day of March 1944.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote. I. Pay, &c., of the Army * - - -	10	110,000,000

SCHED. (B).
PART 3.
Army
(Supplementary),
1943.

SCHEDULE (B).—PART 4.

AIR (SUPPLEMENTARY), 1943.

SCHEDULE OF SUPPLEMENTARY SUM granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the grants for Air Services for the year ended on the 31st day of March 1944.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote. I. Pay, &c., of the Air Force - - -	10	125,000,000

SCHED. (B).
PART 4.
Air
(Supplementary),
1943.

SCHED. (B).
PART 5.
Civil
(Supple-
mentary),
1943.

SCHEDULE (B).—PART 5.

CIVIL (SUPPLEMENTARY), 1943.

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1944, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL.		
CLASS I.		
Vote.		
4. For the salaries and other expenses in the Department of His Majesty's Treasury and Subordinate Departments, and the salaries and expenses of certain Ministers appointed for special duties - - - - -	£ 6,930	£ —
CLASS II.		
1. For the salaries and expenses of the Department of His Majesty's Secretary of State for Foreign Affairs and the salary of a Minister of State - - -	1,525	—
2. For the expenses in connection with His Majesty's Embassies, Missions and Consular Establishments Abroad, and other expenditure chargeable to the Consular Vote ; certain special grants and payments, including grants in aid ; and sundry other services - - -	53,873	—
5. For sundry Dominion services, including certain grants in aid, and for expenditure in connection with Ex-Service Men in Eire, and for a grant in aid to Eire in respect of compensation to transferred officers - - - - -	10	—
10. For the development of the resources of the South African High Commission Territories and the welfare of their peoples - - - - -	20,800	—
Carried forward - - -	£ 83,138	—

SCHEDULE (B).—PART 5—*continued.*SCHED. (B).
PART 5.
Civil
(Supple-
mentary)
1943.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL— <i>cont.</i>		
Brought forward - - - -	£ 83,138	£ —
CLASS II.— <i>cont.</i>		
Vote. 12. For certain salaries and expenses of the Imperial War Graves Commission, including purchase of land in the United Kingdom and a grant in aid -	3,916	—
CLASS V.		
6. For the payment of Old Age Pensions, pensions to blind persons, and for certain administrative expenses in connection therewith - - -	350,000	—
14. For the payment of Supplementary Pensions to certain persons in receipt of Old Age Pensions or Widows' Pensions - - - - -	3,000,000	20,000
CLASS VI.		
6. For the salaries and expenses of the Ministry of Agriculture and Fisheries, and of the Royal Botanic Gardens, Kew, including grants, grants in aid and expenses in respect of agricultural education and research, eradication of diseases of animals, and improvement of breeding, &c., of live stock, land settlement, improvement of cultivation, drainage, &c., regulation of agricultural wages, agricultural credits, and marketing; fishery organisation, research and development, control of diseases of fish, &c.; and sundry other services including certain remanet subsidy payments - -	10	1,000
14. For the salaries and expenses of the State Management Districts, including the salaries of the central office, and the cost of provision and management of licensed premises - - - -	10	59,990
Carried forward - - - £	3,437,074	80,990

SCHED. (B).
PART 5.
Civil
(Supple-
mentary),
1943.

SCHEDULE (B).—PART 5—*continued*.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL— <i>cont.</i>		
Brought forward - - -	£ 3,437,074	£ 80,990
CLASS VI.— <i>cont.</i>		
Vote.		
16. For the salaries and expenses of the Department of Agriculture for Scotland, including grants for land improvement, agricultural education, research and marketing, expenses in respect of regulation of agricultural wages; certain grants in aid, and remanet subsidy payments - - - -	8,520	500
CLASS VIII.		
4. For superannuation and other non-effective annual allowances, additional allowances, gratuities, compassionate allowances and supplementary pensions in respect of civil employment -	50,000	—
CLASS X.		
1. For the cost of the war services of the Ministry of Agriculture and Fisheries	10	15,999,990
2. For the salaries and expenses of the Ministry of Aircraft Production -	10	33,999,990
5. For the salaries and expenses of the Ministry of Fuel and Power - -	10	9,999,990
6. For the cost of the war services of the Ministry of Health - - - -	10	5,999,990
7. For the salaries and expenses of the Ministry of Home Security, - -	10	2,099,990
12. For the salaries and expenses of the Ministry of Supply, including the expenses of the Royal Ordnance Factories - - - - -	10	79,999,990
15. For the salaries and expenses of the Ministry of War Transport - -	10	434,999,990
16. For the cost of the war services of the Ministry of Works - - - -	10	1,999,990
17. For the cost of the war services of the Department of Agriculture for Scotland - - - - -	10	1,233,990
TOTAL, CIVIL (SUPPLEMENTARY), 1943 - - - - -	£ 3,495,684	586,415,400

SCHEDULE (B).—PART 6.

EXPENDITURE ARISING OUT OF THE WAR.
(SUPPLEMENTARY VOTE OF CREDIT).

For defraying the expenses which may be incurred during the year ended on the 31st day of March 1944 for general Navy, Army and Air services and supplies in so far as specific provision is not made therefor by Parliament; for securing the public safety, the defence of the realm, the maintenance of public order and the efficient prosecution of the war; for maintaining supplies and services essential to the life of the community; for relief and rehabilitation in areas brought under the control of any of the United Nations; and generally for all expenses, beyond those provided for in the ordinary Grants of Parliament, arising out of the existence of a state of war - - - - -

£

750,000,000

SCHED. (B).
PART 6.
Expenditure
arising out of
the war.
(Supplementary
Vote of Credit.)
1943.

SCHED. (B).
PART 7.
Navy.

SCHEDULE (B).—PART 7.

NAVY.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1945, including provision for such numbers of officers, seamen, boys and royal marines and royal marine police as His Majesty may deem necessary, viz. :—

Vote.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For wages, &c., of officers and men of the royal navy and royal marines and of certain other personnel serving with the fleet - - - - -	100	10
2. For victualling and clothing for the navy, including the cost of victualling establishments at home and abroad -	100	10
3. For medical services, including the cost of medical establishments at home and abroad - - - - -	100	10
4. For civilians employed on fleet services	100	10
5. For educational services - - -	100	10
6. For scientific services - - - -	100	10
7. For the royal naval reserve, the royal fleet reserve and the royal naval volunteer reserve, &c. - - -	100	10
8. Section I. For the personnel for shipbuilding, repairs, maintenance, &c., at dockyards and naval yards at home and abroad - - - - -	100	10
„ Section II. For the matériel for shipbuilding, repairs, maintenance, &c., at dockyards and naval yards at home and abroad - - - - -	100	10
„ Section III. For contract work for shipbuilding, repairs, &c. - - -	100	10
Carried forward - - -	£ 1,000	100

SCHEDULE (B).—PART 7—*continued.*SCHED. (B).
PART 7.
Navy.

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - - -	1,000	100
Vote.	9. For naval armaments - - -	100	10
10.	For works, buildings, and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants and other charges connected therewith - - -	100	10
11.	For various miscellaneous effective services - - -	100	10
12.	For the Admiralty Office - - -	100	10
13.	For non-effective services (naval and marine)—officers - - -	100	10
14.	For non-effective services (naval and marine)—men - - -	100	10
15.	For civil superannuation, and other non-effective annual allowances, additional allowances and gratuities -	100	10
16.	For merchant shipbuilding, &c. - -	100	10
	TOTAL, NAVY SERVICES	£ 1,800	180

SCHED. (B).
PART 8.
Army.

SCHEDULE (B).—PART 8.

ARMY.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the ARMY SERVICES herein particularly mentioned which will come in course of payment during the year ending on the 31st day of March 1945, including provision for such numbers of Land Forces of all ranks as His Majesty may deem necessary (exclusive of those serving in India and Burma), viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote.		
1. For the pay, &c., of the Army - -	100	10
2. For the Territorial Army, Training Corps, Home Guard, &c. - - -	100	10
3. For medical services - - - -	100	10
4. For educational establishments - -	100	10
5. For quartering and movements - -	100	10
6. For supplies, road transport and remounts - - - - -	100	10
7. For clothing- - - - -	100	10
8. For general stores - - - -	100	10
9. For warlike stores - - - -	100	10
10. For works, buildings and lands, including civilian staff and other charges in connection therewith -	100	10
11. For miscellaneous effective services -	100	10
12. For the War Office - - - -	100	10
Carried forward - - £	1,200	120

SCHEDULE (B).—PART 8—continued.

SCHED. (B).
PART 8.
Army.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Brought forward - - -	£ 1,200	£ 120
Vote. 13. For rewards, half-pay, retired pay, widows' pensions and other non- effective charges for officers - - -	100	10
14. For the Royal Hospital, Chelsea ; out- pensions, rewards for distinguished service, widows' pensions, and other non-effective charges for warrant officers, non-commissioned officers, men, &c. - - - - -	100	10
15. For civil superannuation and other non-effective annual allowances, addi- tional allowances and gratuities -	100	10
TOTAL, ARMY SERVICES £	1,500	150

SCHED. (B).
PART 9.
Air.

SCHEDULE (B).—PART 9.

AIR.

SCHEDULE OF SUMS granted, and of the sums, which may be applied as appropriations in aid in addition thereto, to defray the charges of the AIR SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1945, including provision for such number of officers and airmen of the Air Force as His Majesty may deem necessary (exclusive of those serving in India on the Indian establishment), viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote.		
1. For the pay, &c., of the air force - -	100	10
2. For quartering, non-technical stores, supplies and transportation - -	100	10
3. For technical and warlike stores - -	100	10
4. For works, buildings and lands, including civilian staff and other charges connected therewith - - - -	100	10
5. For medical services - - - -	100	10
6. For educational services - - - -	100	10
7. For reserve and auxiliary forces - -	100	10
8. For civil aviation - - - -	100	10
9. For meteorological and miscellaneous effective services - - - -	100	10
10. For the Air Ministry - - - -	100	10
11. For half-pay, pensions and other non-effective services - - - -	100	10
TOTAL, AIR SERVICES -	£ 1,100	110

SCHEDULE (B).—PART 10.

SCHED. (B).
PART 10.
Civil.
Class I.

CIVIL.—CLASS I.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1945, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the salaries and expenses of the Offices of the House of Lords - -	67,254	13,188
2. For the salaries and expenses of the House of Commons - - - -	489,821	2,500
3. For expenses in respect of the registration of electors - - - -	20,000	—
4. For the salaries and other expenses in the Department of His Majesty's Treasury and Subordinate Departments, and the salaries and expenses of certain Ministers appointed for special duties - - - -	1,124,077	11,277
5. For the salaries and expenses of the Department of His Majesty's most Honourable Privy Council - -	22,824	3,250
6. For the salaries and expenses of the Office of the Lord Privy Seal - -	8,211	—
7. For the salaries and expenses of the Charity Commission for England and Wales - - - -	36,079	1,000
8. For the salaries and expenses of the Civil Service Commission - - -	23,000	9,350
9. For the salaries and expenses of the Department of the Comptroller and Auditor General - - - -	276,200	11,440
10. For making good the deficiency on the Income Account of the Fund for Friendly Societies - - - -	1,874	—
11. For the salaries and expenses of the Department of the Government Actuary - - - -	19,027	2,500
Carried forward - - - -	2,088,367	54,505

SCHED. (B).
PART 10.
Civil.
Class I.

SCHEDULE (B).—PART 10—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - - -	2,088,367	54,505
Vote.		
12. For the salaries and expenses of the Department of the Government Chemist - - - - -	107,762	250
13. For a grant in aid of the Government Hospitality Fund - - - - -	13,000	—
14. For the salaries and expenses of the Mint, including the expenses of coinage (Imperial, Colonial and Foreign), and the expenses of the preparation of medals and badges, dies for postage and other stamps, and his Majesty's seals - - - -	100	815,300
15. For the salaries and expenses of the National Debt Office - - - -	5,652	23,340
16. For the salaries and expenses of the National Savings Committee - -	568,834	—
17. For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - - - - -	46,676	450
18. For the salaries of the establishment under the Public Works Loan Commission and the expenses of the Commission - - - - -	20,118	1,000
19. For making the payment due to the Local Loans Fund in respect of advances in Northern Ireland and to make good certain sums written off from the assets of the Local Loans Fund - - - - -	47,129	—
20. For the salaries and other expenses of Royal Commissions, Committees, and special enquiries, &c., including provision for shorthand - - - -	50,500	—
Carried forward - - - - -	2,948,138	894,845

SCHEDULE (B).—PART 10—*continued.*SCHED. (B).
PART 10.
Civil.
Class I.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Brought forward - - -	£ 2,948,138	£ 894,845
Vote. 21. For certain miscellaneous expenses, including certain grants in aid - -	78,071	600
22. For His Majesty's foreign and other secret services - - - - -	100	—
23. For the salaries and expenses of the Tithe Redemption Commission - -	100	266,910
24. For the salaries and expenses of the Ministry of Town and Country Planning - - - - -	228,616	50
25. For the salaries and expenses of the Office of the Secretary of State for Scotland ; salaries and expenses of the Scottish Home Department ; expenses in respect of private legis- lation procedure in Scotland ; a subsidy for transport services to the Western Highlands and Islands ; a grant in lieu of Land Tax ; con- tributions towards the expenses of Probation and of Remand Homes, and a grant towards repair of flood damage - - - - -	228,949	770
26. For repayment to the Civil Contingencies Fund of certain miscellaneous advances - - - - -	6,370	—
TOTAL, CIVIL, CLASS I - £	3,490,344	1,163,175

SCHED. (B).
PART II.
Civil.
Class II.

SCHEDULE (B).—PART II.

CIVIL.—CLASS II.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1945, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote.		
1. For the salaries and expenses of the Department of His Majesty's Secretary of State for Foreign Affairs and the salary of a Minister of State -	2,087,447	15,250
2. For the expenses in connection with His Majesty's Embassies, Missions and Consular Establishments Abroad, and other expenditure chargeable to the Consular Vote; certain special grants and payments, including grants in aid; and sundry other services (including a Supplementary sum of £22,000) - - - - -	6,837,100	131,400
3. For a contribution towards the expenses of the League of Nations and for other expenses in connection therewith, including United Kingdom Representation before the Permanent Court of International Justice - -	83,510	—
4. For the salaries and expenses of the Department of His Majesty's Secretary of State for Dominion Affairs -	105,685	405
Carried forward - - - £	9,113,742	147,055

SCHEDULE (B).—PART II—*continued.*SCHED. (B).
PART II.
Civil.
Class II.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - - -	9,113,742	147,055
Vote.		
5. For sundry Dominion services, including certain grants in aid, and for expenditure in connection with Ex-service Men in Eire, and for a grant in aid to Eire in respect of compensation to transferred officers - - - -	340,220	—
6. For the expenses connected with Oversea Settlement - - - - -	100	5,855
7. For the salaries and expenses of the Department of His Majesty's Secretary of State for the Colonies - -	394,300	80,100
8. For sundry Colonial and Middle Eastern Services under His Majesty's Secretary of State for the Colonies, including certain non-effective services and grants in aid (including a Supplementary sum of £1,800,000) -	6,643,722	3,295
9. For the development of the resources of colonies, protectorates, protected states and mandated territories, and the welfare of their peoples; and for certain salaries and expenses - -	1,858,000	—
10. For the development of the resources of the South African High Commission Territories and the welfare of their peoples - - - - -	154,450	—
Carried forward - - - £	18,504,534	236,305

SCHED. (B).
PART II.
Civil.
Class II.

SCHEDULE (B).—PART II—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Brought forward - - - -	£ 18,504,534	£ 236,305
Vote. 11. For the salaries and expenses of the Department of His Majesty's Secretary of State for India and His Majesty's Secretary of State for Burma, and a grant in aid of military expenditure from Indian Revenues - - - - -	2,242,706	189,600
12. For certain salaries and expenses of the Imperial War Graves Commission, including purchase of land in the United Kingdom and a grant in aid - - - - -	125,142	1,200
TOTAL, CIVIL, CLASS II -	£ 20,872,382	427,105

SCHEDULE (B).—PART 12.

SCHED. (B).
PART 12.
Civil.
Class III.

CIVIL.—CLASS III.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1945, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the salaries and expenses of the office of His Majesty's Secretary of State for the Home Department and of subordinate offices; liquidation expenses of the Royal Irish Constabulary, contributions towards the expenses of Probation and a grant in aid of the Central Committee for Refugees - - - - -	1,466,965	29,030
2. For the expenses of the maintenance of criminal lunatics in the Broadmoor Criminal Lunatic Asylum - -	127,350	2,600
3. For the salaries of the Commissioner and Assistant Commissioners of the Metropolitan Police, and of the Receiver for the Metropolitan Police District; the contribution towards the expenses of the Metropolitan Police; the salaries and expenses of the Inspectors of Constabulary; the cost of special services, and other grants in respect of Police expenditure, including a grant in aid of the Police Federation, and a contribution towards the expenses of the International Criminal Police Commission	12,327,450	31,700
4. For the salaries and expenses of the office of the Prison Commissioners and of the Prisons in England and Wales - - - - -	1,882,598	80,000
Carried forward - - - - -	£ 15,804,363	143,330

SCHED. (B).
PART 12.
Civil.
Class III.

SCHEDULE (B).—PART 12—continued.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	15,804,363	143,330
Vote.		
5. For grants in respect of the expenses of the managers of approved schools in England and Wales; the expenses of local authorities in respect of children and young persons committed to their care; and the expenses of the councils of counties and county boroughs in respect of remand homes - - - -	596,900	30,100
6. For such of the salaries, and expenses of the Supreme Court of Judicature and Court of Criminal Appeal as are not charged on the Consolidated Fund, and a grant in aid; and the salaries and expenses of Pensions Appeal Tribunals - - - -	100	750,899
7. For the salaries and expenses in connection with the County Courts and the Liabilities Adjustment Offices -	484,938	327,600
8. For the salaries and expenses of the office of Land Registry - - -	40,540	90,000
9. For the salaries and expenses of the office of Public Trustee - - -	23,236	302,000
10. For the salaries and expenses of the Law Officers' Department; the salaries and expenses of the Department of His Majesty's Procurator-General and Solicitor for the Affairs of His Majesty's Treasury, and of the Department of the Director of Public Prosecutions; the costs of prosecutions, of other legal proceedings, and of Parliamentary Agency - - - -	212,925	48,000
Carried forward - - -	£ 17,163,002	1,691,929

SCHEDULE (B).—PART 12—*continued.*SCHED. (B).
PART 12.
Civil.
Class III.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	17,163,002	1,691,929
Vote.		
11. For certain miscellaneous legal expenses, for the salaries and expenses of arbitrators, &c., in connection with the acquisition of land, for grants in aid of the expenses of the Law Society and of the Solicitors' Discipline (Scotland) Committee, and for the expenses of Tribunals established in connection with Defence Compensation - - - - -	45,347	700
12. For the salaries and expenses of the Inspectors of Constabulary; the cost of special services, grants in respect of Police expenditure and a grant in aid of the Police Federation in Scotland - - - - -	1,188,660	—
13. For salaries and expenses in connection with the administration of Scottish prisons, including the maintenance of criminal lunatics, defectives, and inmates of the State Inebriate Reformatory, and the preparation of judicial statistics - - - - -	192,718	12,000
14. For grants in respect of the expenses of the managers of approved schools, and of the expenses of Education Authorities in Scotland in respect of children and young persons committed to their care -	113,900	8,500
15. For the salaries and expenses of the office of the Scottish Land Court -	7,722	300
16. For the salaries and expenses of the Lord Advocate's Department and other law charges, the salaries and expenses of the Courts of Law and Justice and of Pensions Appeal Tribunals in Scotland - - - -	95,175	142,500
Carried forward - - - £	18,806,524	1,855,929

SCHED. (B).
PART 12.
Civil.
Class III

SCHEDULE (B).—PART 12—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid. .
Brought forward - - -	£ 18,806,524	£ 1,855,929
Vote. 17. For the salaries and expenses of the offices in His Majesty's General Register House, Edinburgh - -	17,392	50,000
18. For the cost of certain Northern Ireland services - - - - -	6,377	4,600
19. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland, and of the Land Registry of Northern Ireland, as are not charged on the Consolidated Fund, and other expenses (including certain expenses in connection with land purchase in Northern Ireland); and the salaries and expenses of the Pensions Appeal Tribunal in Northern Ireland - -	32,553	26,828
20. For charges in connection with land purchase in Northern Ireland, and the expenses of management of Guaranteed Stocks and Bonds issued for the purposes of Irish land purchase	1,214,886	100
TOTAL, CIVIL, CLASS III - £	20,077,732	1,937,457

SCHEDULE (B).—PART 13.

SCHED. (B).
PART 13.
Civil.
Class IV.

CIVIL.—CLASS IV.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1945, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote.		
1. For the salaries and expenses of the Board of Education, and of the various establishments connected therewith, including sundry grants in aid, grants in connection with physical training and recreation, and grants to approved associations for youth welfare - - - - -	64,898,150	5,875,000
2. For the salaries and expenses of the British Museum, including a grant in aid - - - - -	161,144	17,711
3. For the salaries and expenses of the British Museum (Natural History), including a grant in aid - - - - -	103,307	1,300
4. For the salaries and expenses of the Imperial War Museum, including a grant in aid - - - - -	11,427	100
5. For the salaries and expenses of the London Museum, Lancaster House - - - - -	4,454	—
6. For the salaries and expenses of the National Gallery and of the Tate Gallery, Millbank - - - - -	35,078	136
7. For the salaries and expenses of the National Maritime Museum, including a grant in aid - - - - -	10,769	20
Carried forward - - - - -	£ 65,224,329	5,894,267

SCHED. (B).
PART 13.
Civil.
Class IV.

SCHEDULE (B).—PART 13—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Brought forward - - -	£ 65,224,329	£ 5,894,267
Vote. 8. For the salaries and expenses of the National Portrait Gallery, including a grant in aid - - - -	10,140	280
9. For the salaries and expenses of the Wallace Collection - - - -	12,185	250
10. For sundry grants in aid of scientific investigation, &c., and other grants	474,147	—
11. For grants in aid of the expenses of certain Universities, Colleges, Medical Schools, &c., in Great Britain - -	2,149,000	—
12. For a grant in aid of the British Broadcasting Corporation - - -	9,000,000	—
13. For public education in Scotland, including grants in aid of the Education (Scotland) Fund; for the Royal Scottish Museum, Edinburgh; and for grants to approved associations and other expenses in connection with youth service (including a Supplementary sum of £233,750) -	9,852,359	796,850
14. For the salaries and expenses of the National Gallery, Scotland, the Scottish National Portrait Gallery, and the Museum of Antiquities -	15,280	10
15. For the salaries and expenses of the National Library, Scotland, including a grant in aid - - - -	3,523	5,017
TOTAL, CIVIL, CLASS IV - £	86,740,963	6,696,674

SCHEDULE (B).—PART 14.

SCHED. (B).
PART 14.
Civil.
Class V.

CIVIL.—CLASS V.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March, 1945, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote. 1. For the salaries and expenses of the Ministry of Health, including grants and other expenses in connection with housing, certain grants to local authorities, &c., a grant in aid to the National Radium Trust, grants in aid in respect of national health insurance benefits, &c., certain expenses in connection with widows' orphans' and old age contributory pensions; a grant in aid of the Civil Service Sports Council; and other services - - - - -	27,293,203	1,416,800
2. For the salaries and expenses of the Board of Control and grants in respect of the maintenance of certain ex-service mental patients- - -	239,734	14,425
3. For the salaries and expenses of the Department of the Registrar-General of Births, &c. - - - - -	306,745	41,830
4. For the salaries and expenses of the National Insurance Audit Department	150,240	3,800
5. For the salaries and expenses of the Registry of Friendly Societies - -	45,490	2,650
6. For Old Age Pensions and pensions to blind persons, and for certain administrative expenses in connection therewith - - - - -	56,000,000	16,000
Carried forward - - - - -	£ 84,035,412	1,495,505

SCHED. (B).
PART 14.
Civil.
Class V.

SCHEDULE (B).—PART 14—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	84,035,412	1,495,505
Vote.		
7. For the sums payable to the Treasury Pensions Account and to the Treasury Special Pensions Account in respect of Widows', Orphans' and Old Age Contributory Pensions - - -	22,525,000	—
8. For the salaries and expenses of the Ministry of Labour and National Service, including sums payable by the Exchequer to the Unemployment Fund, grants to local authorities, associations and other bodies in respect of unemployment insurance, employment exchange and other services; expenses of transfer and resettlement; expenses of training; contribution towards the expenses of the International Labour Organisation (League of Nations); expenses of the Industrial Court; and sundry services - - - - -	37,210,000	2,100,000
9. For grants to local authorities, &c., in respect of employment and development schemes, including adjustments of grant in certain cases - - -	1,820,000	—
10. For the salaries and expenses of the Office of the Commissioner for Special Areas (England and Wales), and the expenses of the Commissioner - -	100	500,000
11. For the salaries and expenses of the Department of the Assistance Board and of certain Appeal Tribunals; sums payable to applicants for assistance, &c.; expenses of training, work centres, &c.; and a grant in aid	5,380,000	15,000
12. For a grant in aid of the Special Areas Fund - - - - -	675,000	—
Carried forward - - - £	151,645,512	4,110,505

SCHEDULE (B).—PART 14—*continued.*SCHED. (B).
PART 14.
Civil.
Class V.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Brought forward - -	£ 151,645,512	£ 4,110,505
Vote. 13. For financial assistance to new industrial undertakings in the Special and Other Areas - - - - -	25,800	—
14. For the payment of Supplementary Pensions to certain persons in receipt of Old Age Pensions or Widows' Pensions - - - - -	54,930,000	70,000
15. For the salaries and expenses of the Department of Health for Scotland; including grants and other expenses in connection with housing, certain grants to local authorities, &c., a grant in aid of the Highlands and Islands medical service, grants in aid in respect of national health insurance benefits, &c.; certain expenses in connection with widows', orphans' and old age contributory pensions; and other services - - -	4,801,823	181,000
16. For the salaries and expenses of the Board of Control for Scotland, and grants in respect of the maintenance of certain ex-service mental patients	23,979	400
17. For the salaries and expenses of the Department of the Registrar-General of Births, &c., in Scotland - -	53,355	2,480
18. For the salaries and expenses of the Office of the Commissioner for Special Areas (Scotland), and the expenses of the Commissioner - - - - -	100	391,300
TOTAL, CIVIL, CLASS V	£ 211,480,569	4,755,685

SCHED. (B).
PART 15.
Civil.
Class VI.

SCHEDULE (B).—PART 15.

CIVIL.—CLASS VI.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1945, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote.		
1. For the salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments - - - - -	2,172,833	368,083
2. For the salaries and expenses of certain Mercantile Marine services, including the expenses of the Coastguard and the General Register and Record Office of Shipping and Seamen -	1,624,151	418,200
3. For the salaries and expenses of the Department of Overseas Trade, including grants in aid of the Imperial Institute and the Travel and Industrial Development Association of Great Britain and Ireland - -	312,430	1,210
4. For the salaries and expenses of the Export Credits Guarantee Department, and to provide for guarantees given after consultation with the Export Guarantees Advisory Council	100	467,940
5. For the salaries and expenses of the office of the Commissioners of Crown Lands - - - - -	38,016	—
Carried forward - - - - -	4,147,530	1,255,433

SCHEDULE (B).—PART 15—*continued.*

SCHED. (B).
PART 15.
Civil.
Class VI.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	4,147,530	1,255,433
Vote.		
6. For the salaries and expenses of the Ministry of Agriculture and Fisheries, and of the Royal Botanic Gardens, Kew, including grants, grants in aid and expenses in respect of agricultural education and research, eradication of diseases of animals, and improvement of breeding, &c., of live stock, land settlement, improvement of cultivation, drainage, &c., regulation of agricultural wages, agricultural credits, and marketing; fishery organisation, research and development, control of diseases of fish, &c.; and sundry other services; including certain remanet subsidy payments - - - - -	4,483,959	620,820
7. For the expenses of the survey of Great Britain and other mapping services -	938,030	49,500
8. For a grant in aid of the Forestry Fund	600,000	—
9. For a grant in aid of the Road Fund; for the maintenance and reconstruction of Menai Bridge; for payments to local authorities in reimbursement of expenses incurred in the collection of motor vehicle duties, &c., and the registration of motor vehicles; and for other services - - - - -	8,324,900	140,000
10. For the expenses of maintaining Holyhead Harbour and the Caledonian and Crinan Canals, and annuities in respect of Light Railways - -	42,933	16,650
11. For a grant in aid of the Development Fund - - - - -	640,000	—
Carried forward - - - - -	£ 19,177,352	2,082,403

SCHED. (B).
PART 15.
Civil.
Class VI.

SCHEDULE (B).—PART 15—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Brought forward - - -	£ 19,177,352	£ 2,082,403
Vote.		
12. For grants to public utility undertakings in Great Britain - - - -	434,000	—
13. For the salaries and expenses of the Department of Scientific and Industrial Research, including the Geological Survey of Great Britain and Museum of Practical Geology, and a grant in aid - - - -	983,111	612,476
14. For the salaries and expenses of the State Management Districts, including the salaries of the central office, and the cost of provision and management of licensed premises -	100	1,224,250
15. For the salaries and expenses of the Anglo-Spanish, Anglo-Roumanian, Anglo-Italian and Anglo-Turkish Clearing Offices - - - -	100	33,500
16. For the salaries and expenses of the Department of Agriculture for Scotland, including grants for land improvement, agricultural education, research and marketing, expenses in respect of regulation of agricultural wages; certain grants in aid, and remanet subsidy payments - -	801,560	163,388
17. For salaries and expenses in connection with the administration of Scottish fishery services, and a grant in aid of piers or quays - - - -	30,757	15,882
TOTAL, CIVIL, CLASS VI -	£ 21,426,980	4,131,899

SCHEDULE (B).—PART 16.

SCHED. (B)
PART 16.
Civil.
Class VII.

CIVIL.—CLASS VII.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1945, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For expenditure in respect of Houses of Parliament buildings - - -	51,250	550
2. For expenditure in respect of miscellaneous legal buildings - - -	117,580	1,150
3. For expenditure in respect of Osborne -	26,150	850
4. For the salaries and expenses of the Ministry of Works - - - -	6,242,270	118,000
5. For expenditure in respect of certain miscellaneous works services, including historic buildings, ancient monuments, Brompton Cemetery, certain housing estates, experimental and demonstration building and certain grants in aid (including a Supplementary sum of £200,000) -	399,835	13,625
6. For expenditure in respect of public buildings overseas - - - -	117,355	6,110
7. For expenditure in respect of Royal Palaces, including a grant in aid -	112,750	5,630
8. For expenditure in respect of Royal parks and pleasure gardens - -	219,800	27,625
9. For rates and contributions in lieu of rates, &c., in respect of property in the occupation of the Crown for the public service, and for rates on buildings occupied by representatives of British Dominions and of Foreign Powers; and for the salaries and expenses of the Rating of Government Property Department, and a grant in aid of the expenses of the London Fire Brigade - - - - -	4,833,098	47,018
Carried forward - - - - -	£ 12,120,088	220,558

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SCHED. (B).
PART 16.
Civil.
Class VII.

SCHEDULE (B).—PART 16—*continued.*

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
	Brought forward - - -	£ 12,120,088	£ 220,558
Vote.	10. For stationery, printing, paper, binding, and printed books for the public service ; for the salaries and expenses of the Stationery Office ; and for sundry miscellaneous services, including reports of Parliamentary Debates - - - - -	3,641,430	1,241,000
	11. For constructing a new harbour of refuge at Peterhead - - - - -	12,000	—
	12. For expenditure in respect of public works and buildings in Ireland - - -	41,805	3,015
	TOTAL, CIVIL, CLASS VII - £	15,815,323	1,464,573

SCHEDULE (B).—PART 17.

SCHED. (B).
PART 17.
Civil.
Class VIII.

CIVIL.—CLASS VIII.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1945, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For war pensions and allowances (including cost of treatment) arising out of the war of 1914-18 to merchant seamen and fishermen and their dependants and the administrative expenses connected therewith - -	204,230	—
2. For the salaries and expenses of the Ministry of Pensions, payments in respect of war pensions, gratuities and allowances, sundry contributions in respect thereof and other services	35,561,000	30,000
3. For the expenses of pensions, compensation allowances and gratuities awarded to retired and disbanded members and staff of the Royal Irish Constabulary, and to widows of such members, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances and certain extra-statutory payments - - -	1,130,000	—
4. For superannuation and other non-effective annual allowances, additional allowances, gratuities, compassionate allowances and supplementary pensions in respect of civil employment (including a Supplementary sum of £10) - - -	2,600,010	40,243
TOTAL, CIVIL, CLASS VIII-	£ 39,495,240	70,243

SCHED. (B).
PART 18.
Civil.
Class IX.

SCHEDULE (B).—PART 18.

CIVIL.—CLASS IX.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1945, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the General Exchequer Contribution and certain other grants to local authorities in England and Wales - - - - -	46,018,000	1,103,000
2. For the General Exchequer Contribution and certain other grants to local authorities in Scotland - -	6,754,859	175,000
TOTAL, CIVIL, CLASS IX -	£ 52,772,859	1,278,000

SCHEDULE (B).—PART 19.

SCHED. (B).
PART 19.
Civil.
Class X.

CIVIL.—CLASS X.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March, 1945, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the cost of the war services of the Ministry of Agriculture and Fisheries	100	10
2. For the salaries and expenses of the Ministry of Aircraft Production -	100	10
3. For the salaries and expenses of the Ministry of Economic Warfare - -	100	10
4. For the salaries and expenses of the Ministry of Food - - - -	100	10
5. For the salaries and expenses of the Ministry of Fuel and Power - -	100	10
6. For the cost of the war services of the Ministry of Health - - - -	100	10
7. For the salaries and expenses of the Ministry of Home Security - -	100	10
8. For the salaries and expenses of the Ministry of Information - - -	100	10
9. For the cost of the war services of the Ministry of Labour and National Service - - - - -	100	10
10. For the salaries and expenses of the Postal and Telegraph Censorship Department - - - - -	100	10
11. For the salaries and expenses of the Ministry of Production - - -	100	10
Carried forward - - - £	1,100	110

SCHED. (B).
PART 19.
Civil.
Class X.

SCHEDULE (B).—PART 19—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote. Brought forward - - -	1,100	110
12. For the salaries and expenses of the Ministry of Supply, including the expenses of the Royal Ordnance Factories - - - - -	100	10
13. For salaries and expenses in connection with war damage to business goods and to private chattels - -	100	10
14. For the salaries and expenses of the War Damage Commission - - -	100	10
15. For the salaries and expenses of the Ministry of War Transport - - -	100	10
16. For the cost of the war services of the Ministry of Works - - - - -	100	10
17. For the cost of the war services of the Department of Agriculture for Scotland - - - - -	100	10
18. For the cost of the war services of the Department of Health for Scotland -	100	10
19. For the cost of the war services of the Scottish Home Department - - -	100	10
TOTAL, CIVIL, CLASS X - £	1,900	190

SCHEDULE (B).—PART 20.

SCHED. (B).
PART 20.
Revenue
Depart-
ments.

REVENUE DEPARTMENTS.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several REVENUE DEPARTMENTS herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1945, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote. 1. For the salaries and expenses of the Customs and Excise Department -	6,439,100	187,300
2. For the salaries and expenses of the Inland Revenue Department - -	14,044,200	146,300
3. For the salaries and expenses of the Post Office, including Telegraphs and Telephones - - - -	123,370,000	5,410,150
TOTAL, REVENUE DEPARTMENTS £	143,853,300	5,743,750

SCHED. (B).
PART 21.
Expenditure
arising out
of the war.
(Votes of
Credit.)

SCHEDULE (B).—PART 21.

EXPENDITURE ARISING OUT OF THE WAR.
(VOTES OF CREDIT.)

<p>For defraying the expenses which may be incurred during the year ending on the 31st day of March 1945, for general Navy, Army and Air services and supplies in so far as specific provision is not made therefor by Parliament; for securing the public safety, the defence of the realm, the maintenance of public order and the efficient prosecution of the war; for maintaining supplies and services essential to the life of the community; for relief and rehabilitation in areas brought under the control of any of the United Nations; and generally for all expenses, beyond those provided for in the ordinary Grants of Parliament, arising out of the existence of a state of war (including two Supplementary sums, each of £1,000,000,000) - - - - -</p>	£	3,000,000,000
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SCHED. (C).
PART I.
Navy Services.
Section.6.

SCHEDULE (C).—PART I.

NAVY SERVICES, 1942. VOTES.	Deficits.				Surpluses.	
	Excesses of actual over estimated gross Expenditure.		Deficiencies of actual as compared with estimated Receipts.		Surpluses of actual as compared with estimated Receipts.	
	£	s. d.	£	s. d.	£	s. d.
1. Wages, &c., of Officers and Men of the Royal Navy and Royal Marines, and of certain other Personnel serving with the Fleet.	49,722,888	1 1	37,875,564	4 7	—	—
2. Victualling and Clothing for the Navy.	43,627,544	3 7	—	—	9,814,379	11 10
3. Medical Establishments and Services.	2,574,144	7 —	—	—	114,003	17 7
4. Civilians employed on Fleet Services.	4,498,780	18 4	—	—	5,593	18 11
5. Educational Services...	329,926	14 —	—	—	70,316	3 6
6. Scientific Services *...	2,771,658	16 —	—	—	91,905	13 11
7. Royal Naval Reserves	28,701	13 6	10	—	—	—
8. Shipbuilding, Repairs, Maintenance, &c. Section I.—Personnel Section II.—Matériel Section III. — Contract Work.	443,369,417	12 1	—	—	24,579,263	11 3
9. Naval Armaments						
10. Works, Buildings and Repairs at Home and Abroad.						
16. Merchant Shipbuilding						
11. Miscellaneous Effective Services.	28,876,984	17 —	—	—	1,711,742	14 2
12. Admiralty Office ...	5,298,767	6 1	—	—	29,703	4 1
13. Non-effective Services (Naval and Marine) —Officers.	1,863,970	13 3	—	—	13,107	5 3
14. Non-effective Services (Naval and Marine) —Men.	5,591,521	15 1	—	—	62,707	1 3
15. Civil Superannuation, Allowances and Gratuities.	1,337,502	13 11	—	—	556	6 7
Balances Irrecoverable and Claims Abandoned.	1,816,663	17 10	—	—	—	—
	591,708,473	8 9	37,875,574	4 7		
	Total Deficits £629,584,047 13s. 4d.				Total Surpluses £36,493,279 8s. 4d.	
	Net Deficit met from Vote of Credit ... £593,090,768 5s. —d.					

SCHED. (C).
PART II.
Army
Services.
Section 6.

SCHEDULE (C).—PART II.

ARMY SERVICES, 1942. VOTES.	Deficits.		Surpluses.	
	Excesses of actual over estimated gross Expenditure.	Deficiencies of actual as compared with estimated Receipts.	Surpluses of actual as compared with estimated Receipts.	
	£	s. d.	£	s. d.
1. Pay, &c., of the Army...	310,611,131	9 9	12,324,364	19 6
2. Territorial Army and Reserve Forces.	7,238,304	14 8	—	—
3. Medical Services ...	4,794,701	13 2	—	—
4. Educational Establishments.	1,867,309	17 4	—	—
5. Quartering and Movements.	74,272,761	3 1	—	—
6. Supplies, Road Transport and Remounts.	193,482,642	6 4	—	—
7. Clothing... ..	5,538,629	11 11	—	—
8. General Stores	28,213,746	13 11	—	—
9. Warlike Stores	9,671,517	- 4	—	—
10. Works, Buildings and Lands.	119,825,925	7 7	—	—
11. Miscellaneous Effective Services.	29,010,798	15 7	—	—
12. War Office	2,866,125	14 8	—	—
13. Half-pay, Retired Pay and other Non-effective Charges for Officers.	3,249,621	2 5	—	—
14. Pensions and other Non-effective Charges for Warrant Officers, Non-commissioned Officers, men and others.	1,799,334	15 11	—	—
15. Civil Superannuation, Compensation and Gratuities.	322,195	6 3	—	—
Balances Irrecoverable and Claims Abandoned.	4,042,917	15 7	—	—
	796,807,663	8 6	12,324,364	19 6
	Total Deficits.		Total Surpluses.	
	£809,132,028 8s. -d.		£9,865,820 1s. 4d.	
	Net Deficit met from } £799,266,208 6s. 8d.			
	Vote of Credit.			

SCHED. (C).
PART III.
Air
Services.
Section 6.

SCHEDULE (C).—PART III.

AIR SERVICES, 1942. VOTES.	Deficits.						Surpluses.		
	Excesses of actual over estimated gross Expenditure.			Deficiencies of actual as compared with estimated Receipts.			Surpluses of actual as compared with estimated Receipts.		
	£	s.	d.	£	s.	d.	£	s.	d.
1. Pay, &c., of the Air Force.	130,889,833	8	1	51,571,256	10	2	—		
2. Quartering, Non-Technical Stores, Supplies and Transportation.	57,356,831	6	1	—			2,422,331	16	2
3. Technical and Warlike Stores.	65,596,022	5	3	—			36,410,270	4	11
4. Works, Buildings and Lands.	163,112,849	12	9	—			3,325,684	4	7
5. Medical Services ...	843,838	4	9	—			104,114	19	1
6. Educational Services ...	998,902	11	2	—			2,602	17	4
7. Reserve and Auxiliary Forces.	303,906	12	9	—			722	—	7
8. Civil Aviation ...	2,933,838	13	11	—			164,818	17	1
9. Meteorological and Miscellaneous Effective Services.	26,602,412	4	6	—			518,142	19	6
10. Air Ministry ...	3,650,717	11	10	—			1,098	4	7
11. Half-Pay, Pensions and other Non-effective Services.	962,302	8	4	—			45,265	—	7
Balances Irrecoverable and Claims Abandoned.	1,614,809	10	7	—			—		
	454,866,264	10	—	51,571,256	10	2			
	Total Deficits						Total Surpluses		
	£506,437,521 —s. 2d.						£42,995,051 4s. 5d.		
	Net Deficit met from						} £463,442,469 15s. 9d.		
	Vote of Credit.								

CHAPTER 31.*Education Act, 1944.*

ARRANGEMENT OF SECTIONS.

PART I.

CENTRAL ADMINISTRATION.

Section.

1. Appointment of Minister in charge of education and establishment of Ministry of Education.
2. Transfer of property and functions to Minister and construction of Acts and documents.
3. Seal and acts of Minister.
4. Central Advisory Councils.
5. Annual report to Parliament.

PART II.

THE STATUTORY SYSTEM OF EDUCATION.

LOCAL ADMINISTRATION.

6. Local education authorities.

THE THREE STAGES OF THE SYSTEM.

7. Stages and purposes of statutory system of education.

PRIMARY AND SECONDARY EDUCATION.

Provision and Maintenance of Primary and Secondary Schools.

8. Duty of local education authorities to secure provision of primary and secondary schools.
9. County schools, voluntary schools, nursery schools, and special schools.
10. Requirements as to school premises
11. Development plans as to primary and secondary schools.
12. Local education orders with respect to primary and secondary education.
13. Establishment and discontinuance of county and voluntary schools.
14. Restrictions on discontinuance of voluntary schools by managers and governors.
15. Classification of voluntary schools as controlled schools, aided schools, or special agreement schools.
16. Transfer of county and voluntary schools to new sites, and substitution of new voluntary schools for old ones.

Management of Primary Schools and Government of Secondary Schools.

17. Constitution of managers and governors and conduct of county schools and voluntary schools.
18. Managers of primary schools.
19. Governors of secondary schools.
20. Grouping of schools under one management.
21. Proceedings of managers and governors of county and voluntary schools.
22. Powers of local education authority as to use and care of premises of voluntary schools.

*Secular Instruction and Appointment and Dismissal of
Teachers in County and Voluntary Schools.*

Section.

23. Secular instruction in county schools and in voluntary schools.
24. Appointment and dismissal of teachers in county schools and in voluntary schools.

Religious Education in County and Voluntary Schools.

25. General provisions as to religious education in county and in voluntary schools.
26. Special provisions as to religious education in county schools.
27. Special provisions as to religious education in controlled schools.
28. Special provisions as to religious education in aided schools and in special agreement schools.
29. Provisions as to religious instruction in accordance with agreed syllabus.
30. Saving as to position of teachers.

Transitional Provisions as to County and Voluntary Schools.

31. Transitional provisions as to the separation of primary and secondary schools.
32. Transitional provisions as to the management and maintenance of voluntary schools.

*Primary and Secondary Education of pupils requiring
Special Educational Treatment.*

33. Education of pupils requiring special educational treatment.
34. Duty of local education authorities to ascertain what children require special educational treatment.

Compulsory attendance at Primary and Secondary Schools.

35. Compulsory school age.
36. Duty of parents to secure the education of their children.
37. School attendance orders.
38. Additional provisions as to compulsory attendance at special schools.
39. Duty of parents to secure regular attendance of registered pupils.
40. Enforcement of school attendance.

FURTHER EDUCATION.

41. General duties of local education authorities with respect to further education.
42. Schemes of further education.
43. County colleges.
44. Duty to attend county colleges in accordance with college attendance notices.
45. Administrative provisions for securing attendance at county colleges.
46. Enforcement of attendance at county colleges.
47. Interim provisions as to further education.

SUPPLEMENTARY PROVISIONS AS TO PRIMARY, SECONDARY
AND FURTHER EDUCATION.

Ancillary Services.

48. Medical inspection and treatment of pupils.
49. Provision of milk and meals.
50. Provision of board and lodging otherwise than at boarding schools or colleges.

Section.

51. Provision of clothing at schools maintained by local education authorities.
52. Recovery of cost of boarding accommodation and of clothing.
53. Provision of facilities for recreation and social and physical training.
54. Power to ensure cleanliness.
55. Provision of transport and other facilities.
56. Power to provide primary and secondary education otherwise than at school.
57. Duty of local education authorities to report to local authorities under 3 & 4 Geo. 5. c. 28^a in certain cases.

Employment of Children and Young Persons.

58. Adaptation of enactments relating to the employment of children or young persons.
59. Power of local education authorities to prohibit or restrict employment of children.
60. Effect of college attendance notices on computation of working hours.

Miscellaneous Provisions.

61. Prohibition of fees in schools maintained by local education authorities and in county colleges.
62. Duties of Minister and of local education authorities as to the training of teachers.
63. Exemption from building byelaws of buildings approved by the Minister.
64. Exemption of voluntary schools from rates.
65. Endowments for maintenance of voluntary schools.
66. Power of local education authorities to assist governors of aided secondary schools in respect of liabilities incurred before commencement of Part II.
67. Determination of disputes and questions.
68. Power of Minister to prevent unreasonable exercise of functions.
69. Powers of Minister as to medical examinations and inspections.

PART III.

INDEPENDENT SCHOOLS.

70. Registration of independent schools.
71. Complaints.
72. Determination of complaints.
73. Enforcement.
74. Removal of disqualifications.
75. Proceedings before Independent Schools Tribunals and matters relating thereto.

PART IV.

GENERAL.

GENERAL PRINCIPLE TO BE OBSERVED BY MINISTER AND LOCAL EDUCATION AUTHORITIES.

76. Pupils to be educated in accordance with the wishes of their parents.

MISCELLANEOUS PROVISIONS.

Section.

- 77. Inspection of educational establishments.
- 78. Provision of certain ancillary services for pupils not in attendance at schools maintained by local education authorities.
- 79. Supplementary provisions as to medical inspection and treatment.
- 80. Registration of pupils at schools.
- 81. Power of local education authorities to give assistance by means of scholarships and otherwise.
- 82. Powers of local education authorities as to educational research.
- 83. Powers of local education authorities as to educational conferences.
- 84. Power of local education authorities to make grants to universities and university colleges.
- 85. Power of local education authorities to accept gifts for educational purposes.
- 86. Extension of power to make schemes under the Endowed Schools Acts, and modifications of those Acts and of 4 & 5 Vict. c. 38.
- 87. Exemption of assurances of property for educational purposes from the Mortmain Acts.

ADMINISTRATIVE PROVISIONS.

- 88. Appointment of chief education officers of local education authorities.
- 89. Remuneration of teachers.
- 90. Compulsory purchase of land and other dealings in land by local education authorities.
- 91. Accounts of councils of county boroughs and audit thereof.
- 92. Reports and returns.
- 93. Power of Minister to direct local inquiries.
- 94. Certificates of birth and registrars' returns.
- 95. Provisions as to evidence.
- 96. Provisions consequential on cessation of functions of former authorities.
- 97. Modification of 2 & 3 Geo. 6. c. 94.
- 98. Compensation of persons prejudicially affected by this Act.
- 99. Powers of Minister in default of local education authorities or managers or governors.

FINANCIAL PROVISIONS.

- 100. Grants in aid of educational services.
- 101. Special financial provisions relating to Wales and Monmouthshire.
- 102. Maintenance contributions payable by the Minister in respect of aided schools and special agreement schools.
- 103. Power of the Minister to make grants in respect of aided schools and special agreement schools transferred to new sites or established in substitution for former schools.
- 104. Power of the Minister to make grants in respect of aided schools and special agreement schools established for the accommodation of displaced pupils.
- 105. Power of the Minister to make loans to aided schools and special agreement schools in respect of initial expenditure.
- 106. Contributions between local education authorities.
- 107. Expenses of Ministers.

PART V.

SUPPLEMENTAL.

- 108. Power to facilitate commencement of Part II.
- 109. Power of Minister to authorise local education authorities to provide temporary assistance for voluntary schools.

Section.

- 110. Power of Minister to adjust variations of rates consequent upon commencement of Part II.
- 111. Revocation and variation of orders and directions.
- 112. Regulations to be laid before Parliament.
- 113. Notices.
- 114. Interpretation.
- 115. Saving as to persons in the service of the Crown.
- 116. Saving as to persons of unsound mind and persons detained by order of a court.
- 117. Application to London.
- 118. Application to Isles of Scilly.
- 119. Commencement.
- 120. Amendment of enactments.
- 121. Repeal of enactments.
- 122. Short title and extent.

SCHEDULES :

First Schedule.—Local administration.

Second Schedule.—Transfer to a local education authority of an interest in the premises of a voluntary school.

Third Schedule.—Special agreements in respect of certain voluntary schools.

Fourth Schedule.—Meetings and proceedings of managers and governors.

Fifth Schedule.—Procedure for preparing and bringing into operation an agreed syllabus of religious instruction.

Sixth Schedule.—Constitution of Independent Schools Tribunals.

Seventh Schedule.—Adjustment of variations of rates consequent upon commencement of Part II of this Act.

Eighth Schedule.—Amendment of enactments.

Ninth Schedule.—Enactments repealed.

An Act to reform the law relating to education in
England and Wales. [3rd August 1944.]

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

PART I.

CENTRAL ADMINISTRATION.

Appointment of Minister in charge of education and establishment of Ministry of Education.

1.—(1) It shall be lawful for His Majesty to appoint a Minister (hereinafter referred to as "the Minister"), whose duty it shall be to promote the education of the people of England and Wales and the progressive development of institutions devoted to that purpose, and to secure the effective execution by local authorities, under his control and direction, of the national policy for providing a varied and comprehensive educational service in every area.

(2) The Minister shall for all purposes be a corporation sole under the name of the Minister of Education, and the department of which he is in charge shall be known as the Ministry of Education.

(3) The Minister may appoint a Parliamentary Secretary to the Ministry of Education, and such other secretaries, officers, and servants, as the Minister may, with the consent of the Treasury, determine, and, subject to the provisions of the Ministers of the Crown Act, 1937, as to the remuneration of the Parliamentary Secretary, there shall be paid to such secretaries, officers, and servants, such remuneration as may be determined in like manner.

PART I.
—cont.

1 Edw. 8. &
1 Geo. 6. c. 38.

(4) The Minister shall take the oath of allegiance and the official oath, and the Promissory Oaths Act, 1868, shall have effect as if the Minister of Education were named in the First Part of the Schedule to that Act.

31 & 32 Vict.
c. 72.

2.—(1) All property which, immediately before the date declared by His Majesty in Council to be the date on which the first appointment under this Act of a Minister of Education took effect, was held by the Board of Education constituted under the Board of Education Act, 1899, and all functions exercisable by that Board or the President thereof immediately before that date, and all rights and liabilities, whether vested or contingent, to which that Board or the President thereof were entitled or subject immediately before that date, shall, by virtue of this Act, be transferred to the Minister; and, except where the context otherwise requires, references in any enactment or other document to the Board of Education, the President of the Board of Education, the Education Department, or the Department of Science and Art shall be construed as references to the Minister, or, where the case so requires, as references to the Ministry of Education.

Transfer of
property and
functions to
Minister and
construction
of Acts and
documents.
62 & 63 Vict.
c. 33.

(2) His Majesty may by Order in Council transfer to, or make exercisable by, the Minister any of the functions of the Charity Commissioners in matters appearing to His Majesty to relate to education, and any such Order may make such provision as appears to His Majesty to be necessary for applying to the exercise of those functions by the Minister any enactments relating to the Charity Commissioners; and any Order in Council made under this subsection may be varied or revoked by any subsequent Order so made:

Provided that any such Order shall make provision for the determination by the Charity Commissioners of any question whether an endowment or any part of an endowment is held for, or ought to be applied to, educational purposes.

3.—(1) The Minister shall have an official seal which shall be authenticated by the signature of the Minister or of a secretary to the Ministry of Education or of any person authorised by the Minister to authenticate the seal.

Seal and acts
of Minister.

(2) The seal of the Minister shall be officially and judicially noticed, and every document purporting to be an instrument

PART I.
—cont.

made or issued by the Minister and either to be sealed with the seal of the Minister authenticated in the manner provided by this section, or to be signed by a secretary to the Ministry of Education or by any other officer of the Ministry authorised to sign it, shall in any legal proceedings be deemed to be so made or issued without further proof, unless the contrary is shown.

(3) A certificate signed by the Minister certifying that any instrument purporting to be made or issued by him was so made or issued shall be conclusive evidence of the fact certified.

31 & 32 Vict.
c. 37.

(4) The Documentary Evidence Act, 1868, shall have effect as if there were included in the first column of the Schedule to that Act the words " the Minister of Education ", and as if there were included in the second column of the said Schedule the words " the Minister of Education, any secretary to the Ministry of Education, or any person authorised by the Minister of Education to issue a certificate for the purposes of subsection (3) of section two of this Act ", and as if the regulations referred to in that Act included any document made or issued by the Minister.

Central
Advisory
Councils.

4.—(1) There shall be two Central Advisory Councils for Education, one for England and the other for Wales and Monmouthshire, and it shall be the duty of those Councils to advise the Minister upon such matters connected with educational theory and practice as they think fit, and upon any questions referred to them by him.

(2) The members of each Council shall be appointed by the Minister, and the Minister shall appoint a member of each Council to be Chairman thereof and shall appoint an officer of the Ministry of Education to be secretary thereto.

(3) Each Council shall include persons who have had experience of the statutory system of public education as well as persons who have had experience of educational institutions not forming part of that system.

(4) The Minister shall by regulations make provision as to the term of office and conditions of retirement of the members of each Council, and regulations made by the Minister for either Council may provide for periodical or other meetings of the Council and as to the procedure thereof, but, subject to the provisions of any such regulations, the meetings and procedure of each Council shall be such as may be determined by them.

Annual report
to Parliament.

5. The Minister shall make to Parliament an annual report giving an account of the exercise and performance of the powers and duties conferred and imposed upon him by this Act and of the composition and proceedings of the Central Advisory Councils for Education.

PART II.

THE STATUTORY SYSTEM OF EDUCATION.

LOCAL ADMINISTRATION.

6.—(1) Subject to the provisions of Part I of the First Schedule to this Act, the local education authority for each county shall be the council of the county, and the local education authority for each county borough shall be the council of the county borough. Local education authorities.

(2) The local administration of the statutory system of public education shall be conducted in accordance with the provisions of Parts II and III of the said Schedule.

(3) All property which immediately before the date of the commencement of this Part of this Act was held by the council of any county district solely or mainly for the purposes of any functions exercisable by them under the Education Acts, 1921 to 1939, and all rights and liabilities, whether vested or contingent, to which any such council were entitled or subject immediately before the said date by reason of the exercise of such functions shall, save as may be otherwise directed by the Minister under the powers conferred on him by this Act, be transferred by virtue of this section to the local education authority for the county in which the county district is situated.

(4) All officers who immediately before the said date were employed by the council of any county district solely or mainly for the purposes of any such functions as aforesaid shall by virtue of this section be transferred to and become officers of the local education authority for the county in which the county district is situated, and shall be employed by that authority upon the terms and conditions upon which they were employed by the council of the county district immediately before that date.

THE THREE STAGES OF THE SYSTEM.

7. The statutory system of public education shall be organised in three progressive stages to be known as primary education, secondary education, and further education; and it shall be the duty of the local education authority for every area, so far as their powers extend, to contribute towards the spiritual, moral, mental, and physical development of the community by securing that efficient education throughout those stages shall be available to meet the needs of the population of their area. Stages and purposes of statutory system of education.

PRIMARY AND SECONDARY EDUCATION.

Provision and Maintenance of Primary and Secondary Schools.

8.—(1) It shall be the duty of every local education authority to secure that there shall be available for their area sufficient schools— Duty of local education authorities to secure provision of primary and secondary schools.

(a) for providing primary education, that is to say, full-time education suitable to the requirements of junior pupils; and

PART II.
—cont.

- (b) for providing secondary education, that is to say, full-time education suitable to the requirements of senior pupils, other than such full-time education as may be provided for senior pupils in pursuance of a scheme made under the provisions of this Act relating to further education ;

and the schools available for an area shall not be deemed to be sufficient unless they are sufficient in number, character, and equipment to afford for all pupils opportunities for education offering such variety of instruction and training as may be desirable in view of their different ages, abilities, and aptitudes, and of the different periods for which they may be expected to remain at school, including practical instruction and training appropriate to their respective needs.

(2) In fulfilling their duties under this section, a local education authority shall, in particular, have regard—

- (a) to the need for securing that primary and secondary education are provided in separate schools ;
- (b) to the need for securing that provision is made for pupils who have not attained the age of five years by the provision of nursery schools or, where the authority consider the provision of such schools to be inexpedient, by the provision of nursery classes in other schools ;
- (c) to the need for securing that provision is made for pupils who suffer from any disability of mind or body by providing, either in special schools or otherwise, special educational treatment, that is to say, education by special methods appropriate for persons suffering from that disability ; and
- (d) to the expediency of securing the provision of boarding accommodation, either in boarding schools or otherwise, for pupils for whom education as boarders is considered by their parents and by the authority to be desirable :

Provided that paragraph (a) of this subsection shall not have effect with respect to special schools.

County
schools,
voluntary
schools,
nursery
schools, and
special schools.

9.—(1) For the purpose of fulfilling their duties under this Act, a local education authority shall have power to establish primary and secondary schools, to maintain such schools whether established by them or otherwise, and, so far as may be authorised by arrangements approved by the Minister, to assist any such school which is not maintained by them.

(2) Primary and secondary schools maintained by a local education authority, not being nursery schools or special schools, shall, if established by a local education authority or by a former authority, be known as county schools and, if established otherwise than by such an authority, be known as voluntary schools :

Provided that any school which by virtue of any enactment repealed by this Act was to be deemed to be, or was to be treated

as, a school provided by a former authority shall, notwithstanding that it was not in fact established by such an authority as aforesaid, be a county school.

(3) Subject to the provisions hereinafter contained as to the discontinuance of voluntary schools, every school which immediately before the commencement of this Part of this Act was, within the meaning of the enactments repealed by this Act, a public elementary school provided otherwise than by a former authority shall, if it was then maintained by a former authority, be maintained as a voluntary school by the local education authority for the area in which the school is situated.

(4) Primary schools which are used mainly for the purpose of providing education for children who have attained the age of two years but have not attained the age of five years shall be known as nursery schools.

(5) Schools which are especially organised for the purpose of providing special educational treatment for pupils requiring such treatment and are approved by the Minister for that purpose shall be known as special schools.

(6) The powers conferred by subsection (1) of this section on local education authorities shall be construed as including power to establish maintain and assist schools outside as well as inside their areas.

10.—(1) The Minister shall make regulations prescribing the standards to which the premises of schools maintained by local education authorities are to conform, and such regulations may prescribe different standards for such descriptions of schools as may be specified in the regulations. Requirements as to school premises.

(2) Subject as hereinafter provided, it shall be the duty of a local education authority to secure that the premises of every school maintained by them conform to the standards prescribed for schools of the description to which the school belongs :

Provided that if the Minister is satisfied with respect to any school that having regard to the nature of the site or to any existing buildings thereon or to other special circumstances affecting the school premises it would be unreasonable in that case to require conformity with the requirements of the regulations in any particular respect, he may direct that the school premises shall be deemed to conform to the prescribed standards if in lieu of conforming to the requirements of the regulations in that respect they conform to such other requirements as may be specified in the direction.

11.—(1) As soon as may be after the date of the commencement of this Part of this Act, every local education authority shall estimate the immediate and prospective needs of their area, having regard to the provisions of this Act and of any regulations made thereunder and to the functions relating to primary Development plans as to primary and secondary schools.

PART II.
—cont.

and secondary education thereby conferred on them, and shall, within one year after that date or within such extended period as the Minister may in any particular case allow, prepare and submit to the Minister a plan (in this Act referred to as a "development plan") in such form as the Minister may direct showing the action which the authority propose should be taken for securing that there shall be sufficient primary and secondary schools available for their area and the successive measures by which it is proposed to accomplish that purpose.

(2) A local education authority, before submitting to the Minister the development plan for their area, shall take into consideration all schools available for providing primary and secondary education for pupils in the area, and the development plan for the area shall:—

- (a) specify which of the said schools the authority propose should be county primary schools, county secondary schools, voluntary primary schools, and voluntary secondary schools respectively, and, in relation to every such school, give particulars of the proposals of the authority as to the nature of the education to be provided in the school and as to the ages of the pupils to be taught therein ;
- (b) specify what alterations are, by reason of the provisions of this Act or of any regulations made thereunder, required in the premises of any school proposed to be either a county school or a voluntary school, and furnish estimates of the cost of those alterations ;
- (c) specify what additional county schools and voluntary schools, if any, will be required for their area ;
- (d) include information as to any arrangements proposed to be made with respect to schools not to be maintained by the authority, for the purpose of helping to secure that there shall be sufficient primary and secondary schools available for their area ;
- (e) give particulars of the arrangements made and proposed to be made by the authority for meeting the needs of pupils who have not attained the age of five years and of pupils who require special educational treatment ;
- (f) give particulars of the arrangements made and proposed to be made by the authority for the provision of boarding schools ;
- (g) include information as to any other measures which the authority propose to take in fulfilment of their duty to secure the provision of schools for providing primary and secondary education, such as the making of general arrangements for the transport of pupils to and from school ; and

- (h) contain such other particulars of the proposals of the authority with respect to schools for providing primary and secondary education for their area as the authority think necessary, or as the Minister may require :

PART II.
—cont.

Provided that, if the local education authority are satisfied that any county school or voluntary school which is for the time being organised for the provision of both primary and secondary education ought to continue to be so organised, the development plan may make provision for its continuing to be so organised during such period as they think necessary.

(3) A local education authority shall, before submitting their development plan to the Minister, consult the managers or governors, or persons representing the managers or governors, of all schools other than county schools, whether within or without the area of the authority, which would in the opinion of the authority be affected by the execution of the plan, and shall, after submitting the plan to the Minister, forthwith furnish to the managers or governors of every such school such particulars relating to the plan as are sufficient to show the manner in which the school would be affected by the execution thereof.

Where a development plan has been submitted to the Minister under this section, the Minister shall, if he is of opinion that no particulars or insufficient particulars of the plan have been furnished to any person who, in his opinion, would be affected by the execution of the plan, give such directions as he considers expedient for securing that sufficient particulars are so furnished.

(4) After considering any objections to a development plan made to him within the period of two months after the date on which he is satisfied that all necessary particulars have been furnished in accordance with the last foregoing subsection, and after making in the plan such modifications, if any, as after consultation with the local education authority he considers necessary or expedient for the purpose of securing that the plan makes proper provision for the immediate and prospective needs of the area with respect to primary and secondary schools, the Minister shall approve the plan, and shall give such directions to the local education authority as he considers desirable for the purpose of giving to the managers or governors of every voluntary school affected by the plan notice of the approval thereof, and otherwise for giving publicity to the plan as approved by him.

(5) The approval of the development plan submitted by a local education authority shall not, of itself, affect the duties of the authority, but in so far as the Minister considers it expedient to impose duties upon the authority for the purpose of securing that effect will be given to the plan as approved by him, those duties shall be imposed by the local education order for the area made under the next following section.

PART II.
—*cont.*
Local education orders with respect to primary and secondary education.

12.—(1) As soon as may be after approving the development plan for the area of any local education authority, the Minister shall make an order to be called the local education order for the area specifying the county schools and voluntary schools which it is the duty of the authority to maintain, and the order shall, to such extent as the Minister considers desirable, define the duties of the authority with respect to the measures to be taken by the authority for securing that there shall be sufficient primary and secondary schools available for their area, and shall make provision as to which of the schools maintained or assisted by the authority for providing primary and secondary education shall be primary schools and secondary schools respectively and as to which of them, if any, shall, for the time being, be organised for the provision of both primary and secondary education.

(2) The local education order for every area shall continue to regulate the duties of the local education authority in respect of the matters therein mentioned and shall be amended by the Minister whenever, in his opinion, the amendment thereof is expedient by reason of any change or proposed change of circumstances :

Provided that, before amending the local education order for any area in such manner as to vary the duties of a local education authority in any respect not either provided for by the development plan approved for the area or by proposals approved by him or occasioned by the discontinuance of a voluntary school under the provisions hereinafter contained relating to those matters respectively, the Minister shall give to the local education authority, and to the managers, governors or other proprietor of any school which, in his opinion, would be affected by the amendment, notice of the amendment proposed to be made and shall consider any objections made to him by the authority or by such managers, governors or proprietor within two months after the service of the notice.

(3) If a local education authority inform the Minister that they are aggrieved by an order or by an amendment of an order made under this section, the order or amendment shall be laid before Parliament as soon as may be thereafter, and if either House of Parliament within the period of forty days beginning with the day on which any such order or amendment is laid before it resolves that the order or amendment be annulled, the order or amendment shall cease to have effect, but without prejudice to anything previously done thereunder or to the making of any new order or amendment.

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

13.—(1) Where a local education authority intend—

- (a) to establish a new county school ;
- (b) to maintain as a county school any school which at the time being is not such a school ; or
- (c) to cease to maintain any county school or, save as provided by the next following section of this Act, any voluntary school ;

PART II.
—cont.
Establishment
and
discontinuance
of county and
voluntary
schools

they shall submit proposals for that purpose to the Minister.

(2) Where any persons propose that any school established by them or by persons whom they represent which at the time being is not a voluntary school, or any school proposed to be so established, should be maintained by a local education authority as a voluntary school, they shall after consultation with the authority submit proposals for that purpose to the Minister.

(3) After any proposals have been submitted to the Minister under this section, the authority or persons by whom the proposals were submitted shall forthwith give public notice of the proposals in the prescribed manner, and the managers or governors of any voluntary school affected by the proposals or any ten or more local government electors for the area and any local education authority concerned may within three months after the first publication of the notice submit to the Minister objections to the proposals :

Provided that this subsection shall not have effect in the case of proposals for the maintenance as a voluntary school of a school which is at the time being a school in respect of which grants are made by the Minister, if the proposals are made with the concurrence of the authority and of the proprietor of the school and of any trustees in whom is vested any interest in the school premises.

(4) Any proposals submitted to the Minister under this section may be approved by him after making such modifications therein, if any, as appear to him to be desirable :

Provided that the Minister shall not approve proposals for the maintenance as a county school of any school which, at the time being, is a voluntary school, unless he has, in accordance with the provisions of the Second Schedule to this Act, approved an agreement made under the powers conferred by that Schedule between the authority and the managers or governors of the school for the transfer to the authority of all necessary interests in the school premises.

(5) A local education authority shall not, without the leave of the Minister, do or undertake to do anything (whether or not provided for by the development plan for the area) for which proposals are required by this section to be submitted to the Minister until such proposals have been approved by him.

PART II.
—cont.

(6) After proposals for the establishment of a new school have been approved by the Minister under this section, the authority or persons by whom the proposed school is to be established shall submit to him in such form and in such manner as he may direct specifications and plans of the school premises, and the Minister, on being satisfied that the school premises will conform to the prescribed standards, may approve the specifications and plans :

Provided that, before submitting specifications and plans in respect of a school which is to be maintained as a voluntary school, the persons by whom the school is to be established shall consult the local education authority.

(7) When the proposals specifications and plans for a new school have been approved by the Minister under this section, it shall be the duty of the authority or persons by whom the proposed school is to be established to give effect to the proposals in accordance with the specifications and plans so approved, except that in the case of proposals submitted under subsection (2) of this section the duty of providing playing fields and any buildings required only for affording facilities for medical inspection or treatment or for providing milk, meals, or other refreshment shall be the duty of the local education authority.

(8) When proposals for the maintenance of any school have been approved by the Minister under this section, it shall be the duty of the local education authority to maintain it ; and an authority shall not be under any duty to maintain a school after proposals that the authority shall cease to maintain it have been approved by the Minister under this section.

Restrictions
on discon-
tinuance of
voluntary
schools
by managers
and governors.

14.—(1) Subject to the provisions of this section, the managers or governors of a voluntary school shall not discontinue the school except after serving on the Minister and on the local education authority by whom the school is maintained not less than two years' notice of their intention to do so :

Provided that, except by leave of the Minister, no such notice as aforesaid shall be served by the managers or governors of any voluntary school in respect of the establishment or alteration of which expenditure has been incurred by the Minister or by any local education authority or former authority, and, if the Minister grants such leave, he may require the repayment of such portion of the amount of the expenditure as he thinks just.

(2) No such notice as aforesaid shall be withdrawn except with the consent of the local education authority.

(3) If, while any such notice as aforesaid is in force with respect to a voluntary school, the managers or governors of the school inform the local education authority that they are unable or

unwilling to carry on the school until the expiration of the notice, the authority may conduct the school during the whole or any part of the unexpired period of the notice as if it were a county school, and shall be entitled to the use of the school premises, free of charge, for that purpose.

(4) While any school is being conducted by a local education authority as a county school under the last foregoing subsection, the authority shall keep the school premises in good repair, and for all purposes relating to the condition of the school premises, the occupation and use thereof, and the making of alterations thereto, any interest in the said premises which is held for the purposes of the school shall be deemed to be vested in the authority :

Provided that the managers or governors of the school shall be entitled to the use of the school premises or any part thereof when not required for the purposes of the school to the like extent as if they had continued to carry on the school during the unexpired period of the notice.

(5) Where any school is discontinued in accordance with the provisions of this section, the duty of the local education authority to maintain the school as a voluntary school shall be extinguished.

15.—(1) Voluntary schools shall be of three categories, that is to say, controlled schools, aided schools, and special agreement schools, and in schools of those several categories the management of the school, the secular instruction and religious education, and the appointment and dismissal of teachers, shall be regulated in accordance with the provisions hereinafter contained relating to those matters in controlled schools, aided schools, and special agreement schools respectively.

(2) Upon application being duly made to him with respect to any voluntary school, the Minister may by order direct that the school shall be a controlled school an aided school or a special agreement school, and where he is satisfied that the managers or governors of the school will be able and willing, with the assistance of the maintenance contribution payable by the Minister under this Act, to defray the expenses which would fall to be borne by them under paragraph (a) of the next following subsection, the order shall direct that the school shall be an aided school, or, in the case of a school with respect to which a special agreement has been made under the Third Schedule to this Act, a special agreement school :

Provided that, subject to the provisions of this section, any application for an order directing that a school shall be an aided school or a special agreement school must be made, in the case of a school which became a voluntary school by

PART II.
—cont.

virtue of subsection (3) of section nine of this Act not later than six months after the date on which the managers or governors of the school received notice of the approval of the development plan for the area, and in any other case not later than the submission to the Minister of the proposals that the school should be maintained by the local education authority as a voluntary school ; and, subject to the transitional provisions of this Act as to the management and maintenance of voluntary schools, a voluntary school with respect to which no order is in force under this section directing that it shall be an aided school or a special agreement school shall be a controlled school.

(3) The managers or governors of a controlled school shall not be responsible for any of the expenses of maintaining the school, but the following provisions shall have effect with respect to the maintenance of aided schools and special agreement schools :

(a) the following expenses shall be payable by the managers or governors of the school, that is to say, the expenses of discharging any liability incurred by them or on their behalf or by or on behalf of any former managers or governors of the school or any trustees thereof for the purposes of establishing or carrying on the school, any expenses incurred in effecting such alterations to the school buildings as may be required by the local education authority for the purpose of securing that the school premises should conform to the prescribed standards, and any expenses incurred in effecting repairs to the school premises not being repairs which are excluded from their responsibility by the following paragraph:

(b) the managers or governors of the school shall not be responsible for repairs to the school playground or playing fields or to the interior of any buildings forming part of the school premises or for repairs necessary in consequence of the use of the premises, in pursuance of any direction or requirement of the authority, for purposes other than those of the school.

(4) If at any time the managers or governors of an aided school or a special agreement school are unable or unwilling to carry out their obligations under paragraph (a) of the last foregoing subsection, it shall be their duty to apply to the Minister for an order revoking the order by virtue of which the school is an aided school or a special agreement school, and upon such an application being made to him the Minister shall revoke the order.

(5) If at any time the Minister is satisfied that the grant made in respect of a special agreement school in pursuance of the special agreement made with respect to the school under this Act has been repaid to the local education authority by which the school is maintained, the Minister shall, upon application being made to

him for that purpose by the managers or governors of the school, by order revoke the order by virtue of which the school is a special agreement school and, if satisfied that the managers or governors of the school will be able and willing, with the assistance of the maintenance contribution payable by the Minister under this Act, to defray the expenses which would fall to be borne by them under paragraph (a) of subsection (3) of this section, shall by order direct that the school shall be an aided school.

(6) In this section the expression "school buildings", in relation to any school, does not include any buildings required only for affording facilities for enabling the local education authority to carry out their functions with respect to medical inspection or treatment or for affording facilities for providing milk, meals or other refreshment for pupils in attendance at the school.

16.—(1) Where the Minister is satisfied that it is expedient that any county school or any voluntary school should be transferred to a new site either because it is not reasonably practicable to make to the existing premises of the school the alterations necessary for securing that they should conform to the prescribed standards, or in consequence of any movement of population or of any action taken or proposed to be taken under the enactments relating to housing or to town and country planning, the Minister may by order authorise the transfer of the school to the new site ; and any transfer so authorised shall not be deemed, for the purposes of this Act, to constitute the discontinuance of the school or the establishment of a new school.

Transfer of county and voluntary schools to new sites, and substitution of new voluntary schools for old ones.

(2) Where in connection with any proposals submitted to the Minister under subsection (2) of section thirteen of this Act it is claimed that any school or schools thereby proposed to be established should be maintained by the local education authority as a voluntary school in substitution for another school at the time being maintained by a local education authority as a voluntary school or for two or more such schools which is or are to be discontinued, then, if the Minister is satisfied that the school or schools proposed to be established will be so maintained, he may, if he approves the proposals with or without modifications, by order direct that the school or schools proposed to be established shall be established in substitution for the school or schools to be discontinued, and where such an order is made, the provisions of this Act relating to the discontinuance of voluntary schools shall not apply with respect to the discontinuance of the school or schools to be discontinued.

(3) Before making any order under this section, the Minister shall consult any local education authority which will, in his opinion, be affected by the making of the order, and the managers or governors of any voluntary school which in his opinion will be

PART II.
—cont.

so affected ; and any such order may impose such conditions on any such local education authority or managers or governors and may contain such incidental and consequential provisions as the Minister thinks fit.

*Management of Primary Schools and Government of
Secondary Schools.*

Constitution of
managers and
governors and
conduct of
county schools
and voluntary
schools.

17.—(1) For every county school and for every voluntary school there shall be an instrument providing for the constitution of the body of managers or governors of the school in accordance with the provisions of this Act, and the instrument providing for the constitution of the body of managers of a primary school is in this Act referred to as an instrument of management, and the instrument providing for the constitution of the body of governors of a secondary school is in this Act referred to as an instrument of government.

(2) The instrument of management or the instrument of government, as the case may be, shall be made in the case of a county school by an order of the local education authority and in the case of a voluntary school by an order of the Minister.

(3) Subject to the provisions of this Act and of any trust deed relating to the school :—

(a) every county primary school and every voluntary primary school shall be conducted in accordance with rules of management made by an order of the local education authority ; and

(b) every county secondary school and every voluntary secondary school shall be conducted in accordance with articles of government made in the case of a county school by an order of the local education authority and approved by the Minister, and in the case of a voluntary school by an order of the Minister ; and such articles shall in particular determine the functions to be exercised in relation to the school by the local education authority, the body of governors, and the head teacher respectively.

(4) Where it appears to the Minister that any provision included or proposed to be included in the instrument of management, rules of management, instrument of government, or articles of government, for a county school or a voluntary school is in any respect inconsistent with the provisions of any trust deed relating to the school, and that it is expedient in the interests of the school that the provisions of the trust deed should be modified for the purpose of removing the inconsistency, he may by order make such modifications in the provisions of the trust deed as appear to him to be just and expedient for that purpose.

(5) Before making any order under this section in respect of any school, the Minister shall afford to the local education authority and to any other persons appearing to him to be concerned with the management or government of the school an opportunity of making representations to him with respect thereto, and in making any such order the Minister shall have regard to all the circumstances of the school, and in particular to the question whether the school is, or is to be, a primary or secondary school, and, in the case of an existing school, shall have regard to the manner in which the school has been conducted theretofore.

18.—(1) The instrument of management for every county primary school serving an area in which there is a minor authority shall provide for the constitution of a body of managers consisting of such number of persons, not being less than six, as the local education authority may determine: Managers of primary schools.

Provided that two-thirds of the managers shall be appointed by the local education authority and one-third shall be appointed by the minor authority.

(2) The instrument of management for every county primary school serving an area in which there is no minor authority shall provide for the constitution of a body of managers constituted in such manner as the local education authority may determine.

(3) The instrument of management for every voluntary primary school shall provide for the constitution of a body of managers consisting of such number of persons not being less than six as the Minister may, after consultation with the local education authority, determine:

Provided that—

- (a) if the school is an aided school or a special agreement school, two-thirds of the managers shall be foundation managers, and, if the school is a controlled school, one-third of the managers shall be foundation managers;
- (b) where the school serves an area in which there is a minor authority, then of the managers who are not foundation managers not less than one-third nor more than one-half shall be appointed by the minor authority and the remainder shall be appointed by the local education authority; and
- (c) where the school serves an area in which there is no minor authority, all the managers who are not foundation managers shall be appointed by the local education authority.

19.—(1) The instrument of government for every county secondary school shall provide for the constitution of a body of governors consisting of such number of persons appointed in such manner as the local education authority may determine. Governors of secondary schools.

PART II.
—cont.

(2) The instrument of government for every voluntary secondary school shall provide for the constitution of a body of governors of the school consisting of such number of persons as the Minister may after consultation with the local education authority determine :

Provided that—

- (a) where the school is a controlled school, one-third of the governors shall be foundation governors and two-thirds of the governors shall be appointed by the local education authority ;
- (b) where the school is an aided school or a special agreement school, two-thirds of the governors shall be foundation governors and one-third of the governors shall be appointed by the local education authority.

Grouping of
schools under
one
management.

20.—(1) A local education authority may make an arrangement for the constitution of a single governing body for any two or more county schools or voluntary schools maintained by them, and any such arrangement may relate exclusively to primary schools, or exclusively to secondary schools or partly to primary schools and partly to secondary schools :

Provided that an authority shall not make any such arrangement with respect to a voluntary school except with the consent of the managers or governors thereof.

(2) The governing body constituted in pursuance of any such arrangement as aforesaid shall, if all the schools to which the arrangement relates are county schools, consist of such number of persons appointed in such manner as the local education authority may determine.

(3) Where all or any of the schools to which any such arrangement relates are voluntary schools, the governing body constituted in pursuance of the arrangement shall consist of such number of persons appointed in such manner as may be determined by agreement between the local education authority and the managers or governors of those schools, or, in default of such agreement, by the Minister.

(4) The local education authority, in making any such arrangement as aforesaid which relates to a primary school serving an area in which there is a minor authority, shall make provision for securing that the minor authority is adequately represented upon the governing body constituted in pursuance of the arrangement.

(5) Every arrangement made under this section may, if it does not relate to any voluntary school, be terminated at any time by the local education authority by which it was made, and any such arrangement which relates to such a school may be terminated by agreement between the local education authority

and the governing body constituted in pursuance of the arrangement, or, in default of such agreement, by one year's notice served by the local education authority on the said governing body or by one year's notice served by the said governing body on the local education authority.

(6) While an arrangement under this section is in force with respect to any schools, the provisions of the last three foregoing sections as to the constitution of the body of managers or governors shall not apply to the schools, and for the purposes of any enactment the governing body constituted in accordance with the arrangement shall be deemed to be the body of managers or governors of each of those schools, and references to a manager or governor in any enactment shall, in relation to every such school, be construed accordingly.

21.—(1) Any manager or governor of a county school or of a voluntary school may resign his office, and any such manager or governor appointed by a local education authority or by a minor authority shall be removable by the authority by whom he was appointed.

Proceedings of managers and governors of county and voluntary schools.

(2) The provisions of the Fourth Schedule to this Act shall have effect with respect to the meetings and proceedings of the managers or governors of any county school or voluntary school.

(3) The minutes of the proceedings of the managers or governors of any county school or voluntary school shall be open to inspection by the local education authority.

22.—(1) The managers or governors of a controlled school shall be entitled to determine the use to which the school premises or any part thereof shall be put on Saturdays, except when required to be used on Saturdays for the purposes of the school or for any purpose connected with education or with the welfare of the young for which the local education authority desire to provide accommodation on the premises or on that part thereof, and the foundation managers or foundation governors shall be entitled to determine the use to which the school premises or any part thereof shall be put on Sundays, but save as aforesaid the local education authority may give such directions as to the occupation and use of the school premises of a controlled school as they think fit.

Powers of local education authority as to use and care of premises of voluntary schools.

(2) If the local education authority desire to provide accommodation for any purpose connected with education or with the welfare of the young and are satisfied that there is no suitable alternative accommodation in their area for that purpose, they may direct the managers or governors of any aided school or special agreement school to provide free of charge accommodation for that purpose on the school premises or any part thereof on any

PART II.
—cont.

week-day when not required for the purposes of the school, so however, that the managers or governors shall not be directed to provide such accommodation on more than three days in any week.

(3) Subject to any directions given by a local education authority under the foregoing provisions of this section and to the requirements of any enactment other than this Act or the regulations made thereunder, the occupation and use of the school premises of any voluntary school shall be under the control of the managers or governors thereof.

(4) At any controlled school or special agreement school the persons employed for the purposes of the care and maintenance of the school premises shall be appointed and dismissed by the local education authority, and the local education authority may give directions to the managers or governors of an aided school as to the number and conditions of service of persons employed at the school for such purposes.

(5) In relation to any school with respect to which the trust deed provides for any person other than the managers or governors of the school being entitled to control the occupation and use of the school premises, this section shall have effect as if for the references to the managers or governors there were substituted references to that person.

*Secular Instruction and Appointment and Dismissal of Teachers
in County and Voluntary Schools.*

Secular
instruction in
county schools
and in
voluntary
schools.

23.—(1) In every county school and, subject to the provisions hereinafter contained as to religious education, in every voluntary school except an aided secondary school, the secular instruction to be given to the pupils shall, save in so far as may be otherwise provided by the rules of management or articles of government for the school, be under the control of the local education authority.

(2) Subject to the provisions hereinafter contained as to religious education, the secular instruction to be given to the pupils in every aided secondary school shall, save in so far as may be otherwise provided by the articles of government for the school, be under the control of the governors of the school.

(3) Save in so far as may be otherwise provided by the rules of management or articles of government for the school, the power to control the secular instruction provided in any county school or voluntary school shall include power to determine the times at which the school session shall begin and end on any day, to determine the times at which the school terms shall begin and end, to determine the school holidays, and to require that pupils in attendance at the school shall attend any class not conducted on

the school premises for the purpose of receiving instruction or training included in the secular curriculum of the school.

PART II.
—cont.

24.—(1) In every county school and, subject to the provisions hereinafter contained as to religious education, in every controlled school and special agreement school, the appointment of teachers shall, save in so far as may be otherwise provided by the rules of management or articles of government for the school, be under the control of the local education authority, and no teacher shall be dismissed except by the authority.

Appointment and dismissal of teachers in county schools and in voluntary schools.

(2) In every aided school the respective functions of the local education authority and of the managers or governors of the school with respect to the appointment of teachers, and, subject to the provisions hereinafter contained as to religious education, with respect to the dismissal of teachers, shall be regulated by the rules of management or articles of government for the school :

Provided that the rules of management or articles of government for every aided school—

(a) shall make provision for the appointment of the teachers by the managers or governors of the school, for enabling the local education authority to determine the number of teachers to be employed, and for enabling the authority, except for reasons for which the managers or governors are expressly empowered by this Act to dismiss teachers without such consent, to prohibit the dismissal of teachers without the consent of the authority and to require the dismissal of any teacher ; and

(b) may make such provision as may be agreed between the local education authority and the managers or governors of the school, or in default of such agreement as may be determined by the Minister, for enabling the authority to prohibit the appointment, without the consent of the authority, of teachers to be employed for giving secular instruction, and for enabling the authority to give directions as to the educational qualifications of the teachers to be so employed.

(3) No woman shall be disqualified for employment as a teacher in any county school or voluntary school, or be dismissed from such employment, by reason only of marriage.

Religious Education in County and Voluntary Schools.

25.—(1) Subject to the provisions of this section, the school day in every county school and in every voluntary school shall begin with collective worship on the part of all pupils in attendance at the school, and the arrangements made therefor shall provide for a single act of worship attended by all such pupils unless, in the opinion of the local education authority or, in the case of a voluntary

General provisions as to religious education in county and in voluntary schools.

PART II.
—cont.

school, of the managers or governors thereof, the school premises are such as to make it impracticable to assemble them for that purpose.

(2) Subject to the provisions of this section, religious instruction shall be given in every county school and in every voluntary school.

(3) It shall not be required, as a condition of any pupil attending any county school or any voluntary school, that he shall attend or abstain from attending any Sunday school or any place of religious worship.

(4) If the parent of any pupil in attendance at any county school or any voluntary school requests that he be wholly or partly excused from attendance at religious worship in the school, or from attendance at religious instruction in the school, or from attendance at both religious worship and religious instruction in the school, then, until the request is withdrawn, the pupil shall be excused from such attendance accordingly,

(5) Where any pupil has been wholly or partly excused from attendance at religious worship or instruction in any school in accordance with the provisions of this section, and the local education authority are satisfied :—

- (a) that the parent of the pupil desires him to receive religious instruction of a kind which is not provided in the school during the periods during which he is excused from such attendance ;
- (b) that the pupil cannot with reasonable convenience be sent to another county or voluntary school where religious instruction of the kind desired by the parent is provided ; and
- (c) that arrangements have been made for him to receive religious instruction during school hours elsewhere,

the pupil may be withdrawn from the school during such periods as are reasonably necessary for the purpose of enabling him to receive religious instruction in accordance with the arrangements :

Provided that the pupil shall not be so withdrawn unless the local education authority are satisfied that the arrangements are such as will not interfere with the attendance of the pupil at school on any day except at the beginning or end of the school session on that day.

(6) No directions shall be given by the local education authority as to the secular instruction to be given to pupils in attendance at a voluntary school so as to interfere with the provision of reasonable facilities for religious instruction in the school during school hours ; and no such direction shall be given so as to prevent a pupil from receiving religious instruction in accordance with the provisions of this section during the hours normally set apart

for that purpose, unless arrangements are made whereby the pupil shall receive such instruction in the school at some other time.

(7) Where the parent of any pupil who is a boarder at a county school or a voluntary school requests that the pupil be permitted to attend worship in accordance with the tenets of a particular religious denomination on Sundays or other days exclusively set apart for religious observance by the religious body to which his parent belongs, or to receive religious instruction in accordance with such tenets outside school hours, the managers or governors of the school shall make arrangements for affording to the pupil reasonable opportunities for so doing and such arrangements may provide for affording facilities for such worship or instruction on the school premises, so however that such arrangements shall not entail expenditure by the local education authority.

26. Subject as hereinafter provided, the collective worship required by subsection (1) of the last foregoing section shall not, in any county school, be distinctive of any particular religious denomination, and the religious instruction given to any pupils in attendance at a county school in conformity with the requirements of subsection (2) of the said section shall be given in accordance with an agreed syllabus adopted for the school or for those pupils and shall not include any catechism or formulary which is distinctive of any particular religious denomination :

Special provisions as to religious education in county schools.

Provided that, where a county secondary school is so situated that arrangements cannot conveniently be made for the withdrawal of pupils from the school in accordance with the provisions of this Act to receive religious instruction elsewhere, then, if the local education authority are satisfied :—

- (a) that the parents of pupils in attendance at the school desire them to receive religious instruction in the school in accordance with the tenets of a particular religious denomination ; and
- (b) that satisfactory arrangements have been made for the provision of such instruction to those pupils in the school, and for securing that the cost of providing such instruction to those pupils in the school will not fall upon the authority ;

the authority shall, unless they are satisfied that owing to any special circumstances it would be unreasonable so to do, provide facilities for the carrying out of those arrangements.

27.—(1) Where the parents of any pupils in attendance at a controlled school request that they may receive religious instruction in accordance with the provisions of the trust deed relating to the school, or where provision for that purpose is not made by such a deed in accordance with the practice observed

Special provisions as to religious education in controlled schools.

PART II.
—cont.

in the school before it became a controlled school, the foundation managers or foundation governors shall, unless they are satisfied that owing to special circumstances it would be unreasonable so to do, make arrangements for securing that such religious instruction is given to those pupils at the school during not more than two periods in each week.

(2) Without prejudice to the duty to make such arrangements as aforesaid whatever the number of the teaching staff of the school, where the number of the teaching staff of a controlled school exceeds two the teaching staff shall include persons (hereinafter referred to as "reserved teachers") selected for their fitness and competence to give such religious instruction as is required to be given under such arrangements and specifically appointed to do so :

Provided that the number of reserved teachers in any controlled school shall not exceed one-fifth of the number of the teaching staff of the school including the head teacher, so, however, that where the number of the teaching staff is not a multiple of five it shall be treated for the purposes of this subsection as if it were the next higher multiple thereof.

(3) The head teacher of a controlled school shall not, while holding that position, be a reserved teacher, but before appointing any person to be the head teacher of such a school the local education authority shall inform the managers or governors of the school as to the person whom they propose to appoint and shall consider any representations made by the managers or governors with respect to the proposed appointment.

(4) Where the local education authority propose to appoint any person to be a reserved teacher in a controlled school, the authority shall consult the foundation managers or foundation governors of the school, and, unless the said managers or governors are satisfied as to that person's fitness and competence to give such religious instruction as is required in pursuance of such arrangements as aforesaid the authority shall not appoint that person to be a reserved teacher.

(5) If the foundation managers or foundation governors of a controlled school are of opinion that any reserved teacher has failed to give such religious instruction as aforesaid efficiently and suitably, they may require the authority to dismiss him from employment as a reserved teacher in the school.

(6) Subject to any arrangements made under subsection (1) of this section, the religious instruction given to the pupils in attendance at a controlled school shall be given in accordance with an agreed syllabus adopted for the school or for those pupils.

28.—(1) The religious instruction given to the pupils in attendance at an aided school or at a special agreement school shall be under the control of the managers or governors of the school and shall be in accordance with any provisions of the trust deed relating to the school, or, where provision for that purpose is not made by such a deed, in accordance with the practice observed in the school before it became a voluntary school :

PART II.
—cont.
Special provisions as to religious education in aided schools and in special agreement schools.

Provided that where the parents of pupils in attendance at the school desire them to receive religious instruction in accordance with any agreed syllabus adopted by the local education authority and cannot with reasonable convenience cause those pupils to attend any school at which that syllabus is in use, then, unless the authority are satisfied that owing to any special circumstances it would be unreasonable so to do, arrangements shall be made for religious instruction in accordance with that syllabus to be given to those pupils in the school during the times set apart for the giving of religious instruction therein, and such arrangements shall be made by the managers or governors of the school, so, however, that if the local education authority are satisfied that the managers or governors are unwilling to make such arrangements, the arrangements shall be made by the authority.

(2) If a teacher appointed to give in an aided school religious instruction, other than instruction in accordance with an agreed syllabus, fails to give such instruction efficiently and suitably, he may be dismissed on that ground by the managers or governors of the school without the consent of the local education authority.

(3) Where the special agreement made with respect to any special agreement school provides for the employment of reserved teachers, the local education authority shall, when they propose to appoint any person to be such a teacher in the school, consult the foundation managers or foundation governors of the school, and unless the said managers or governors are satisfied as to that person's fitness and competence to give such religious instruction as aforesaid, the authority shall not appoint that person to be such a teacher.

(4) If the foundation managers or foundation governors of a special agreement school are of opinion that any such reserved teacher as aforesaid has failed to give, efficiently and suitably, such religious instruction as he was appointed to give, they may require the authority to dismiss him from employment as a reserved teacher in the school.

29.—(1) The provisions of the Fifth Schedule to this Act shall have effect with respect to the preparation, adoption, and reconsideration, of an agreed syllabus of religious instruction.

Provisions as to religious instruction in accordance with agreed syllabus.

(2) A local education authority shall have power to constitute a standing advisory council on religious education to advise the authority upon matters connected with the religious instruction to

PART II.
—cont.

be given in accordance with an agreed syllabus and, in particular, as to methods of teaching, the choice of books, and the provision of lectures for teachers.

(3) The method of appointment of the members of any council constituted under the last foregoing subsection and the term of office and conditions of retirement of the members thereof shall be such as may be determined by the local education authority.

(4) A local education authority shall have regard to any unanimous recommendations which may be made to them by any conference convened in accordance with the provisions of the said Fifth Schedule with respect to the expediency of constituting such an advisory council as aforesaid or with respect to the method by which or the terms and conditions upon which members of any such council should be appointed.

Saving as to position of teachers.

30. Subject as hereinafter provided, no person shall be disqualified by reason of his religious opinions, or of his attending or omitting to attend religious worship, from being a teacher in a county school or in any voluntary school, or from being otherwise employed for the purposes of such a school; and no teacher in any such school shall be required to give religious instruction or receive any less emolument or be deprived of, or disqualified for, any promotion or other advantage by reason of the fact that he does or does not give religious instruction or by reason of his religious opinions or of his attending or omitting to attend religious worship:

Provided that, save in so far as they require that a teacher shall not receive any less emolument or be deprived of, or disqualified for, any promotion or other advantage by reason of the fact that he gives religious instruction or by reason of his religious opinions or of his attending religious worship, the provisions of this section shall not apply with respect to a teacher in an aided school or with respect to a reserved teacher in any controlled school or special agreement school.

Transitional Provisions as to County and Voluntary Schools.

Transitional provisions as to the separation of primary and secondary schools.

31.—(1) The provisions of this section shall have effect with respect to the area of every local education authority, until the local education order for that area first comes into operation.

(2) Save as may be otherwise directed by the Minister, every county school and voluntary school which immediately before the commencement of this Part of this Act was used for providing primary education shall be managed and conducted as a primary school, every such school which was used for providing secondary education shall be managed and conducted as a secondary school, and every such school which was used for providing primary and secondary education indiscriminately shall be managed and conducted as if it were a primary school.

(3) If it appears to the Minister to be expedient that any county school or voluntary school should be managed and conducted otherwise than in accordance with the provisions of the last foregoing subsection, he may direct that the school be managed and conducted as a primary school or as a secondary school as the case may be :

Provided that no such direction shall be given except after consultation with the local education authority and, in the case of a voluntary school, with the managers or governors of the school.

(4) Where it appears to a local education authority that the process of securing that primary and secondary education shall be provided in separate schools can be accelerated by the giving of a direction under this section, it shall be the duty of the authority to apply to the Minister for such a direction.

32.—(1) Any school which became a voluntary school by virtue of the provisions of subsection (3) of section nine of this Act shall, during the period until the question whether the school shall be a controlled school an aided school or a special agreement school is determined by an order made under this Act with respect to the school or by reason of the expiration of the time limited by this Act for making application for such an order, be deemed to be an aided school so, however, that the provisions of this Act relating to aided schools shall, in relation to any such school as aforesaid, have effect during that period subject to the following modifications, that is to say :—

- (a) the provisions relating to the constitution of a body of managers or governors shall not apply, and the body of managers or governors shall be constituted in like manner as the body of managers was constituted immediately before the date of the commencement of this Part of this Act :
- (b) the provisions relating to rules of management or articles of government shall not apply, and the school shall be managed and conducted in like manner as it was immediately before that date :
- (c) the school shall be maintained in like manner as it was immediately before that date, but the local education authority shall not require any alteration to be made to the school premises :
- (d) the Minister shall not, under the powers conferred by this Act, make to the managers or governors of the school any maintenance contribution in respect of alterations or repairs to the school premises.

(2) If, during the period during which a school is by virtue of this section deemed to be an aided school, the Minister is

PART II.
—*cont.*

satisfied that the managers or governors of the school have failed to discharge any of their duties with respect to the maintenance of the school, he may authorise the local education authority to discharge that duty on behalf of the managers or governors and shall reimburse to the authority any sums which in his opinion have been properly expended by them for that purpose; and the amount of any sums so reimbursed shall be a debt due to the Crown from the managers or governors.

Primary and Secondary Education of pupils requiring Special Educational Treatment.

Education of pupils requiring special educational treatment.

33.—(1) The Minister shall make regulations defining the several categories of pupils requiring special educational treatment and making provision as to the special methods appropriate for the education of pupils of each category.

(2) The arrangements made by a local education authority for the special educational treatment of pupils of any such category shall, so far as is practicable, provide for the education of pupils in whose case the disability is serious in special schools appropriate for that category, but where that is impracticable, or where the disability is not serious, the arrangements may provide for the giving of such education in any school maintained or assisted by the local education authority.

(3) The Minister may by regulations make provision as to the requirements to be complied with by any school as a condition of approval of the school as a special school, and as to the withdrawal of approval from any school which fails to comply with requirements so prescribed, and, notwithstanding that the provisions of this Act requiring local education authorities to have regard to the need for securing that primary and secondary education are provided in separate schools do not apply with respect to special schools, such regulations may impose requirements as to the organisation of any special school as a primary school or as a secondary school.

(4) The regulations made under this section with respect to special schools shall be such as to secure that, so far as practicable, every pupil in attendance at any such school will attend religious worship and religious instruction or will be withdrawn from attendance at such worship or instruction in accordance with the wishes of his parent.

Duty of local education authorities to ascertain what children require special educational treatment.

34.—(1) It shall be the duty of every local education authority to ascertain what children in their area require special educational treatment; and for the purpose of fulfilling that duty any officer of a local education authority authorised in that behalf by the authority may by notice in writing served upon the parent of any child who has attained the age of two years require him to submit the child for examination by a medical officer of the

authority, for advice as to whether the child is suffering from any disability of mind or body and as to the nature and extent of any such disability; and if a parent upon whom such a notice is served fails without reasonable excuse to comply with the requirements thereof, he shall be liable on summary conviction to a fine not exceeding five pounds.

PART II.
—cont.

(2) If the parent of any child who has attained the age of two years requests the local education authority for the area to cause the child to be so medically examined as aforesaid, the authority shall comply with the request unless in their opinion the request is unreasonable.

(3) Before any child is so medically examined as aforesaid, the authority shall cause notice to be given to the parent of the time and place at which the examination will be held, and the parent shall be entitled to be present at the examination if he so desires.

(4) If, after considering the advice given with respect to any child by a medical officer in consequence of any such medical examination as aforesaid and any reports or information which the local education authority are able to obtain from teachers or other persons with respect to the ability and aptitude of the child, the authority decide that the child requires special educational treatment, they shall give to the parent notice of their decision and shall provide such treatment for the child.

(5) The advice given with respect to any child by a medical officer in consequence of any such medical examination as aforesaid shall be communicated to the parent of the child and to the local education authority; and the medical officer by whom the examination was made shall, if required by the parent or by the authority so to do, issue to the authority and to the parent a certificate in the prescribed form showing whether the child is suffering from any such disability as aforesaid and, if so, the nature and extent thereof:

Provided that a local education authority shall not require the issue of such a certificate in respect of any child unless the certificate is, in their opinion, necessary for the purpose of securing the attendance of the child at a special school in accordance with the provisions of this Act relating to compulsory attendance at primary and secondary schools.

(6) Any certificate issued under the last foregoing subsection may be cancelled by the Minister or by a medical officer of the local education authority; and upon the cancellation of such a certificate the local education authority shall cease to provide special educational treatment for the child with respect to whom the certificate was issued and shall notify the parent accordingly.

PART II.

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Compulsory
school age.*Compulsory Attendance at Primary and Secondary Schools.*

35. In this Act the expression "compulsory school age" means any age between five years and fifteen years, and accordingly a person shall be deemed to be of compulsory school age if he has attained the age of five years and has not attained the age of fifteen years and a person shall be deemed to be over compulsory school age as soon as he has attained the age of fifteen years :

Provided that, as soon as the Minister is satisfied that it has become practicable to raise to sixteen the upper limit of the compulsory school age, he shall lay before Parliament the draft of an Order in Council directing that the foregoing provisions of this section shall have effect as if for references therein to the age of fifteen years there were substituted references to the age of sixteen years ; and unless either House of Parliament, within the period of forty days beginning with the day on which any such draft as aforesaid is laid before it, resolves that the draft be not presented to His Majesty, His Majesty may by Order in Council direct accordingly.

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

Duty of
parents to
secure the
education of
their children.

36. It shall be the duty of the parent of every child of compulsory school age to cause him to receive efficient full-time education suitable to his age, ability, and aptitude, either by regular attendance at school or otherwise.

School
attendance
orders.

37.—(1) If it appears to a local education authority that the parent of any child of compulsory school age in their area is failing to perform the duty imposed on him by the last foregoing section, it shall be the duty of the authority to serve upon the parent a notice requiring him, within such time as may be specified in the notice not being less than fourteen days from the service thereof, to satisfy the authority that the child is receiving efficient full-time education suitable to his age, ability, and aptitude either by regular attendance at school or otherwise.

(2) If, after such a notice has been served upon a parent by a local education authority, the parent fails to satisfy the authority in accordance with the requirements of the notice that the child to whom the notice relates is receiving efficient full-time education suitable to his age, ability, and aptitude, then, if in the opinion of the authority it is expedient that he should attend school, the authority shall serve upon the parent an order in the prescribed form (hereinafter referred to as a "school attendance order")

requiring him to cause the child to become a registered pupil at a school named in the order :

PART II.
—cont.

Provided that before serving such an order upon a parent the authority shall, where practicable, afford him an opportunity of selecting the school to be named in the order, and if a school is selected by him, that school shall, unless the Minister otherwise directs, be the school named in the order.

(3) If the local education authority are of opinion that the school selected by the parent as the school to be named in a school attendance order is unsuitable to the age, ability or aptitude of the child with respect to whom the order is to be made, or that the attendance of the child at the school so selected would involve unreasonable expense to the authority, the authority may, after giving to the parent notice of their intention to do so, apply to the Minister for a direction determining what school is to be named in the order.

(4) If at any time while a school attendance order is in force with respect to any child the parent of the child makes application to the local education authority by whom the order was made requesting that another school be substituted for that named in the order, or requesting that the order be revoked on the ground that arrangements have been made for the child to receive efficient full-time education suitable to his age, ability, and aptitude otherwise than at school, the authority shall amend or revoke the order in compliance with the request unless they are of opinion that the proposed change of school is unreasonable or inexpedient in the interests of the child, or that no satisfactory arrangements have been made for the education of the child otherwise than at school, as the case may be; and if a parent is aggrieved by a refusal of the authority to comply with any such request, he may refer the question to the Minister, who shall give such direction thereon as he thinks fit.

(5) If any person upon whom a school attendance order is served fails to comply with the requirements of the order, he shall be guilty of an offence against this section unless he proves that he is causing the child to receive efficient full-time education suitable to his age, ability, and aptitude otherwise than at school.

(6) If in proceedings against any person for a failure to comply with a school attendance order that person is acquitted, the court may direct that the school attendance order shall cease to be in force, but without prejudice to the duty of the local education authority to take further action under this section if at any time the authority are of opinion that having regard to any change of circumstances it is expedient so to do.

(7) Save as provided by the last foregoing subsection, a school attendance order made with respect to any child shall, subject

PART II.
—cont.

to any amendment thereof which may be made by the local education authority, continue in force so long as he is of compulsory school age unless revoked by that authority.

Additional provisions as to compulsory attendance at special schools.

38.—(1) While the upper limit of the compulsory school age is, in relation to other children, less than sixteen, a person who is a registered pupil at a special school shall nevertheless be deemed to be of compulsory school age until he attains the age of sixteen years and shall not be deemed to be over compulsory school age until he has attained that age.

(2) A child who has under arrangements made by a local education authority become a registered pupil at a special school shall not be withdrawn from the school without the consent of that authority ; but if the parent of any such child is aggrieved by a refusal of the authority to comply with an application made by the parent requesting such consent, he may refer the question to the Minister, who shall give such direction thereon as he thinks fit.

(3) No direction given by the Minister under the last foregoing subsection or under subsection (3) or subsection (4) of the last foregoing section shall be such as to require a pupil to be a registered pupil at a special school unless either the parent consents to his attending such a school or there is in force a certificate issued by a medical officer of the local education authority showing that the child is suffering from some disability of mind or body of such a nature and extent that, in the opinion of the Minister, it is expedient that the child should attend a special school.

Duty of parents to secure regular attendance of registered pupils.

39.—(1) If any child of compulsory school age who is a registered pupil at a school fails to attend regularly thereat, the parent of the child shall be guilty of an offence against this section.

(2) In any proceedings for an offence against this section in respect of a child who is not a boarder at the school at which he is a registered pupil, the child shall not be deemed to have failed to attend regularly at the school by reason of his absence therefrom with leave or—

- (a) at any time when he was prevented from attending by reason of sickness or any unavoidable cause ;
- (b) on any day exclusively set apart for religious observance by the religious body to which his parent belongs ;
- (c) if the parent proves that the school at which the child is a registered pupil is not within walking distance of the child's home, and that no suitable arrangements have been made by the local education authority either for his transport to and from the school or for boarding accommodation for him at or near the school or for enabling him to become a registered pupil at a school nearer to his home.

(3) Where in any proceedings for an offence against this section it is proved that the child has no fixed abode, paragraph (c) of the last foregoing subsection shall not apply, but if the parent proves that he is engaged in any trade or business of such a nature as to require him to travel from place to place and that the child has attended at a school at which he was a registered pupil as regularly as the nature of the trade or business of the parent permits, the parent shall be acquitted :

Provided that, in the case of a child who has attained the age of six years, the parent shall not be entitled to be acquitted under this subsection unless he proves that the child has made at least two hundred attendances during the period of twelve months ending with the date on which the proceedings were instituted.

(4) In any proceedings for an offence against this section in respect of a child who is a boarder at the school at which he is a registered pupil, the child shall be deemed to have failed to attend regularly at the school if he is absent therefrom without leave during any part of the school term at a time when he was not prevented from being present by reason of sickness or any unavoidable cause.

(5) In this section the expression "leave" in relation to any school means leave granted by any person authorised in that behalf by the managers, governors or proprietor of the school, and the expression "walking distance" means, in relation to a child who has not attained the age of eight years two miles, and in the case of any other child three miles, measured by the nearest available route.

40.—(1) Subject to the provisions of this section, any person guilty of an offence against section thirty-seven or section thirty-nine of this Act shall be liable on summary conviction, in the case of a first offence against that section to a fine not exceeding one pound, in the case of a second offence against that section to a fine not exceeding five pounds, and in the case of a third or subsequent offence against that section to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment. Enforcement of school attendance.

(2) It shall be the duty of the local education authority to institute proceedings for such offences as aforesaid wherever, in their opinion, the institution of such proceedings is necessary for the purpose of enforcing the duty imposed upon a parent by this Act to cause his child to receive efficient full-time education suitable to his age, ability, and aptitude, and no such proceedings shall be instituted except by or on behalf of a local education authority.

(3) Where the court before which a prosecution is brought for an offence against the last foregoing section is satisfied

PART II.
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that the child in respect of whom the offence is alleged to have been committed has failed to attend regularly at the school at which he is a registered pupil, then, whether or not the parent is convicted, the court may direct that the child be brought before a juvenile court by the authority by whom or on whose behalf the proceedings were instituted, and the juvenile court may, if it is satisfied that it is necessary so to do for the purpose of securing the regular attendance of the child at school, make any order which such a court has power to make under section sixty-two of the Children and Young Persons Act, 1933, in the case of children and young persons in need of care or protection who are brought before it under that section.

(4) Where proceedings have been instituted for an offence against the last foregoing section alleged to have been committed in respect of any child and it appears to the officer by whom the proceedings were instituted on behalf of the local education authority that there is reasonable cause to believe that the punishment of the parent would not be sufficient for the purpose of securing the regular attendance of the child at school, it shall be his duty to apply to the court for a direction under the last foregoing subsection; and where application is so made, such a direction shall be given unless the court is satisfied that no such direction is necessary for the purpose aforesaid.

(5) For the purposes of the Children and Young Persons Act, 1933, any child with respect to whom a direction has been given under this section that he be brought before a juvenile court shall be deemed to be a child about to be brought, or brought, before such a court under section sixty-two of that Act and any order made by a juvenile court under this section shall be deemed to be an order made under that section, and all the provisions of that Act shall have effect accordingly, but subject to the modification that in relation to any such child subsection (1) of section sixty-seven of the said Act shall have effect as if the words "A constable, or" were omitted therefrom.

FURTHER EDUCATION.

General duties
of local
education
authorities
with respect
to further
education.

41. Subject as hereinafter provided, it shall be the duty of every local education authority to secure the provision for their area of adequate facilities for further education, that is to say:—

- (a) full-time and part-time education for persons over compulsory school age; and
- (b) leisure-time occupation, in such organized cultural training and recreative activities as are suited to their requirements, for any persons over compulsory school age who are able and willing to profit by the facilities provided for that purpose:

Provided that the provisions of this section shall not empower or require local education authorities to secure the provision of facilities for further education otherwise than in accordance with schemes of further education or at county colleges.

PART II.
—cont.

42.—(1) Every local education authority shall, at such times and in such form as the Minister may direct, prepare and submit to the Minister schemes of further education for their area, giving particulars of the provision which the authority propose to make for fulfilling such of their duties with respect to further education, other than duties with respect to county colleges, as may be specified in the direction.

Schemes of
further
education.

(2) Where a scheme of further education has been submitted to the Minister by a local education authority, the Minister may, after making in the scheme such modifications if any as after consultation with the authority he thinks expedient, approve the scheme, and thereupon it shall be the duty of the local education authority to take such measures as the Minister may from time to time, after consultation with the authority, direct for the purpose of giving effect to the scheme.

(3) A scheme of further education approved by the Minister in accordance with the provisions of this section may be modified supplemented or replaced by a further scheme prepared submitted and approved in accordance with those provisions, and the Minister may give directions revoking any scheme of further education, or any provision contained in such a scheme, as from such dates as may be specified in the directions, but without prejudice to the preparation submission and approval of further schemes.

(4) A local education authority shall, when preparing any scheme of further education, have regard to any facilities for further education provided for their area by universities, educational associations, and other bodies, and shall consult any such bodies as aforesaid and the local education authorities for adjacent areas; and the scheme, as approved by the Minister, may include such provisions as to the co-operation of any such bodies or authorities as may have been agreed between them and the authority by whom the scheme was submitted.

43.—(1) On and after such date as His Majesty may by Order in Council determine, not later than three years after the date of the commencement of this Part of this Act, it shall be the duty of every local education authority to establish and maintain county colleges, that is to say, centres approved by the Minister for providing for young persons who are not in full-time attendance at any school or other educational institution such further education, including physical practical and vocational

County
colleges.

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PART II.
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training, as will enable them to develop their various aptitudes and capacities and will prepare them for the responsibilities of citizenship.

(2) As soon after the date of the commencement of this Part of this Act as the Minister considers it practicable so to do, he shall direct every local education authority to estimate the immediate and prospective needs of their area with respect to county colleges having regard to the provisions of this Act, and to prepare and submit to him within such time and in such form as may be specified in the direction a plan showing the provision which the authority propose to make for such colleges for their area, and the plan shall contain such particulars as to the colleges proposed to be established as may be specified in the direction.

(3) The Minister shall, after considering the plan submitted by a local education authority and after consultation with them, make an order for the area of the authority specifying the county colleges which it is the duty of the authority to maintain, and the order shall require the authority to make such provision for boarding accommodation at county colleges as the Minister considers to be expedient: the order so made for any area shall continue to regulate the duties of the local education authority in respect of the matters therein mentioned and shall be amended by the Minister, after consultation with the authority, whenever in his opinion the amendment thereof is expedient by reason of any change or proposed change of circumstances.

(4) The Minister may make regulations as to the maintenance government and conduct of county colleges and as to the further education to be given therein.

Duty to attend county colleges in accordance with college attendance notices.

44.—(1) This section shall come into operation on such date as soon as practicable after the date determined by Order in Council under the last foregoing section as the Minister may by order direct.

(2) It shall be the duty of the local education authority to serve upon every young person residing in their area who is not exempt from compulsory attendance for further education a notice (hereinafter referred to as a "college attendance notice") directing him to attend at a county college, and it shall be the duty of every young person upon whom such a notice is served to attend at the county college named in the notice in accordance with the requirements specified therein.

(3) Subject to the provisions of the next following subsection, the requirements specified in a college attendance notice shall

be such as to secure the attendance of the person upon whom it is served at a county college—

PART II.
—cont.

- (a) for one whole day, or two half-days, in each of forty-four weeks in every year while he remains a young person ; or
- (b) where the authority are satisfied that continuous attendance would be more suitable in the case of that young person, for one continuous period of eight weeks, or two continuous periods of four weeks each, in every such year ;

and in this section the expression “ year ” means, in relation to any young person, in the case of the first year the period of twelve months beginning with the first day on which he is required by a college attendance notice served on him to attend a county college, and in the case of every subsequent year the period of twelve months beginning immediately after the expiration of the last preceding year :

Provided that in respect of the year in which the young person attains the age of eighteen the requirements specified in the notice shall be reduced to such extent as the local education authority think expedient for securing that the attendances required of him until he attains that age shall be as nearly as may be proportionate to those which would have been required of him during a full period of twelve months.

(4) If, by reason of the nature of the employment of any young person or of other circumstances affecting him, the local education authority are satisfied that attendance in accordance with the provisions of the last foregoing subsection would not be suitable in his case, a college attendance notice may, with the consent of the young person, require his attendance in accordance with such other arrangements as may be specified in the notice, so, however, that the requirements specified in the notice in accordance with such arrangements as aforesaid shall be such as to secure the attendance of the young person for periods amounting in the aggregate to three hundred and thirty hours in each year, or, in the case of the year in which he attains the age of eighteen, to the proportionately reduced number of hours.

(5) Except where continuous attendance is required, no college attendance notice shall require a young person to attend a county college on a Sunday or on any day or part of a day exclusively set apart for religious observance by the religious body to which he belongs, or during any holiday or half-holiday to which by any enactment regulating his employment or by agreement he is entitled, or, so far as practicable, during any holiday or half-holiday which is allowed in accordance

PART II.
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with any custom of his employment, or between the hours of six in the evening and half past eight in the morning :

Provided that the Minister may, on the application of any local education authority, direct that in relation to young persons in their area or in any part thereof employed at night or otherwise employed at abnormal times this subsection shall have effect as if for the reference to the hours of six in the evening and half past eight in the morning there were substituted a reference to such other times as may be specified in the direction.

(6) The place, days, times, and periods, of attendance required of a young person, and the period for which the notice is to be in force, shall be specified in any college attendance notice served on him ; and the requirements of any such notice in force in the case of a young person may be amended as occasion may require either by the authority by whom it was served on him or by any other local education authority in whose area he may for the time being reside, so, however, that the provisions of every such notice shall be such as to secure that the requirements imposed on the young person during each year while he remains a young person shall comply with the provisions of the last three foregoing subsections.

(7) In determining what requirements shall be imposed upon a young person by a college attendance notice or by any amendments to such a notice, the local education authority shall have regard, so far as practicable, to any preference which he, and in the case of a young person under the age of sixteen years his parent, may express, to the circumstances of his employment or prospective employment, and to any representations that may be made to the authority by his employer or any person proposing to employ him.

(8) The following persons shall be exempt from compulsory attendance for further education, that is to say—

- (a) any person who is in full time attendance at any school or other educational institution (not being a county college) ;
- (b) any person who is shown to the satisfaction of the local education authority to be receiving suitable and efficient instruction either full-time or for such times as in the opinion of the authority are equivalent to not less than three hundred and thirty hours instruction in a period of twelve months ;
- (c) any person who having been exempt under either of the last two foregoing paragraphs did not cease to be so exempt until after he had attained the age of seventeen years and eight months ;

- (d) any person who is undergoing a course of training for the mercantile marine or the sea fishing industry approved by the Minister or who, having completed such a course, is engaged in the mercantile marine or in the said industry ;
- (e) any person to whom, by reason of section one hundred and fifteen or section one hundred and sixteen of this Act, the duties of local education authorities do not relate ;
- (f) any person who attained the age of fifteen years before the date on which this section comes into operation, not being a person who immediately before that date was required to attend a continuation school under the provisions of the Education Act, 1921.

PART II.
—cont.

11 & 12 Geo. 5.
c. 51.

If any person is aggrieved by a decision of a local education authority given under paragraph (b) of this subsection, he may refer the question to the Minister, who shall give such direction thereon as he thinks fit.

(g) If any young person upon whom a college attendance notice has been served fails to comply with any requirement of the notice, he shall be guilty of an offence against this section unless he proves either—

- (a) that he was at the material time exempt from compulsory attendance for further education ; or
- (b) that he was prevented from complying with the requirement by reason of sickness or any unavoidable cause ; or
- (c) that the requirement does not comply with the provisions of this section.

45.—(1) For the purpose of facilitating the execution by local education authorities of their functions under the last foregoing section, the following provisions shall, on and after the date on which that section comes into operation, have effect, that is to say :—

Administrative provisions for securing attendance at county colleges.

- (a) every young person who is not exempt from compulsory attendance for further education shall at all times keep the local education authority in whose area he resides informed of his proper address ;
- (b) any person by whom such a young person as aforesaid is employed otherwise than by way of casual employment shall notify the local education authority for the area in which the young person resides when the young person enters his employment and again when he ceases to be employed by him, and shall also notify the authority of any change of address of the employer, and, if known to him, of the young person, which occurs during the continuance of the employment ;

PART II.
—cont.

and any person who fails to perform any duty imposed on him by the foregoing provisions of this section shall be guilty of an offence against this section.

(2) The local education authority by whom a college attendance notice is served upon any young person shall serve a copy thereof upon any person who notifies the authority that the young person is employed by him.

(3) The Minister may by regulations make provision as to the form of college attendance notices, as to consultation and the exchange of information between different local education authorities, as to the issue of certificates of exemption in respect of young persons who are exempt from compulsory attendance for further education, and generally for the purpose of facilitating the administration by local authorities of the provisions of this Part of this Act as to attendance at county colleges.

(4) The Minister and the Minister of Labour shall issue instructions to local education authorities and to local offices of the Ministry of Labour respectively for ensuring due consultation and exchange of information between such authorities and offices.

(5) Any certificate of exemption in the prescribed form purporting to be authenticated in the prescribed manner shall be received in evidence in any legal proceeding, and shall unless the contrary is proved, be sufficient evidence of the fact therein stated.

Enforcement
of attendance
at county
colleges.

46.—(1) Any person guilty of an offence against either of the last two foregoing sections shall be liable on summary conviction, in the case of a first offence against that section to a fine not exceeding one pound, in the case of a second offence against that section to a fine not exceeding five pounds, and in the case of a third or subsequent offence against that section to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment.

(2) It shall be the duty of the local education authority in whose area the young person in question resides to institute proceedings for such offences as aforesaid wherever, in their opinion, the institution of such proceedings is expedient, and no such proceedings shall be instituted except by or on behalf of a local education authority.

(3) If, in furnishing any information for the purposes of either of the last two foregoing sections, any person makes any statement which he knows to be false in any material particular, or recklessly makes any statement which is false in any material particular, he shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(4) Without prejudice to the provisions of any enactment or rule of law relating to the aiding and abetting of offences, if the parent of a young person or any person by whom a young person is employed or the servant or agent of any such person has conducted to or connived at any offence committed by the young person against either of the last two foregoing sections, the person who has conducted to or connived at the offence shall, whether or not any person is proceeded against or convicted in respect of the offence conducted to or connived at, be guilty of the like offence and punishable accordingly.

47. Until the date upon which a scheme of further education is first approved by the Minister for the area of a local education authority under the foregoing provisions of this Part of this Act, the authority shall, unless the Minister otherwise directs, continue to maintain or assist any school or other educational institution which, immediately before the date of the commencement of this Part of this Act was maintained or assisted by them or by the council of any county district within their area, under the powers conferred by section seventy of the Education Act, 1921, not being a school or institution which under this Act is maintained or assisted as a secondary school, and may, in accordance with arrangements approved by the Minister, provide such additional facilities for further education, other than education at county colleges, as appear to the authority to be expedient for meeting the needs of their area.

Interim provisions as to further education

SUPPLEMENTARY PROVISIONS AS TO PRIMARY, SECONDARY AND FURTHER EDUCATION.

Ancillary Services.

48.—(1) It shall be the duty of every local education authority to provide for the medical inspection, at appropriate intervals, of pupils in attendance at any school or county college maintained by them, and every local education authority shall have power to provide for such inspection of senior pupils in attendance at any other educational establishment maintained by them.

Medical inspection and treatment of pupils.

(2) For the purpose of securing the proper medical inspection of the pupils in attendance at any such school, college or other educational establishment, any officer of a local education authority authorised in that behalf by the authority may require the parent of any pupil in attendance at any such school to submit the pupil for medical inspection in accordance with arrangements made by the authority, and may require any pupil in attendance at a county college or other educational establishment maintained by the authority to submit to such medical inspection; and any person who fails without reasonable excuse to comply with any such requirement shall be liable on summary conviction to a fine not exceeding five pounds.

PART II.
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(3) It shall be the duty of every local education authority to make such arrangements for securing the provision of free medical treatment for pupils in attendance at any school or county college maintained by them as are necessary for securing that comprehensive facilities for free medical treatment are available to them either under this Act or otherwise, and every local education authority shall have power to make such arrangements as aforesaid with respect to senior pupils in attendance at any other educational establishment maintained by them.

(4) It shall be the duty of every local education authority to make arrangements for encouraging and assisting pupils to take advantage of such facilities as aforesaid :

Provided that if the parent of any pupil gives to the authority notice that he objects to the pupil availing himself of any medical treatment provided under this section, the pupil shall not be encouraged or assisted so to do.

(5) A local education authority may give directions to the managers or governors of any voluntary school requiring them to provide such reasonable facilities as may be specified in the directions for the purpose of enabling the authority to carry out their functions under this section so, however, that the managers or governors of a voluntary school shall not be required by any such directions to incur expenditure.

Provision of
milk and
meals.

49. Regulations made by the Minister shall impose upon local education authorities the duty of providing milk, meals and other refreshment for pupils in attendance at schools and county colleges maintained by them ; and such regulations shall make provision as to the manner in which and the persons by whom the expense of providing such milk, meals or refreshment is to be defrayed, as to the facilities to be afforded (including any buildings or equipment to be provided) and as to the services to be rendered by managers governors and teachers with respect to the provision of such milk, meals or refreshment, and as to such other consequential matters as the Minister considers expedient, so, however, that such regulations shall not impose upon teachers at any school or college duties upon days on which the school or college is not open for instruction, or duties in respect of meals other than the supervision of pupils, and shall not require the managers or governors of a voluntary school to incur expenditure.

Provision
of board and
lodging other-
wise than at
boarding
schools or
colleges.

50.—(1) Where the local education authority are satisfied with respect to any child that primary or secondary education suitable to his age ability and aptitude can best be provided by them for him at any particular county school, voluntary school, or special school, or are satisfied with respect to any young person that further education should in his case be provided by requiring his continuous attendance at a county college, but

that such education cannot be so provided unless boarding accommodation is provided for him otherwise than at the school or college, the authority may provide such board and lodging for him under such arrangements as they think fit.

(2) In making any arrangements under this section for any child or young person, a local education authority shall, so far as practicable, give effect to the wishes of the parent of the child or to the wishes of the young person, as the case may be, with respect to the religious denomination of the person with whom he will reside.

51. Where it appears to a local education authority that a registered pupil at any school maintained by them is unable by reason of the inadequacy of his clothing to take full advantage of the education provided at the school, the authority may provide him with such clothing as, in the opinion of the authority, is necessary for the purpose of ensuring that he is sufficiently clad while he remains a pupil at the school.

Provision of clothing at schools maintained by local education authorities.

52.—(1) Where a local education authority have, under the powers conferred by the foregoing provisions of this Act, provided a pupil with board and lodging otherwise than at a boarding school or college, or with clothing, the authority shall require the parent to pay to the authority in respect thereof such sums, if any, as in the opinion of the authority he is able without financial hardship to pay :

Recovery of cost of boarding accommodation and of clothing.

Provided that—

- (a) where the board and lodging provided for the pupil were so provided under arrangements made by the local education authority on the ground that in their opinion education suitable to his age ability and aptitude could not otherwise be provided by the authority for him, no sum shall be recoverable in respect thereof under this section ; and
- (b) where the board and lodging have been so provided for a pupil in attendance at a county college, the authority, if satisfied that the pupil is in a financial position to pay the whole or any part of a sum recoverable from the parent under this section, may recover that sum or that part thereof from the pupil instead of from the parent.

(2) The sums recoverable under this section shall not exceed the cost to the local education authority of providing the board and lodging, or the cost of the clothing provided, as the case may be.

(3) Any sums payable by virtue of this section may be recovered summarily as a civil debt.

PART II.

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Provision of facilities for recreation and social and physical training.

53.—(1) It shall be the duty of every local education authority to secure that the facilities for primary secondary and further education provided for their area include adequate facilities for recreation and social and physical training, and for that purpose a local education authority, with the approval of the Minister, may establish maintain and manage, or assist the establishment, maintenance, and management of camps, holiday classes, playing fields, play centres, and other places (including playgrounds, gymnasiums, and swimming baths not appropriated to any school or college), at which facilities for recreation and for such training as aforesaid are available for persons for whom primary secondary or further education is provided by the authority, and may organise games, expeditions and other activities for such persons, and may defray or contribute towards the expenses thereof.

(2) A local education authority, in making arrangements for the provision of facilities or the organisation of activities under the powers conferred on them by the last foregoing subsection shall, in particular, have regard to the expediency of co-operating with any voluntary societies or bodies whose objects include the provision of facilities or the organisation of activities of a similar character.

(3) The Minister may make regulations empowering local education authorities to provide for pupils in attendance at any school or county college maintained by them such articles of clothing suitable for the physical training provided at the school or college as may be prescribed.

1 Edw. 8. and 1 Geo. 6. c. 46. (4) Sections one and two of the Physical Training and Recreation Act, 1937 (which relate to National Advisory Councils and local committees and sub-committees for the promotion of physical training), and so much of section three of that Act as relates to the grants committee, to recommendations of that committee, and to consultation with such Councils as aforesaid, shall cease to have effect.

Power to ensure cleanliness.

54.—(1) A local education authority may, by directions in writing issued with respect to all schools maintained by them or with respect to any of such schools named in the directions, authorise a medical officer of the authority to cause examinations of the persons and clothing of pupils in attendance at such schools to be made whenever in his opinion such examinations are necessary in the interests of cleanliness; and if a medical officer of a local education authority has reasonable cause to suspect that the person or clothing of a pupil in attendance at any county college is infested with vermin or in a foul condition, he may cause an examination thereof to be made.

(2) Any such examination as aforesaid shall be made by a person authorised by the local education authority to make such examinations, and if the person or clothing of any pupil

is found upon such an examination to be infested with vermin or in a foul condition, any officer of the authority may serve upon the parent of the pupil, or in the case of a pupil in attendance at a county college upon the pupil, a notice requiring him to cause the person and clothing of the pupil to be cleansed.

(3) A notice served under the last foregoing subsection shall inform the person upon whom it is served that unless within the period limited by the notice, not being less than twenty-four hours after the service thereof, the person and clothing of the pupil to whom the notice relates are cleansed to the satisfaction of such person as may be specified in the notice the cleansing thereof will be carried out under arrangements made by the local education authority; and if, upon a report being made to him by that person at the expiration of that period, a medical officer of the authority is not satisfied that the person and clothing of the pupil have been properly cleansed, the medical officer may issue an order directing that the person and clothing of the pupil be cleansed under such arrangements.

(4) It shall be the duty of the local education authority to make arrangements for securing that any person or clothing required under this section to be cleansed may be cleansed (whether at the request of a parent or pupil or in pursuance of an order issued under this section) at suitable premises by suitable persons and with suitable appliances; and where the council of any county district in the area of the authority are entitled to the use of any premises or appliances for cleansing the person or clothing of persons infested with vermin, the authority may require the council to permit the authority to use those premises or appliances for such purposes upon such terms as may be determined by agreement between the authority and the council or, in default of such agreement, by the Minister of Health.

(5) Where an order has been issued by a medical officer under this section directing that the person and clothing of a pupil be cleansed under arrangements made by a local education authority, the order shall be sufficient to authorise any officer of the authority to cause the person and clothing of the pupil named in the order to be cleansed in accordance with arrangements made under the last foregoing subsection, and for that purpose to convey him to, and detain him at, any premises provided in accordance with such arrangements.

(6) If, after the cleansing of the person or clothing of any pupil has been carried out under this section, his person or clothing is again found to be infested with vermin or in a foul condition at any time while he is in attendance at a school maintained by a local education authority or at a county college, and it is proved that the condition of his person or clothing is due to neglect

PART II.
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on the part of his parent, or in the case of a pupil in attendance at a county college to his own neglect, the parent or the pupil, as the case may be, shall be liable on summary conviction to a fine not exceeding twenty shillings.

(7) Where a medical officer of a local education authority suspects that the person or clothing of any pupil in attendance at a school maintained by the authority or at any county college is infested with vermin or in a foul condition, but action for the examination or cleansing thereof cannot immediately be taken, he may, if he considers it necessary so to do either in the interest of the pupil or of other pupils in attendance at the school or college, direct that the pupil be excluded from the school or college until such action has been taken; and such a direction shall be a defence to any proceedings under this Act in respect of the failure of the pupil to attend school or to comply with the requirements of a college attendance notice, as the case may be, on any day on which he is excluded in pursuance of the direction, unless it is proved that the issue of the direction was necessitated by the wilful default of the pupil or his parent.

(8) No girl shall be examined or cleansed under the powers conferred by this section except by a duly qualified medical practitioner or by a woman authorised for that purpose by a local education authority.

Provision of transport and other facilities.

55.—(1) A local education authority shall make such arrangements for the provision of transport and otherwise as they consider necessary or as the Minister may direct for the purpose of facilitating the attendance of pupils at schools or county colleges or at any course or class provided in pursuance of a scheme of further education in force for their area, and any transport provided in pursuance of such arrangements shall be provided free of charge.

(2) A local education authority may pay the reasonable travelling expenses of any pupil in attendance at any school or county college or at any such course or class as aforesaid for whose transport no arrangements are made under this section.

Power to provide primary and secondary education otherwise than at school.

56. If a local education authority are satisfied that by reason of any extraordinary circumstances a child or young person is unable to attend a suitable school for the purpose of receiving primary or secondary education, they shall have power with the approval of the Minister to make special arrangements for him to receive such education otherwise than at school.

Duty of local education authorities to report to local authorities

57.—(1) If it appears to the local education authority that any child in their area who has attained the age of two years is suffering from a disability of mind of such a nature or to such an extent as to make him incapable of receiving education at

school, it shall be the duty of the authority by notice in writing served upon the parent of the child to require the parent to submit him for examination by a medical officer of the authority; and if a parent upon whom such a notice is served fails without reasonable excuse to comply with the requirements thereof, he shall be liable on summary conviction to a fine not exceeding five pounds.

PART II.
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under 3 & 4
Geo. 5. c. 28 in
certain cases.

(2) Before any child is so medically examined as aforesaid, the authority shall cause notice to be given to the parent of the time and place at which the examination will be held, and the parent shall be entitled to be present at the examination if he so desires.

(3) If, after considering the advice given with respect to any child by a medical officer in consequence of any such medical examination as aforesaid and any reports or information which the local education authority are able to obtain from teachers or other persons with respect to the ability and aptitude of the child, the authority decide that the child is suffering from a disability of mind of such a nature or to such an extent as to make him incapable of receiving education at school, it shall be the duty of the authority to issue to the local authority for the purposes of the Mental Deficiency Act, 1913, a report that the child has been found incapable of receiving education at school:

3 & 4 Geo. 5.
c. 28.

Provided that, before issuing such a report with respect to any child, the local education authority shall give to the parent of the child not less than fourteen days' notice in writing of their intention to do so, and if within that period the parent refers to the Minister the question whether such a report should be issued, the report shall not be issued except by direction of the Minister.

(4) For the purposes of this section, a child shall be deemed to be suffering from a disability of mind of such a nature and extent as to make him incapable of receiving education at school not only if the nature and extent of his disability are such as to make him incapable of receiving education, but also if they are such as to make it inexpedient that he should be educated in association with other children either in his own interests or in theirs.

(5) If the local education authority are satisfied that any child in attendance at a school maintained by them or at any special school not so maintained is suffering from a disability of mind of such a nature or to such an extent that he will, in their opinion, require supervision after leaving school, the authority shall before the child ceases to be of compulsory school age issue to the local authority for the purposes of the Mental Deficiency Act, 1913, and to the parent of the child, a report that by reason of a disability of mind the child may require supervision after leaving school.

PART II.
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(6) Any report with respect to a child issued under this section to a local authority for the purposes of the Mental Deficiency Act, 1913, shall be accompanied by such records and other information relating to the child as may be prescribed; and upon receiving such a report it shall be the duty of that authority to consider whether the person in respect of whom the report was issued ought to be dealt with under that Act.

Employment of Children and Young Persons.

Adaptation of enactments relating to the employment of children or young persons.

58. For the purposes of any enactment relating to the prohibition or regulation of the employment of children or young persons, any person who is not for the purposes of this Act over compulsory school age shall be deemed to be a child within the meaning of that enactment.

Power of local education authorities to prohibit or restrict employment of children.

59.—(1) If it appears to a local education authority that any child who is a registered pupil at a county school, voluntary school, or special school, is being employed in such manner as to be prejudicial to his health or otherwise to render him unfit to obtain the full benefit of the education provided for him, the authority may, by notice in writing served upon the employer, prohibit him from employing the child, or impose such restrictions upon his employment of the child as appear to them to be expedient in the interests of the child.

(2) A local education authority may, by notice in writing served upon the parent or employer of any child who is a registered pupil at a county school, voluntary school, or special school, require the parent or employer to provide the authority, within such period as may be specified in the notice, with such information as appears to the authority to be necessary for the purpose of enabling them to ascertain whether the child is being employed in such a manner as to render him unfit to obtain the full benefit of the education provided for him.

(3) Any person who employs a child in contravention of any prohibition or restriction imposed under subsection (1) of this section, or who fails to comply with the requirements of a notice served under subsection (2) of this section, shall be guilty of an offence against this section and liable on summary conviction, in the case of a first offence to a fine not exceeding one pound, in the case of a second offence to a fine not exceeding five pounds, and in the case of a third or subsequent offence to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment.

(4) Subsection (1) and subsection (3) of section twenty-eight of the Children and Young Persons Act 1933 (which relate to powers of entry for the enforcement of the provisions of Part II of that Act with respect to the employment of children) shall

apply with respect to the provisions of any notice served under this section as they apply with respect to the provisions of the said Part II.

PART II.
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60.—(1) Where a young person is employed in any employment with respect to which a limitation upon the number of working hours during which he may be employed in that employment otherwise than by way of overtime in any week is imposed by or under any enactment, any period of attendance at a county college required of him during that week by a college attendance notice served on him shall, for the purposes of the limitation, be deemed to be time during which he has been so employed in that week.

Effect of college attendance notices on computation of working hours.

(2) Where a young person employed in any employment is entitled by or under the provisions of any enactment or of any agreement to overtime rates of pay in respect of any time during which he is employed in that employment on any day or in any week in excess of any specified number of hours or before or after any specified hour, any period of attendance at a county college required of him during that week or on that day by a college attendance notice served on him shall, for the purposes of those provisions, be deemed to be a period during which he was employed in that employment otherwise than in excess of the specified number of hours, or otherwise than before or after the specified hour, as the case may be.

Miscellaneous Provisions.

61.—(1) No fees shall be charged in respect of admission to any school maintained by a local education authority, or to any county college, or in respect of the education provided in any such school or college.

Prohibition of fees in schools maintained by local education authorities and in county colleges.

(2) Subject as hereinafter provided, where any pupil in attendance at any such school or college is provided at the school or college with board and lodging at the expense of the local education authority, fees shall be payable in respect of the board and lodging not exceeding such amounts as may be determined in accordance with scales approved by the Minister :

Provided that—

- (a) where the board and lodging provided for the pupil are so provided under arrangements made by the local education authority on the ground that, in their opinion, education suitable to his age ability and aptitude cannot otherwise be provided by the authority for him, the authority shall remit the whole of the fees payable under this subsection ; and
- (b) where the local education authority are satisfied that payment of the full fees payable under this subsection

PART II.
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would involve financial hardship to the person liable to pay them, the authority shall remit such part of the fees as they consider ought to be remitted in order to avoid such hardship, or, if in the opinion of the authority such hardship cannot otherwise be avoided, shall remit the whole of the fees.

(3) Any sums payable under the last foregoing subsection in respect of a pupil shall be payable by his parent, so, however, that where the local education authority are satisfied in the case of any young person in attendance at a county college that his financial circumstances are such that the sums so payable in respect of the board and lodging provided for him ought to be defrayed by him, those sums shall be payable by him instead of by his parent; and any sums so payable shall be recoverable summarily as a civil debt.

Duties of
Minister and of
local education
authorities as
to the training
of teachers.

62.—(1) In execution of the duties imposed on him by this Act, the Minister shall, in particular, make such arrangements as he considers expedient for securing that there shall be available sufficient facilities for the training of teachers for service in schools colleges and other establishments maintained by local education authorities, and for that purpose the Minister may give to any local education authority such directions as he thinks necessary requiring them to establish maintain or assist any training college or other institution or to provide or assist the provision of any other facilities specified in the direction.

(2) Where by any direction given under this section a local education authority are required to perform any such functions as aforesaid, the Minister may give such directions to other local education authorities requiring them to contribute towards the expenses incurred in performing those functions as he thinks just.

Exemption
from building
byelaws of
buildings
approved by
the Minister.
26 Geo. 5. and
1 Edw. 8. c. 49.

63.—(1) Section seventy-one of the Public Health Act, 1936 (which provides for the exemption of certain buildings from building byelaws) shall have effect as if for paragraph (a) thereof there were substituted the following paragraph :—

“(a) any buildings required for the purposes of any school or other educational establishment erected or to be erected according to plans which have been approved by the Minister of Education.”

(2) Where plans for any building required for the purposes of any school or other educational establishment are approved by the Minister, he may by order direct that any provision of any local Act or of any byelaw made under such an Act shall not apply in relation to the building or shall apply in relation thereto with such modifications as may be specified in the order.

64. No person shall be liable to pay, in respect of the school premises of any voluntary school, any rate the proceeds of which are applicable to public local purposes, whether directly or by reason of any precept or otherwise, being a rate leviable on the basis of an assessment in respect of the yearly value of property.

PART II.

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Exemption of voluntary schools from rates.

65. Where any sums which accrue after the date of the commencement of this Part of this Act in respect of the income of any endowment are required by virtue of the provisions of any trust deed to be applied towards the maintenance of a school which a local education authority are required to maintain as a voluntary school, the said sums shall not be payable to the local education authority, but shall be applied by the managers or governors of the school towards the discharge of their obligations, if any, with respect to the maintenance of the school, or in such other manner, if any, as may be determined by a scheme for the administration of the endowment made after the date of the commencement of this Part of this Act.

Endowments for maintenance of voluntary schools.

66. A local education authority shall have power, so far as may be authorised by arrangements approved by the Minister, to make grants to the governors of any aided secondary school for the purpose of helping them to discharge any liability incurred, before the date of the commencement of this Part of this Act, by them or on their behalf or by or on behalf of any former managers or governors of the school or any trustees thereof, for the purposes of establishing or carrying on the school.

Power of local education authorities to assist governors of aided secondary schools in respect of liabilities incurred before commencement of Part II.

67.—(1) Save as otherwise expressly provided by this Act, any dispute between a local education authority and the managers or governors of any school with respect to the exercise of any power conferred or the performance of any duty imposed by or under this Act, may, notwithstanding any enactment rendering the exercise of the power or the performance of the duty contingent upon the opinion of the authority or of the managers or governors, be referred to the Minister; and any such dispute so referred shall be determined by him.

Determination of disputes and questions.

(2) Any dispute between two or more local education authorities as to which of them is responsible for the provision of education for any pupil, or whether contributions in respect of the provision of education for any pupil are payable under this Act by one local education authority to another, shall be determined by the Minister.

(3) Where any trust deed relating to a voluntary school makes provision whereby a bishop or any other ecclesiastical or denominational authority has power to decide whether the religious instruction given in the school which purports to be in accordance with the provisions of the trust deed does or does not accord with those provisions, that question shall be determined in accordance with the provisions of the trust deed.

PART II.
—cont.

(4) If any question arises whether any alterations to the school premises of a county school or a voluntary school would amount to the establishment of a new school, that question shall be determined by the Minister.

Power of
Minister to
prevent
unreasonable
exercise of
functions.

68. If the Minister is satisfied, either on complaint by any person or otherwise, that any local education authority or the managers or governors of any county or voluntary school have acted or are proposing to act unreasonably with respect to the exercise of any power conferred or the performance of any duty imposed by or under this Act, he may, notwithstanding any enactment rendering the exercise of the power or the performance of the duty contingent upon the opinion of the authority or of the managers or governors, give such directions as to the exercise of the power or the performance of the duty as appear to him to be expedient.

Powers of
Minister as to
medical
examinations
and
inspections.

69.—(1) The Minister may make regulations as to the conduct of medical examinations and medical inspections for the purposes of this Act, and such regulations may, in particular, make provision requiring that any class of such examinations or inspections shall be conducted by duly qualified medical practitioners having such special qualifications or experience as may be prescribed, or shall be conducted by a duly qualified medical practitioner selected with the approval of the Minister.

(2) Where any question is referred to the Minister under this Part of this Act, then, if in the opinion of the Minister the examination of any pupil by a duly qualified medical practitioner appointed for the purpose by him would assist the determination of the question referred to him, the Minister may by notice in writing served on the parent of that pupil, or if that pupil is in attendance at a county college upon him, require the parent to submit him, or require him to submit himself, as the case may be, for examination by such a practitioner; and if any person on whom such a notice is served fails without reasonable excuse to comply with the requirements thereof, he shall be liable on summary conviction to a fine not exceeding five pounds.

PART III.

INDEPENDENT SCHOOLS.

Registration
of independent
schools.

70.—(1) The Minister shall appoint one of his officers to be Registrar of Independent Schools; and it shall be the duty of the Registrar of Independent Schools to keep a register of all independent schools, which shall be open to public inspection at all reasonable times, and, subject as hereinafter provided, to register therein any independent school of which the proprietor

makes application for the purpose in the prescribed manner and furnishes the prescribed particulars :

PART III.
—cont.

Provided that—

- (a) no independent school shall be registered if, by virtue of an order made under the provisions hereinafter contained, the proprietor is disqualified from being the proprietor of an independent school or the school premises are disqualified from being used as a school, or if the school premises are used or proposed to be used for any purpose for which they are disqualified by virtue of any such order ; and
- (b) the registration of any school shall be provisional only until the Minister, after the school has been inspected on his behalf under the provisions of Part IV of this Act, gives notice to the proprietor that the registration is final.

(2) If the Minister is satisfied that he is in possession of sufficient information with respect to any independent school or any class of independent schools, and that registration of that school or the schools comprised in that class is unnecessary, the Minister may by order exempt that school or schools of that class from registration, and any school so exempted shall be deemed to be a registered school.

(3) If after the expiration of six months from the date of the commencement of this Part of this Act any person—

- (a) conducts an independent school (whether established before or after the commencement of that Part) which is not a registered school or a provisionally registered school ; or
- (b) being the proprietor of an independent school does any act calculated to lead to the belief that the school is a registered school while it is a provisionally registered school ;

he shall be liable on summary conviction to a fine not exceeding twenty pounds or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such imprisonment and such fine.

(4) The Minister may make regulations prescribing the particulars to be furnished to the Registrar of Independent Schools by the proprietors of such schools, and such regulations may provide for the notification to the Registrar of any changes in the particulars so furnished and as to the circumstances in which the Minister may order the name of any school to be deleted from the register in the event of the Registrar being unable to obtain sufficient particulars thereof.

PART III.
—cont.
Complaints.

71.—(1) If at any time the Minister is satisfied that any registered or provisionally registered school is objectionable upon all or any of the following grounds—

- (a) that the school premises or any parts thereof are unsuitable for a school ;
- (b) that the accommodation provided at the school premises is inadequate or unsuitable having regard to the number, ages, and sex of the pupils attending the school ;
- (c) that efficient and suitable instruction is not being provided at the school having regard to the ages and sex of the pupils attending thereat ;
- (d) that the proprietor of the school or any teacher employed therein is not a proper person to be the proprietor of an independent school or to be a teacher in any school, as the case may be ;

the Minister shall serve upon the proprietor of the school a notice of complaint stating the grounds of complaint together with full particulars of the matters complained of, and, unless any of such matters are stated in the notice to be in the opinion of the Minister irremediable, the notice shall specify the measures necessary in the opinion of the Minister to remedy the matters complained of, and shall specify the time, not being less than six months after the service of the notice, within which such measures are thereby required to be taken.

(2) If it is alleged by any notice of complaint served under this section that any person employed as a teacher at the school is not a proper person to be a teacher in any school, that person shall be named in the notice and the particulars contained in the notice shall specify the grounds of the allegation, and a copy of the notice shall be served upon him.

(3) Every notice of complaint served under this section and every copy of such a notice so served shall limit the time, not being less than one month after the service of the notice or copy, within which the complaint may be referred to an Independent Schools Tribunal under the provisions hereinafter contained.

Determination
of complaints.

72.—(1) Any person upon whom a notice of complaint or a copy of such a notice is served under the last foregoing section may, within the time limited by the notice, appeal therefrom by referring the complaint, in such manner as may be provided by rules made under this Part of this Act, to an Independent Schools Tribunal constituted in accordance with the provisions of the Sixth Schedule to this Act.

(2) Upon a complaint being referred to an Independent Schools Tribunal, the tribunal shall, after affording to all parties

concerned an opportunity of being heard, and after considering such evidence as may be tendered by them or on their behalf, have power—

PART III.
—cont.

- (a) to order that the complaint be annulled :
- (b) to order that the school in respect of which the notice of complaint was served be struck off the register :
- (c) to order that the school be so struck off unless the requirements of the notice, subject to such modifications, if any, as may be specified in the order are complied with to the satisfaction of the Minister before the expiration of such time as may be specified in the order :
- (d) if satisfied that the premises alleged by the notice of complaint to be unsuitable for use as a school or any part of such premises are in fact unsuitable for such use, by order to disqualify the premises or part from being so used, or, if satisfied that the accommodation provided at the school premises is inadequate or unsuitable having regard to the number, ages and sex of the pupils attending the school, by order to disqualify the premises from being used as a school for pupils exceeding such number or of such age or sex as may be specified in the order :
- (e) if satisfied that any person alleged by the notice of complaint to be a person who is not proper to be the proprietor of an independent school or to be a teacher in any school is in fact such a person, by order to disqualify that person from being the proprietor of any independent school or from being a teacher in any school, as the case may be.

(3) Where a notice of complaint has been served under this Act on the proprietor of any school and the complaint is not referred by him to an Independent Schools Tribunal within the time limited in that behalf by the notice, the Minister shall have power to make any order which such a tribunal would have had power to make if the complaint had been so referred :

Provided that, if it was alleged by the notice of complaint that any person employed as a teacher at the school is not a proper person to be a teacher in any school and that person has, within the time limited in that behalf by the copy of the notice served upon him, referred the complaint to an Independent Schools Tribunal, the Minister shall not have power to make an order requiring his dismissal or disqualifying him from being a teacher in any school.

(4) Where by virtue of an order made by an Independent Schools Tribunal or by the Minister any person is disqualified

PART III.
—cont.

either from being the proprietor of an independent school or from being a teacher in any school, then, unless the order otherwise directs, that person shall, by virtue of the order, be disqualified both from being the proprietor of an independent school and from being a teacher in any school.

Enforcement.

73.—(1) Where an order is made by the Minister or by an Independent Schools Tribunal directing that any school be struck off the register, the Registrar of Independent Schools shall as from the date on which the direction takes effect strike the school off the register.

(2) If any person uses any premises for purposes for which they are disqualified by virtue of any order made under this Part of this Act, that person shall be liable on summary conviction to a fine not exceeding twenty pounds or in the case of a second or subsequent conviction (whether in respect of the same or other premises) to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months or to both such imprisonment and such fine.

(3) If any person acts as the proprietor of an independent school, or accepts or endeavours to obtain employment as a teacher in any school, while he is disqualified from so acting or from being so employed by virtue of any such order as aforesaid, he shall be liable on summary conviction to a fine not exceeding twenty pounds or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months or to both such imprisonment and such fine.

(4) No proceedings shall be instituted for an offence against this Part of this Act except by or on behalf of the Minister.

Removal of
disqualifica-
tions.

74.—(1) If on the application of any person the Minister is satisfied that any disqualification imposed by an order made under this Part of this Act is, by reason of any change of circumstances, no longer necessary, the Minister may by order remove the disqualification.

(2) Any person who is aggrieved by the refusal of the Minister to remove a disqualification so imposed may, within such time after the refusal has been communicated to him as may be limited by rules made under this Part of this Act, appeal to an Independent Schools Tribunal.

Proceedings
before
Independent
Schools
Tribunals and
matters
relating
thereto.

75.—(1) The Lord Chancellor may, with the concurrence of the Lord President of the Council, make rules as to the practice and procedure to be followed with respect to the constitution of Independent Schools Tribunals, as to the manner of making appeals to such tribunals, and as to proceedings before such tribunals and matters incidental to or consequential on such

proceedings, and, in particular, such rules may make provision requiring any such tribunal to sit at such places as may be directed in accordance with the rules, and may make provision as to appearance before such tribunals by counsel or solicitor and as to the payment to members of such tribunals, as part of the expenses of the Minister under this Act, of such remuneration and allowances as may, with the consent of the Treasury, be provided for by the rules.

(2) The provisions of the Arbitration Acts, 1889 to 1934, shall not apply to any proceedings before an Independent Schools Tribunal except so far as any provisions thereof may be applied thereto with or without modifications by rules made under this section.

(3) Every order of an Independent Schools Tribunal shall be registered by the Registrar of Independent Schools and shall be open to public inspection at all reasonable times.

PART IV.

GENERAL.

GENERAL PRINCIPLE TO BE OBSERVED BY MINISTER AND LOCAL EDUCATION AUTHORITIES.

76. In the exercise and performance of all powers and duties conferred and imposed on them by this Act the Minister and local education authorities shall have regard to the general principle that, so far as is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents.

Pupils to be educated in accordance with the wishes of their parents.

MISCELLANEOUS PROVISIONS.

77.—(1) In this section the expression "educational establishment" means a school, a county college, any establishment which under a scheme of further education made and approved under this Act is used for further education, and any training college or other institution being a training college or institution maintained by a local education authority; and if the persons responsible for the management of any institution which is not an educational establishment within the foregoing definition request the Minister or any local education authority to cause an inspection of that institution to be made under the powers conferred by this section, the institution shall, for the purposes of that inspection, be deemed to be also included within that definition.

Inspection of educational establishments.

(2) It shall be the duty of the Minister to cause inspections to be made of every educational establishment at such intervals as appear to him to be appropriate, and to cause a special inspection of any such establishment to be made whenever he

PART III.
—cont.

PART IV.
—cont.

considers such an inspection to be desirable ; and for the purpose of enabling such inspections to be made on behalf of the Minister, inspectors may be appointed by His Majesty on the recommendation of the Minister, and persons may be authorised by the Minister to assist such inspectors and to act as additional inspectors :

Provided that the Minister shall not be required by virtue of this subsection to cause inspections to be made of any educational establishment during any period during which he is satisfied that suitable arrangements are in force for the inspection of that establishment otherwise than in accordance with this subsection.

(3) Any local education authority may cause an inspection to be made of any educational establishment maintained by the authority, and such inspections shall be made by officers appointed by the local education authority.

(4) If any person obstructs any person authorised to make an inspection in pursuance of the provisions of this section in the execution of his duty, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or, in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such imprisonment and such fine.

(5) Subject as hereinafter provided, the religious instruction given in any school maintained by a local education authority shall not be subject to inspection except by one of His Majesty's Inspectors or by a person ordinarily employed for the purpose of inspecting secular instruction either as an additional inspector appointed by the Minister or as an officer in the whole-time employment of a local education authority :

Provided that the religious instruction given in a voluntary school otherwise than in accordance with an agreed syllabus shall not be subject to such inspection as aforesaid, but may be inspected under arrangements made for that purpose by the managers or governors of the school, or, in the case of a controlled school, by the foundation managers or foundation governors thereof so, however, that such inspections shall not be made on more than two days in any year and not less than fourteen days' notice of the dates fixed therefor shall be given to the local education authority.

(6) No pupil who has been excused from attendance at religious worship or instruction in a voluntary school in accordance with the provisions of this Act shall be required to attend the school on a day fixed for an inspection by arrangements made under the proviso to the last foregoing subsection.

Provision of
certain
ancillary
services for
pupils not in

78.—(1) Where under powers conferred by this Act a local education authority make special arrangements for any child or young person to receive primary or secondary education otherwise than at school, the authority may provide for the

medical inspection or medical treatment of that pupil as if he were in attendance at a school maintained by the authority. PART IV.
—cont.

attendance
at schools
maintained
by local
education
authorities.

(2) A local education authority may, with the consent of the proprietor of any school in their area which is not a school maintained by the authority, and upon such financial and other terms, if any, as may be determined by agreement between the authority and the proprietor of the school, make arrangements for securing—

- (a) the provision of milk, meals and other refreshment for pupils in attendance at the school; and
- (b) the provision for any registered pupil at the school who is unable by reason of the inadequacy of his clothing to take full advantage of the education provided at the school of such clothing as is necessary for the purpose of ensuring that he is sufficiently clad while he remains a pupil at the school;

and may, with the consent of the proprietor of any school or other educational establishment in their area which is not maintained by the authority, and upon such financial and other terms, if any, as may be determined by agreement between the authority and the proprietor of the school or establishment, make arrangements for securing the medical inspection of, and the provision of medical treatment for, pupils (being junior pupils or senior pupils) in attendance at the school or establishment:

Provided that any arrangements made under this subsection shall be such as to secure, so far as is practicable, that the expense incurred by the authority in connection with the provision under the arrangements of any service or article shall not exceed the expense which would have been incurred by them in the provision thereof if the pupil had been a pupil at a school maintained by them.

79.—Every local education authority shall furnish to the Minister of Health such particulars as he may from time to time require of the arrangements made by the authority in the exercise of their functions relating to medical inspection and medical treatment; and that Minister may give to any such authority such directions as to the discharge by the authority of those functions as appear to him to be expedient. Supplementary
provisions
as to medical
inspection and
treatment.

If arrangements are made for the exercise by the Minister of any functions conferred or imposed by this section on the Minister of Health, then, while such arrangements are in force, this section shall have effect in relation to such functions as if for the references therein to the Minister of Health there were substituted references to the Minister. Any directions given in the exercise of functions under this section may be varied or

PART IV.
—cont.

revoked by the Minister by whom those functions are for the time being exercisable.

Registration
of pupils at
schools.

80.—(1) The proprietor of every school (that is to say in the case of a county school or voluntary school the managers or governors thereof) shall cause to be kept in accordance with regulations made by the Minister a register containing the prescribed particulars with respect to all persons of compulsory school age who are pupils at the school, and such regulations may make provision for enabling such registers to be inspected, for enabling extracts therefrom to be taken for the purposes of this Act by persons duly authorised in that behalf under the regulations, and for requiring the persons by whom any such register is required to be kept to make to the Minister, and to local education authorities, such periodical or other returns as to the contents thereof as may be prescribed.

(2) If any person contravenes or fails to comply with any requirement imposed on him by regulations made under this section, he shall be liable on summary conviction to a fine not exceeding ten pounds.

(3) The regulations made under this section shall prescribe the procedure by which a child may become a registered pupil and the procedure by which a child (not being a child with respect to whom a school attendance order is in force) may be withdrawn from any school at which he is a registered pupil, and shall make provision for the deletion from the register of the name of any pupil so withdrawn.

Power of local
education
authorities to
give assistance
by means of
scholarships
and otherwise.

81. Regulations shall be made by the Minister empowering local education authorities, for the purpose of enabling pupils to take advantage without hardship to themselves or their parents of any educational facilities available to them—

- (a) to defray such expenses of children attending county schools, voluntary schools, or special schools, as may be necessary to enable them to take part in any school activities :
- (b) to pay the whole or any part of the fees and expenses payable in respect of children attending schools at which fees are payable :
- (c) to grant scholarships, exhibitions, bursaries, and other allowances in respect of pupils over compulsory school age, including pupils undergoing training as teachers :
- (d) to grant allowances in respect of any child in respect of whom any scholarship exhibition bursary or other allowance has been granted by a former authority before the date of the commencement of Part II of this Act.

82. A local education authority may, with the approval of the Minister, make such provision for conducting or assisting the conduct of research as appears to the authority to be desirable for the purpose of improving the educational facilities provided for their area.

PART IV.
—cont.

Powers of local education authorities as to educational research.

83. Subject to any regulations made by the Minister, a local education authority may organise, or participate in the organisation of, conferences for the discussion of questions relating to education, and may expend such sums as may be reasonable in paying or contributing towards any expenditure incurred in connection with conferences for the discussion of such questions, including the expenses of any person authorised by them to attend any such conference.

Powers of local education authorities as to educational conferences.

84. A local education authority may with the consent of the Minister provide financial assistance to any university or university college for the purpose of improving the facilities for further education available for their area.

Power of local education authorities to make grants to universities and university colleges.

85.—(1) Subject to the provisions of this section, a local education authority shall have power, and any such authority or any former authority shall be deemed always to have had power, to accept hold and administer any property upon trust for purposes connected with education.

Power of local education authorities to accept gifts for educational purposes.

(2) A local education authority shall not, on or after the date of the commencement of Part II of this Act, be constituted trustees of any school for providing primary or secondary education other than a nursery school or a special school except after the submission to the Minister of proposals for that purpose; and where proposals are so submitted to the Minister, they shall be treated for the purposes of this Act as proposals for the maintenance as a county school of a school which at the time being is not such a school, and the provisions of this Act relating to such proposals shall have effect accordingly.

(3) Any school for providing primary or secondary education which is vested in a local education authority as trustees thereof, not being a nursery school or special school, shall be a county school.

86.—(1) Where it appears to the Minister that the purposes for which any educational endowment is applicable include the provision of religious education for the pupils in attendance at a voluntary school in accordance with the tenets of a particular religious denomination, and that it is desirable for the purpose of enabling that denomination to participate more effectively in the administration of the statutory system of public education that a scheme should be made under the Endowed Schools Acts, 1869 to 1908, in relation to that endowment, but that there is

Extension of power to make schemes under the Endowed Schools Acts, and modifications of those Acts and of 4 & 5 Vict. c. 38.

PART IV.
—*cont.*

no power to make a scheme under those Acts in relation thereto, or that the power to make such a scheme is subject to such conditions that it cannot in practice be exercised, he may by order direct that the provisions of those Acts shall have effect in relation to the endowment subject to such modifications, if any, as appear to him to be necessary for the purpose of securing that a scheme may be made in relation to the endowment thereunder.

4 & 5 Vict.
c. 38.

(2) Where it appears to the Minister to be desirable that a scheme made under the Endowed Schools Acts, 1869 to 1908, in relation to any educational endowment should make provision for the sale of any land forming part of the endowment and the application of the proceeds of sale in accordance with the provisions of the scheme, but that such provision cannot be made by reason of the third proviso to section two of the School Sites Act, 1841 (which provides that if any land granted in accordance with the provisions of that section ceases to be used for the purposes mentioned in that Act, the land shall revert to the grantor), he may by order direct that the said proviso shall not have effect in relation to the land :

Provided that no such direction shall be given in relation to any land unless the Minister is satisfied either—

- (a) that the person to whom the land would revert in accordance with the said proviso cannot after due enquiry be found ; or
- (b) that, if that person can be found, he has consented to relinquish his rights in relation to the land under the said proviso, and that, if he has consented so to do in consideration of the payment of a sum of money to him, adequate provision can be made for the payment to him of that sum out of the proceeds of sale of the land.

(3) A scheme made under the Endowed Schools Acts, 1869 to 1908, in relation to any educational endowment may, where the endowment includes land in respect of which an order has been made under the last foregoing subsection, make provision for the payment out of the proceeds of sale of the land of any sum which is payable to any person in consideration of the relinquishment of his rights in relation to the land under the said proviso.

32 & 33 Vict.
c. 56.

(4) Sections thirty-four, thirty-five and thirty-six of the Endowed Schools Act, 1869 (which relate to the period during which objections or suggestions may be made with respect to draft schemes published under that Act), and section thirty-nine of that Act and section thirteen of the Endowed Schools Act, 1873 (which relate to the period within which petitions may be presented to His Majesty in Council against schemes approved under the said Act of 1869) shall have effect as if for the references

36 & 37 Vict.
c. 87.

therein to two months there were substituted references to one month; and the Endowed Schools Acts, 1869 to 1908, shall be construed accordingly.

PART IV.
—cont.

(5) In this section, the expression “educational endowment” has the meaning assigned to it by section five of the Endowed Schools Act, 1869.

87.—(1) The Mortmain and Charitable Uses Act, 1888, the Mortmain and Charitable Uses Act, 1891, and the Mortmain and Charitable Uses Act Amendment Act, 1892 (which impose restrictions upon assurances of land and personal estate to corporations and to charitable uses) shall not have effect with respect to any assurance of land or of personal estate to be laid out in the purchase of land if the land or the income thereof is to be used for educational purposes.

Exemption of assurances of property for educational purposes from the Mortmain Acts.
51 & 52 Vict. c. 42.
54 & 55 Vict. c. 73.
55 & 56 Vict. c. 11.

(2) Every assurance of land or of personal estate to be laid out in the purchase of land, including every assurance of land to any local education authority, shall, if the land or the income thereof is to be used for educational purposes, be void unless the assurance or a copy thereof is sent to the Minister within six months after the date upon which the assurance takes effect:

Provided that the Minister may, either before or after the expiration thereof, extend the said period of six months in any particular case, and if the assurance or a copy thereof is sent to the Minister within the extended period, the assurance shall not be void or shall be deemed not to have been avoided, as the case may be.

(3) The Minister shall cause to be kept a record of every assurance which, or a copy of which, is sent to him in compliance with the provisions of this section.

(4) In this section, the expression “assurance” has the meaning assigned to it by section ten of the Mortmain and Charitable Uses Act, 1888.

(5) Nothing in subsection (2) of this section shall affect the validity of any assurance which has taken effect before the date of the commencement of Part II of this Act.

ADMINISTRATIVE PROVISIONS.

88. The duties of a local education authority with respect to the appointment of officers under the provisions of the Local Government Act, 1933, shall, without prejudice to the generality of those provisions, include the duty of appointing a fit person to be the chief education officer of the authority, but a local education authority shall not make such an appointment except after consultation with the Minister, and for the purposes of

Appointment of chief education officers of local education authorities.
23 & 24 Geo. 5. c. 51.

PART IV.
—cont.

such consultation an authority proposing to make such an appointment shall send to the Minister particulars showing the name, previous experience, and qualifications, of the persons from whom they propose to make a selection. If the Minister is of opinion that any person whose name is so submitted to him is not a fit person to be chief education officer of the authority, he may give directions prohibiting his appointment.

Remuneration
of teachers.

89.—(1) The Minister shall secure that for the purpose of considering the remuneration of teachers there shall be one or more committees approved by him consisting of persons appointed by bodies representing local education authorities and teachers respectively, and it shall be the duty of any such committee to submit to the Minister, whenever they think fit or whenever they may be required by him so to do, such scales of remuneration for teachers as they consider suitable; and whenever a scale of remuneration so submitted is approved by the Minister, he may by order make such provision as appears to him to be desirable for the purpose of securing that the remuneration paid by local education authorities to teachers is in accordance therewith.

(2) The Minister shall nominate the person who is to be the chairman of any committee approved by him for the purposes of this section.

Compulsory
purchase of
land and
other dealings
in land by
local education
authorities.

90.—(1) A local education authority may be authorised, by means of an order made by the authority and confirmed by the Minister, to purchase compulsorily any land, whether situate within or without the area of the authority, which is required for the purposes of any school or college which is, or is to be, maintained by them, or otherwise for the purposes of their functions under this Act; and with respect to the compulsory purchase of land by local education authorities for any such purpose, the provisions of the Local Government Act, 1933, relating to the compulsory purchase of land by means of compulsory purchase orders shall have effect as if for the references therein to the Minister of Health there were substituted references to the Minister:

Provided that the Minister shall not confirm a compulsory purchase order for the purchase of any land required for the purposes of a voluntary school unless he is satisfied that the arrangements made as to the vesting of the land to be purchased, and as to the appropriation thereof for those purposes, are such as to secure that the expenditure ultimately borne by the local education authority will not include any expenditure which, if the land had been purchased by the managers or governors of the school, would have fallen to be borne by the managers or governors.

(2) Section one hundred and sixty-three of the Local Government Act, 1933 (which relates to the appropriation, for purposes

approved by the Minister of Health, of land belonging to local authorities and not required for the purposes for which it was acquired or has since been appropriated) shall, in relation to any land for the time being vested in a local education authority for the purposes of any of their functions under this Act, and not required for the purposes of that function, have effect as if for the references therein to the Minister of Health there were substituted references to the Minister.

PART IV.
—cont.

(3) Sections one hundred and sixty-four and one hundred and sixty-five of the Local Government Act, 1933 (which relate to the sale letting and exchange of land vested in local authorities) shall, in relation to any land vested in a local education authority for the purposes of their functions under this Act, have effect as if for the references in those sections to the Minister of Health there were substituted references to the Minister.

91. The council of every county borough shall keep separate accounts of the sums received and expended by them in the exercise of any functions of the council under this Act, and those accounts shall be made up and audited in like manner as the accounts of a county council, and the enactments relating to the audit of accounts by a district auditor, and to the matters incidental to such audit and consequential thereon, shall have effect in relation to the accounts which the council of a county borough are required to keep under this section as they have effect in relation to the accounts of a county council.

Accounts of county boroughs and audit thereof.

92. Every local education authority shall make to the Minister such reports and returns and give to him such information as he may require for the purpose of the exercise of his functions under this Act.

Reports and returns.

93. The Minister may cause a local inquiry to be held for the purpose of the exercise of any of his functions under this Act; and the provisions of subsections (2) (3) (4) and (5) of section two hundred and ninety of the Local Government Act, 1933, shall have effect with respect to any such inquiry as if the Minister were a department for the purposes of that section.

Power of Minister to direct local inquiries.

94.—(1) Where the age of any person is required to be proved for the purposes of this Act or of any enactment relating to the employment of children or young persons, the registrar having the custody of the register of births and deaths containing the entry relating to the birth of that person shall, upon being presented by any person with a written requisition in such form and containing such particulars as may be determined by regulations made by the Minister of Health, and upon payment of a fee of sixpence, supply that person with a copy of the entry certified under his hand.

Certificates of birth and registrars' returns.

PART IV.
—cont.

Every registrar shall, upon being requested so to do, supply free of charge a form of requisition for the purposes of this subsection.

(2) Every registrar shall supply to a local education authority such particulars of the entries contained in any register of births and deaths in his custody, and in such form, as, subject to any regulations made by the Minister of Health, the authority may from time to time require; and in respect of every entry in respect of which particulars are furnished by a registrar to a local education authority in compliance with any such requirement, the authority shall pay to the registrar such fee not exceeding twopence as may be agreed between the authority and the registrar, or, in default of such agreement, as may be determined by the Minister of Health.

(3) In this section, the expression "register of births and deaths" means a register of births and deaths kept in pursuance of the Births and Deaths Registration Acts, 1836 to 1929, and the expression "registrar" includes a registrar of births and deaths and a superintendent registrar.

Provisions as
to evidence.

95.—(1) Where in any proceedings under this Act the person by whom the proceedings are brought alleges that any person whose age is material to the proceedings is under, of, or over, any age, and satisfies the court that having used all reasonable diligence to obtain evidence as to the age of that person he has been unable to do so, then, unless the contrary is proved, the court may presume that person to be under, of, or over, the age alleged.

(2) In any legal proceedings any document purporting to be—

- (a) a document issued by a local education authority, and to be signed by the clerk of that authority or by the chief education officer of that authority or by any other officer of the authority authorised to sign it;
- (b) an extract from the minutes of the proceedings of the managers or governors of any county school or voluntary school, and to be signed by the chairman of the managers or governors or by their clerk;
- (c) a certificate giving particulars of the attendance of a child or young person at a school or at a county college, and to be signed by the head teacher of the school or college; or
- (d) a certificate issued by a medical officer of a local education authority and to be signed by such an officer;

shall be received in evidence and shall, unless the contrary is proved, be deemed to be the document which it purports to be, and to have been signed by the person by whom it purports to have been signed, without proof of his identity, signature,

or official capacity, and any such extract or certificate as is mentioned in paragraph (b) (c) or (d) of this subsection shall be evidence of the matters therein stated.

PART IV.
—cont.

96.—(1) If upon the application of a former authority the Minister is satisfied with respect to any property which was immediately before the date of the commencement of Part II of this Act held by that authority for the purposes of functions exercisable by them under the Education Acts, 1921 to 1939, that, although the property was so held, it was held upon trust for purposes of such a nature that the transfer thereof to a local education authority would be inexpedient, the Minister may by order direct that the property shall be deemed not to have been transferred by virtue of section six of this Act to the local education authority for the county in which the area of the former authority is situated.

Provisions consequential on cessation of functions of former authorities.

(2) Where any question arises as to whether any officers, property, rights, or liabilities, have been transferred by virtue of this Act from a former authority to a local education authority, that question shall be determined by the Minister.

(3) Where any officers, property, rights, or liabilities, have been transferred by virtue of this Act from a former authority to a local education authority, the local education authority and the former authority may by agreement provide for the making of such adjustments in relation to their respective property, rights, and liabilities, as appear to the authorities to be desirable having regard to the transfer, and any such agreement may, in particular, provide for the making of payments by either party thereto.

(4) Where it appears to the Minister that having regard to any such transfer it is desirable that any such adjustment as aforesaid (including any payment by either of the authorities concerned) should be made, he may, subject to any agreement made under the last foregoing subsection, by directions make provision for that adjustment.

(5) Where at the commencement of Part II of this Act any former authority were parties to any proceedings pending with respect to any property, rights, or liabilities, which by virtue of this Act are transferred from the former authority to a local education authority, the proceedings may be carried on thereafter with the substitution of the local education authority for the former authority as parties thereto.

97. For the purpose of the application of the Local Government Staffs (War Service) Act, 1939 (which relates to the civil remuneration and superannuation of persons who cease to serve

Modification of
2 & 3 Geo. 6.
c. 94.

PART IV. in certain civil capacities in order to undertake war service) in
—*cont.* relation to:—

- (a) any person who before the date of the commencement of Part II of this Act has, in order to undertake war service, ceased to serve in the capacity of an officer employed by the council of a county district for the purposes of any functions exercisable by that authority under the Education Acts, 1921 to 1939; and
- (b) any person who before the said date has, in order to undertake war service, ceased to serve in any such capacity as is mentioned in paragraphs 15 and 16 of the first column of the Schedule to the said Act of 1939, being a person in relation to whom the appropriate authority was, before the said date, the council of a county district;

the local education authority for the county in which the county district is situated shall instead of the council of the county district be the "appropriate authority."

Compensation
of persons
prejudicially
affected by
this Act.

98.—(1) If in consequence of the extinguishment or transfer by this Act of any functions exercisable by the council of any county district, or the transfer by this Act of any officers employed by any such council, any person who, immediately before the date of the commencement of Part II of this Act, was an officer employed by that council or by the council of the county in which the county district is situated suffers direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments, he shall, unless provision for his compensation for that loss is made by or under any other enactment for the time being in force, be entitled to receive compensation under this subsection from the local education authority for the area in which the county district is situated; and, for the purposes of any claim for compensation under this subsection, the provisions of subsections (2) and (3) of section one hundred and fifty of the Local Government Act, 1933, shall have effect as if:—

- (a) the extinguishment or transfer had been effected by virtue of an order made by the Minister of Health under Part VI of the said Act of 1933 and coming into operation upon the date of the commencement of Part II of this Act; and
- (b) the expression "existing officer," in those subsections, meant any person who, immediately before the said date, was an officer employed by the council of a county or county district in connection with any functions exercisable by that council under any enactment repealed or amended by this Act.

(2) If, in consequence of any school becoming a special agreement school or a controlled school, or in consequence of the discontinuance within six years after the passing of this Act of any school maintained by a local education authority, any person who was a teacher in the school immediately before it became a special agreement school or a controlled school, or before the school was discontinued, as the case may be, suffers direct pecuniary loss by reason of his dismissal or the diminution of his emoluments, he shall, unless provision for his compensation for that loss is made by or under any other enactment for the time being in force, be entitled to receive compensation from the authority under this section.

(3) For the purposes of the determination and payment of compensation under this section, the provisions of the Fourth Schedule to the Local Government Act, 1933, shall have effect subject to the following modifications, that is to say:—

- (a) references therein to the Minister shall be construed as references to the Minister of Education, and sub-paragraph (1) of paragraph 1 thereof shall have effect as if after the word “prescribed” there were inserted the words “by the Minister of Education”;
- (b) references therein to a scheme or order shall be construed as references to this Act; and
- (c) any period during which a person has been engaged in war service within the meaning of the Local Government Staffs (War Service) Act, 1939, shall be reckoned for the purposes of the said Schedule as a period of service in his office, and where any such period is so reckoned, his emoluments during that period shall, for the purposes of sub-paragraph (2) of paragraph 4 of the said Schedule, be deemed to be such as he would have received if he had not been engaged in war service.

99.—(1) If the Minister is satisfied, either upon complaint by any person interested or otherwise, that any local education authority, or the managers or governors of any county school or voluntary school, have failed to discharge any duty imposed upon them by or for the purposes of this Act, the Minister may make an order declaring the authority, or the managers or governors, as the case may be, to be in default in respect of that duty, and giving such directions for the purpose of enforcing the execution thereof as appear to the Minister to be expedient; and any such directions shall be enforceable, on an application made on behalf of the Minister, by mandamus.

(2) Where it appears to the Minister that by reason of the default of any person there is no properly constituted body of managers or governors of any county school or voluntary school,

PART IV.
—*cont.*

the Minister may make such appointments and give such directions as he thinks desirable for the purpose of securing that there is a properly constituted body of managers or governors thereof, and may give directions rendering valid any acts or proceedings which in his opinion are invalid or otherwise defective by reason of the default.

(3) Where it appears to the Minister that a local education authority have made default in the discharge of their duties relating to the maintenance of a voluntary school, the Minister may direct that any act done by or on behalf of the managers or governors of the school for the purpose of securing the proper maintenance thereof shall be deemed to have been done by or on behalf of the authority, and may reimburse to the managers or governors any sums which in his opinion they have properly expended for that purpose; and the amount of any sum so reimbursed shall be a debt due to the Crown from the authority, and, without prejudice to any other method of recovery, the whole or any part of such a sum may be deducted from any sums payable to the authority by the Minister in pursuance of any regulations relating to the payment of grants.

FINANCIAL PROVISIONS.

Grants in aid
of educational
services.

100.—(1) The Minister shall by regulations make provision:—

- (a) for the payment by him to local education authorities of annual grants in respect of the expenditure incurred by such authorities in the exercise of any of their functions relating to education, other than their functions relating to the medical inspection and treatment of pupils;
- (b) for the payment by him to persons other than local education authorities of grants in respect of expenditure incurred or to be incurred for the purposes of educational services provided by them or on their behalf or under their management or for the purposes of educational research; and
- (c) for the payment by him, for the purpose of enabling pupils to take advantage without hardship to themselves or their parents of any educational facilities available to them, of the whole or any part of the fees and expenses payable in respect of children attending schools at which fees are payable, and of sums by way of scholarships, exhibitions, bursaries and other allowances in respect of pupils over compulsory school age, including pupils undergoing training as teachers.

(2) The Minister of Health shall by regulations make provision for the payment by him to local education authorities of annual

grants in aid of the expenditure incurred by such authorities in the exercise of their functions relating to the medical inspection and treatment of pupils.

If arrangements are made for the exercise by the Minister of the functions imposed by this subsection upon the Minister of Health, then, while any such arrangements are in force, this subsection shall have effect as if for the reference therein to the Minister of Health there were substituted a reference to the Minister. References in any regulations made under this subsection to either of those Ministers shall, unless the context otherwise requires, be construed as references to the Minister by whom functions are for the time being exercisable under this subsection, and any such regulations may be varied or revoked by that Minister.

(3) Any regulations made by the Minister or the Minister of Health under this section may make provision whereby the making of payments by him in pursuance thereof is dependent upon the fulfilment of such conditions as may be determined by or in accordance with the regulations, and may also make provision for requiring local education authorities and other persons to whom payments have been made in pursuance thereof to comply with such requirements as may be so determined.

(4) Where the Minister is satisfied that the persons responsible for the management of any school or other educational institution are, by reason of the provisions of any trust deed or other instrument relating to the management of the school or institution, unable to fulfil any condition or comply with any requirement imposed by regulations made under this section, he may, after consultation with them, by order make such modifications of the said provisions as may be necessary for the purpose of enabling them to fulfil that condition or comply with that requirement; and any such trust deed or other instrument shall, during such period as may be specified in the order, have effect subject to any modifications so made.

(5) Nothing in this section shall affect any grants in aid of university education payable out of moneys provided by Parliament otherwise than in accordance with the provisions of this Act.

101.—(1) Subject to the provisions of this section, the Minister shall pay to the local education authority for every area in Wales and Monmouthshire a special annual grant in respect of any school which is maintained or assisted by the authority, being a school in respect of which grants were payable immediately before the date of the commencement of Part II of this Act under section nine of the Welsh Intermediate Education Act, 1889.

Special financial provisions relating to Wales and Monmouthshire.
52 & 53 Vict. c. 40.

(2) The grants to be so paid shall be of such amounts as may from time to time be determined by regulations made by the

PART IV.
—*cont.*

Minister, so, however, that the total sum payable for any financial year under the provisions of this section in respect of the schools situated within the area of any county or county borough shall not exceed the maximum amount which was payable in respect of those schools under the provisions of the said section nine for the year ending with the thirty-first day of March nineteen hundred and twenty-nine.

(3) The regulations made for the purposes of this section shall make provision whereby the grant payable thereunder in respect of a school for any year shall be withheld, or reduced by such amount as may be determined in accordance with the regulations, unless the Minister is satisfied, after such inspection and report as may be so determined, that the school complies with such standards of efficiency as may be specified in the regulations.

(4) As from such date as the Minister may by order appoint—

(a) no further sums shall become payable out of any county fund or out of the general rate fund of any county borough under the provisions of any scheme made under the Welsh Intermediate Education Act, 1889 ;

(b) the provisions of any such scheme, so far as they relate to the payment to the Central Welsh Board of sums calculated by reference to the product of a rate, and section forty-two of the Education Act, 1918, shall cease to have effect ; and

(c) the council of every county and county borough in Wales and Monmouthshire shall make to the Central Welsh Board an annual payment calculated by reference to a percentage of the product of a rate of one half-penny in the pound in that county or county borough for the year ending with the thirty-first day of March nineteen hundred and twenty-nine ; and the times at which the said payments are to be made and the percentages by reference to which they are to be calculated shall be such as may be determined by the Central Welsh Board for each year in respect of which they fall to be made, so, however, that the percentage so determined in respect of each year shall be a uniform percentage for all the councils by which the payments are to be made, and the percentage so determined in respect of any year shall not exceed twenty-two and one half per cent.

(5) Nothing in this section shall prevent the payment of grants to any local education authority in accordance with any other provision of this Act.

102. The Minister shall pay to the managers or governors of every aided school and of every special agreement school maintenance contributions equal to one half of any sums expended by them in carrying out their obligations under paragraph (a) of subsection (3) of section fifteen of this Act in respect of alterations to the school buildings and repairs to the school premises :

PART IV.
—cont.
Maintenance contributions payable by the Minister in respect of aided schools and special agreement schools.

Provided that no maintenance contribution shall be payable under this section in respect of any expenditure incurred by the managers or governors of a special agreement school in the execution of repairs or alterations for the execution of which provision is made by the special agreement relating to the school.

103.—(1) Where the Minister by an order made under section sixteen of this Act authorises the transfer of any voluntary school to a new site or directs that a voluntary school or schools proposed to be established shall be established in substitution for a school or schools to be discontinued, then, if the school to be transferred or any school to be established in pursuance of the order is to be maintained as an aided school or a special agreement school; the Minister may pay to the managers or governors of the school in respect of any sums expended by them in the construction of the school a grant not exceeding one-half thereof :

Power of the Minister to make grants in respect of aided schools and special agreement schools transferred to new sites or established in substitution for former schools.

Provided that no grant shall be payable under this section to the managers or governors of a special agreement school in respect of any sums expended by them in the execution of proposals to which the special agreement for the school relates.

(2) For the purposes of this section, any sum expended for the purpose of providing a site for a school shall be deemed to be expended in the construction of the school.

(3) Without prejudice to the general discretion of the Minister as to the making of any grant under this section and as to the amount of any such grant, the Minister shall, in determining the amount of any such grant, take into account any sums which may accrue to the managers, governors or trustees of the school in respect of the disposal of the site from which the school is to be transferred, or of the sites of the discontinued schools, as the case may be.

104.—(1) Where the Minister has approved proposals submitted to him under subsection (2) of section thirteen of this Act that any school proposed to be established should be maintained by a local education authority as a voluntary school and has directed that the proposed school shall be an aided school or a special agreement school, then, if the Minister is satisfied that although the proposed school will not be in substitution for one or more discontinued schools, yet the establishment thereof is wholly

Power of the Minister to make grants in respect of aided schools and special agreement schools established for

PART IV.
—*cont.*
the accom-
modation of
displaced
pupils.

or partially due to the need of providing education for a substantial number of displaced pupils, he may by order certify as expenses attributable to the provision of education for displaced pupils so much of the amount expended in the construction of the school as is in his opinion so attributable, and may pay to the managers or governors of the school a grant not exceeding one half of the expenses so certified :

Provided that no grant shall be payable under this section to the managers or governors of a special agreement school in respect of any sums expended by them in the execution of proposals to which the special agreement for the school relates.

(2) For the purposes of this section—

- (a) the expression “ displaced pupils ” means, in relation to any such proposed school as aforesaid, pupils for whom education would, in the opinion of the Minister, have been provided in some other aided school or special agreement school if that school had not ceased to be available for them in consequence of its having ceased to be used for providing both primary and secondary education or in consequence of a substantial reduction in the number of pupils for whom education is to be provided in it ; and
- (b) any sum expended for the purpose of providing a site for a school shall be deemed to be expended in the construction of the school.

Power of the
Minister to
make loans to
aided schools
and special
agreement
schools in
respect of
initial
expenditure.

105.—(1) If upon the application of the managers or governors of any aided school or special agreement school the Minister is satisfied after consultation with persons representing them that their share of any initial expenses required in connection with the school premises will involve capital expenditure which, in his opinion having regard to all the circumstances of the case, ought properly to be met by borrowing, he may make to the managers or governors of the school for the purpose of helping them to meet that expenditure, a loan of such amount at such rate of interest and otherwise on such terms and conditions as may be specified in an agreement made between him and them with the consent of the Treasury.

(2) For the purposes of this section, the expression “ initial expenses ” means in relation to any school premises—

- (a) expenses to be incurred in defraying the cost of any alterations required by the development plan approved by the Minister for the area ;
- (b) expenses to be incurred in pursuance of any special agreement ;

- (c) expenses to be incurred in the construction of any school which, by virtue of an order made under section sixteen of this Act, is deemed not to be a newly established school or is deemed to be in substitution for any discontinued school or schools ;
- (d) expenses certified by the Minister under the last foregoing section as being attributable to the provision of education for displaced pupils ;

and the managers' or governors' share of any such initial expenses shall be taken to be so much thereof as remains to be borne by them after taking into account the amount of any maintenance contribution, grant under a special agreement, or grant under either of the last two foregoing sections, as may be paid or payable in respect of those expenses.

(3) If upon an application being made to him under subsection (2) of section fifteen of this Act for an order directing that a school shall be an aided school or a special agreement school it appears to the Minister that the area served by the school will not be also served by any county school or controlled school, then, unless he is satisfied that the managers or governors of the school will be able to defray the expenses which would fall to be borne by them under paragraph (a) of subsection (3) of that section without the assistance of a loan under this section, the Minister shall consult such persons or bodies of persons as appear to him to be representative of any religious denomination which, in his opinion having regard to the circumstances of the area, is likely to be concerned ; and, unless after such consultation he is satisfied that the holding of a local inquiry is unnecessary, shall cause such inquiry to be held before determining the application.

106.—(1) Where a local education authority provide in any school maintained by the authority for the primary or secondary education of any child or young person who belongs to the area of some other local education authority, then, if a claim therefor is made within the prescribed period, they shall, subject as hereinafter provided, be entitled to recover from that authority such contributions as may be determined by agreement between the authorities concerned, or in default of such agreement by the Minister, to be equal to the cost of providing for the education :

Contributions
between local
education
authorities.

Provided that if in the case of any child or young person the Minister is satisfied that there was no sufficient reason why the education provided for him should not have been provided by the authority for the area to which he belongs, the Minister may, on the application of that authority, direct that no contribution shall be recoverable in respect thereof under this subsection.

PART IV,
—cont.

(2) For the purposes of this section, a child or young person shall be deemed to belong to the area in which his guardian resides :

Provided that—

- (a) if the guardian of the child or young person cannot be found or his guardian has no place of residence in England or Wales, the child or young person shall be deemed to belong to the area of the local education authority in whose area he was born ; and
- (b) where immediately before the date of the commencement of Part II of this Act a former authority had been required under the Education (Institution Children) Act, 1923, to make payments to another former authority in respect of any child and were liable to make such payments, then, so long as the first-mentioned former authority would have remained so liable if that Act had not been repealed, the child shall be deemed to belong to the area of the local education authority responsible for the liabilities of the first-mentioned former authority.

13 & 14 Geo. 5.
c. 38.

(3) If it is impracticable to determine under the provisions of the last foregoing subsection to what area a child or young person belongs, either because his place of birth was not in England or Wales or cannot be ascertained or for any other reason, he shall be treated as belonging to such area as may be determined by agreement between the local education authorities concerned, or in default of such agreement, by the Minister.

(4) In this section the expression “ guardian ”, in relation to any child or young person, means the person having the legal right to the guardianship of the person of that child or young person :

Provided that where that person has been deprived of the custody of the child or young person by the order of a court of competent jurisdiction, the guardian of the child or young person shall be deemed to be the person appointed by that court to have the custody of him.

(5) Nothing in this section shall be construed as preventing the payment by agreement between local education authorities of contributions in respect of education provided by one authority on behalf of another in cases where the authority by whom the education is provided is not entitled to recover contributions under this section.

Expenses of
Ministers.

107. Any expenses incurred by the Minister or by the Minister of Health in the exercise of their functions under this Act shall be defrayed out of monies provided by Parliament.

PART V.

SUPPLEMENTAL.

108.—(1) Without prejudice to any powers exercisable under section thirty-seven of the Interpretation Act, 1889, the Minister may exercise, and may authorise or require any local education authority, former authority, or other person or body of persons, to exercise during the period before the date on which Part II of this Act comes into operation any functions, which will, on or after that date, become exercisable by him or them under any provision of this Act, in so far as the exercise of those functions during that period is, in his opinion, necessary or expedient for securing that that Part may be brought into operation without delay or for preventing difficulties in the operation of that Part after the date aforesaid.

Power to facilitate commencement of Part II. 52 & 53 Vict. c. 63.

(2) The Minister shall, in exercise of the power conferred by the last foregoing subsection, constitute any joint education boards and secure the constitution of any education committees and sub-committees and of any divisional executives which are, in his opinion, essential for the initial operation of the said Part II.

(3) If the Minister is satisfied that it is necessary to make an order under this subsection by reason of time being required after the commencement of the said Part II for enabling adequate provision to be made for a supply of teachers or of school accommodation sufficient to meet the needs of children between the ages of fourteen and fifteen years, he may by order direct that, while the order remains in force, section thirty-five of this Act shall have effect as if for references therein to fifteen there were substituted references to fourteen and section forty-three of this Act shall have effect as if for the reference therein to the date of the commencement of the said Part II there were substituted a reference to the date of the expiry of the order :

Provided that, if any order made under this subsection is still in operation at the expiration of the period of two years after the commencement of the said Part II, the order shall then cease to have effect.

109. If upon representations made to him by any local education authority the Minister is satisfied that by reason of difficulties arising out of war conditions or out of conditions occasioned by the coming into operation of Part II of this Act temporary accommodation for children who are, or whose parents desire them to be, registered pupils at any voluntary school is required until permanent accommodation can be provided for them by the managers or governors of the school in accordance with the development plan for the area, the Minister may authorise the local education authority to provide, or assist in providing, such

Power of Minister to authorise local education authorities to provide temporary assistance for voluntary schools.

PART V.
—*cont.*

temporary accommodation in accordance with arrangements approved by him, so, however, that any such authorisation shall be withdrawn as soon as there has, in the opinion of the Minister, been sufficient opportunity for permanent accommodation for such pupils to be provided by the managers or governors of the school.

Power of
Minister
to adjust
variations
of rates
consequent
upon com-
mencement of
Part II.

110. If it appears to the Minister that the transfer by this Act to the local education authority for any county of functions formerly exercisable by the council of any county district is likely to bring about in the county excessive variations in the incidence of rates during the period immediately following the commencement of Part II of this Act, he shall, if application is made to him in that behalf either by the local education authority or by any such council, cause an investigation to be made in accordance with the provisions of Part I of the Seventh Schedule to this Act, and, subject to the provisions of Part II of that Schedule, may make an order for the county under the powers thereby conferred.

Revocation
and variation
of orders and
directions.

111. Any order made or directions given by the Minister, the Minister of Health, or a local education authority under the provisions of this Act may be varied or revoked by a further order or further directions made or given by the Minister, the Minister of Health, or that authority, as the case may be :

Provided that where the power to make or give any such order or directions is exercisable only upon the application or with the consent of any person or body of persons, or after consultation with any person or body of persons, or otherwise subject to any conditions, no order or directions made or given thereunder shall be varied or revoked except upon the like application, with the like consent, after the like consultation, or subject to the like conditions, as the case may be.

Regulations
to be laid
before
Parliament.

112. 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 period of forty days beginning with the day on which any such regulations are laid before it, resolves that the regulations be annulled, the regulations shall cease to have effect, but without prejudice to anything previously done thereunder or to the making of any new regulations.

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

Notices.

113. Any notice required or authorised by this Act to be served upon any person may be served by delivering it to that person, or by leaving it at his usual or last known place of residence, or by sending it in a pre-paid letter addressed to him at that place.

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

PART V.
—cont.
Interpretation.

- “ Agreed syllabus ” means, subject to the provisions of subsection (4) of this section, an agreed syllabus of religious instruction prepared in accordance with the provisions of the Fifth Schedule to this Act and adopted or deemed to be adopted thereunder ;
- “ Alterations ”, in relation to any school premises, includes any improvements or enlargements which do not amount to the establishment of a new school ;
- “ Assist ”, in relation to any school college or institution, has the meaning assigned to it by subsection (2) of this section ;
- “ Child ” means a person who is not over compulsory school age ;
- “ Clothing ” includes boots and other footwear ;
- “ Compulsory school age ” has, subject to the provisions of section thirty-eight of this Act, the meaning assigned to it by section thirty-five of this Act ;
- “ County ” means an administrative county within the meaning of the Local Government Act, 1933 ;
- “ Former authority ” means any authority which was a local education authority within the meaning of any enactment repealed by this Act or any previous Act ;
- “ Foundation managers ” and “ foundation governors ” mean, in relation to any voluntary school, managers and governors appointed otherwise than by a local education authority or a minor authority for the purpose of securing, so far as is practicable, that the character of the school as a voluntary school is preserved and developed, and, in particular, that the school is conducted in accordance with the provisions of any trust deed relating thereto ; and, unless the context otherwise requires, references in this Act to “ managers ” or “ governors ” shall, in relation to any function thereby conferred or imposed exclusively on foundation managers or foundation governors, be construed as references to such managers or governors ;
- “ Further education ” has the meaning assigned to it by section forty-one of this Act ;
- “ Independent school ” means any school at which full-time education is provided for five or more pupils of compulsory school age (whether or not such education is also provided for pupils under or over that age), not

PART V
—cont.

being a school maintained by a local education authority or a school in respect of which grants are made by the Minister to the proprietor of the school ;

“ Junior pupil ” means a child who has not attained the age of twelve years ;

“ Local education authority ” means, in relation to any area for which a joint education board is constituted as the local education authority under the provisions of Part I of the First Schedule to this Act, the board so constituted, and, save as aforesaid, means, in relation to a county, the council of the county, and, in relation to a county borough, the council of the county borough ;

“ Local education order ” means an order made by the Minister under section twelve of this Act ;

“ Local government elector ” has the meaning assigned to it by section three hundred and five of the Local Government Act, 1933 ; and in relation to the area of any joint education board constituted under Part I of the First Schedule to this Act a local government elector for the area of any council by whom members are appointed to the board shall be deemed to be a local government elector for the area of the authority.

“ Maintain ” in relation to any school or county college has the meaning assigned to it by subsection (2) of this section ;

“ Maintenance contribution ”, in relation to any voluntary school, means a contribution payable under section one hundred and two of this Act ;

“ Medical inspection ” means inspection by or under the directions of a medical officer of a local education authority or by a person registered under the Dentists Act, 1878, employed or engaged, whether regularly or for the purposes of any particular case, by a local education authority ;

“ Medical officer ” means, in relation to any local education authority, a duly qualified medical practitioner employed or engaged, whether regularly or for the purposes of any particular case, by that authority ;

“ Medical treatment ” includes treatment by any duly qualified medical practitioner or by any person registered under the Dentists Act, 1878, but does not, in relation to any pupil other than a pupil receiving primary or secondary education otherwise than at school under arrangements made by a local education authority, include treatment in that pupil’s home ;

- “ Minor authority ” means, in relation to any school maintained by the local education authority for a county, the council of any borough (other than a county borough) or urban district or rural parish which appears to the local education authority to be the area served by the school, so, however, that where it appears to the local education authority that the area served by the school is a rural parish which has no parish council, the parish meeting of that parish shall be the minor authority, and where it appears to the local education authority that a school serves the area of two or more minor authorities, that expression shall be construed as referring to all those minor authorities acting jointly ;
- “ Parent ”, in relation to any child or young person, includes a guardian and every person who has the actual custody of the child or young person ;
- “ Premises ”, in relation to any school, includes any detached playing fields, but, except where otherwise expressly provided, does not include a teacher’s dwelling-house ;
- “ Prescribed ” means prescribed by regulations made by the Minister ;
- “ Primary education ” has the meaning assigned to it by section eight of this Act ;
- “ Primary school ” means, subject to the provisions of subsection (3) of this section, a school for providing primary education ;
- “ Proprietor ”, in relation to any school, means the person or body of persons responsible for the management of the school, and for the purposes of the provisions of this Act relating to applications for the registration of independent schools, includes any person or body of persons proposing to be so responsible ;
- “ Provisionally registered school ” means an independent school registered in the register of independent schools, whereof the registration is provisional only ;
- “ Pupil ”, where used without qualification, means a person of any age for whom education is required to be provided under this Act ;
- “ Registered pupil ” means, in relation to any school, a pupil registered as such in the register kept in accordance with the requirements of this Act, but does not include any child who has been withdrawn from the school in the prescribed manner ;
- “ Registered school ” means an independent school registered in the register of independent schools, whereof the registration is final ;

PART V.
—cont.

- “ School ” means an institution for providing primary or secondary education or both primary and secondary education, being a school maintained by a local education authority, an independent school, or a school in respect of which grants are made by the Minister to the proprietor of the school ; and the expression “ school ” where used without qualification includes any such school or all such schools as the context may require ;
- “ Secondary education ” has the meaning assigned to it by section eight of this Act ;
- “ Secondary school ” means, subject to the provisions of subsection (3) of this section, a school for providing secondary education ;
- “ Senior pupil ” means a person who has attained the age of twelve years but has not attained the age of nineteen years ;
- “ Special agreement ” means an agreement made under the provisions of the Third Schedule to this Act ;
- “ Special educational treatment ” has the meaning assigned to it by paragraph (c) of subsection (2) of section eight of this Act ;
- “ Trust deed ”, in relation to any voluntary school, includes any instrument (not being an instrument of management, instrument of government, rules of management, or articles of government, made under this Act) regulating the maintenance management or conduct of the school or the constitution of the body of managers or governors thereof ;
- “ Young person ” means a person over compulsory school age who has not attained the age of eighteen years.
- (2) For the purposes of this Act :—
- (a) the duty of a local education authority to maintain a school or county college shall include the duty of defraying all the expenses of maintaining the school or college except, in the case of an aided school or a special agreement school, any expenses that by virtue of any provision of this Act or of any special agreement made thereunder are payable by the managers or governors of the school, and the expression “ maintain ” shall be construed accordingly ; and
- (b) where a local education authority make to the proprietor of any school which is not maintained by the authority, or to the persons responsible for the maintenance of any training college or other institution which is not so maintained, any grant in respect of the school college

or institution or any payment in consideration of the provision of educational facilities thereat, the school college or institution shall be deemed to be assisted by the authority.

PART V.
—cont.

(3) So long as any county school or voluntary school is used for providing both primary and secondary education, references in this Act to primary schools shall be construed as including references to that school and references therein to secondary schools shall be construed as excluding any reference thereto :

Provided that where the primary education provided in any such school is provided in a separate junior or preparatory department, the Minister may direct that the school shall be deemed for the purposes of this Act to be a secondary school and such references as aforesaid shall be construed accordingly.

(4) Where before the date of the commencement of Part II of this Act a syllabus of religious instruction had been adopted by a former authority for use in any school which after that date is a county school or a voluntary school or for any class or description of pupils, that syllabus shall be deemed to be the agreed syllabus for that school, or for that class or that description of pupils, as the case may be, until a syllabus in substitution therefor is prepared in accordance with the provisions of the Fifth Schedule to this Act and adopted or deemed to be adopted thereunder, or until the expiration of two years after the said date, whichever first occurs.

(5) For the purposes of this Act, a person in attendance at a school or county college who attains any age during the term of the school or college shall be deemed not to have attained that age until the end of the term.

(6) Any person who before the commencement of Part II of this Act had attained an age at which his parent had ceased to be under any obligation imposed under section forty-six of the Education Act, 1921, shall be deemed to be over compulsory school age, and any person who after the said date ceases to be of compulsory school age shall not, in the event of any subsequent change in the upper limit of the compulsory school age, again become a person of compulsory school age.

(7) Where at any time before the date of the commencement of Part II of this Act the premises of any school which was for the time being a public elementary school within the meaning of the enactments repealed by this Act have ceased by reason of war damage, or by reason of any action taken in contemplation or in consequence of war, to be used for the purposes of a school, then, for the purposes of this Act, the school, unless it has been closed in accordance with those enactments, shall be deemed to have been a public elementary school within the meaning of those enactments immediately before that date and, if it was

PART V.
cont.

maintained by a former authority immediately before the premises ceased to be used for the purposes of a school, to have been maintained by such an authority immediately before that date.

(8) In this Act, unless the context otherwise requires, references to any enactment or any provision of any enactment shall be construed as references to that enactment or provision as amended by any subsequent enactment, including this Act.

Saving as to persons in the service of the Crown.

115. No power or duty conferred or imposed by this Act on the Minister, on local education authorities, or on parents, shall be construed as relating to any person who is employed by or under the Crown in any service or capacity with respect to which the Minister certifies that, by reason of the arrangements made for the education of children and young persons employed therein, the exercise and performance of those powers and duties with respect to such children and young persons is unnecessary.

Saving as to persons of unsound mind and persons detained by order of a court.

53 & 54 Vict.
c. 5.

47 & 48 Vict.
c. 64.

20 & 21 Geo. 5.
c. 23.

116. No power or duty conferred or imposed by this Act on the Minister, on local education authorities, or on parents, shall be construed as relating to any person who 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 voluntary patient under section one or 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 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 has been reported under subsection (3) of section fifty-seven of this Act as having been found incapable of receiving education at school, or to any person who is detained in pursuance of an order made by any court.

Application to London.

117.—(1) For the purposes of the application of this Act to the County of London, references in the definition of the expression "minor authority" to a borough shall be construed as references to the City of London and to a metropolitan borough, and references in that definition to the council of a borough shall be construed as references to the Common Council of the City of London and to the council of a metropolitan borough respectively.

(2) Subsection (4) of section fifty-four of this Act shall, in relation to the County of London, have effect as if for references therein to the council of a county district there were substituted references to a sanitary authority for the purposes of the Public Health (London) Act, 1936.

26 Geo. 5. &
1 Edw. 8.
c. 50.

(3) Before approving any proposals submitted to him under section thirteen of this Act with respect to any school which is or is to be, situated within the area of the City of London or within the area of a metropolitan borough, the Minister shall afford to the Common Council of the City of London or to the council of the borough, as the case may be, an opportunity of making representations to him with respect to the proposals.

(4) For the purposes of the application of sections eighty-eight, ninety, ninety-three and one hundred and fourteen of this Act in relation to the local education authority for the County of London :—

- (a) the references in those sections to the Local Government Act, 1933, shall be construed as references to the London Government Act, 1939 ; and 2 & 3 Geo. 6.
c. 40.
- (b) the references in those sections to sections one hundred and sixty-three, one hundred and sixty-four, one hundred and sixty-five, two hundred and ninety and three hundred and five of the said Act of 1933 shall be respectively construed as references to sections one hundred and six, one hundred and seven, one hundred and eight, one hundred and eighty-nine and two hundred and six of the said Act of 1939.

(5) Parts I and III of the First Schedule to this Act shall not apply to the London County Council.

118. The Minister shall by order provide for the application of this Act to the Isles of Scilly as if those isles were a separate county, and any such order may provide for the application of this Act to those isles subject to such modifications as may be specified in the order. Application to
Isles of Scilly.

119. Parts I and V of this Act shall come into operation on the passing of this Act ; Parts II and IV of this Act shall come into operation on the first day of April nineteen hundred and forty-five ; and Part III of this Act shall come into operation on such date after the said first day of April as His Majesty may by Order in Council appoint for the commencement of that Part. Commence-
ment.

120.—(1) On and after the date of the commencement of Part II of this Act any enactment passed before that date shall, unless the context otherwise requires, be construed as if :— Amendment
of enactments.

- (a) for references therein to an elementary school or to a public elementary school (whether or not any reference is made therein to the payment of parliamentary grants in respect of the school) there were substituted references to a county school or voluntary school as the context may require ;

PART V.
—cont.

- (b) for references therein to a school certified by the Board of Education, in accordance with the provisions of Part V of the Education Act, 1921, as suitable for providing education for blind deaf defective or epileptic children, there were substituted references to a special school ;
- (c) for references therein to the managers of a school there were substituted, in relation to a county secondary school or a voluntary secondary school, references to the governors of the school ;
- (d) for references therein to elementary education or to higher education there were substituted references to such education as may be provided by a local education authority in the exercise of their functions under Part II of this Act ;
- (e) for references therein to a local education authority, to a local education authority for elementary education, or to a local education authority for higher education, there were substituted references to a local education authority within the meaning of this Act.

25 & 26
Geo. 5. c. 8.

(2) In relation to any young person punishable under this Act or under section seventy-eight of the Unemployment Insurance Act, 1935, subsection (3) of section fifty-two and section fifty-four of the Children and Young Persons Act, 1933 (which relate to the substitution of other punishments for imprisonment), shall have effect as if references therein to a young person included references to any person who has not attained the age of eighteen years.

(3) The enactments mentioned in the first column of the Eighth Schedule to this Act shall, except in so far as any of them extend to Scotland, have effect subject to the amendments specified in the second column of that Schedule :

Provided that Part I of the said Schedule shall come into operation on the date of the commencement of Part II of this Act, and Part II of the said Schedule shall come into operation on the date on which section forty-four of this Act comes into operation.

(4) Where by virtue of this Act any functions cease to be exercisable by the council of a county district under the Children and Young Persons Acts, 1933 and 1938, the following provisions of this Act, that is to say :—

- (a) subsections (3) and (4) of section six ; and
- (b) section ninety-seven ;

shall have effect as if those functions had been exercisable under the Education Acts, 1921 and 1930 ; and, in relation to any such functions, the provisions of section ninety-six and of subsection (3) of section ninety-eight of this Act shall have effect as if for the references therein to the Minister of Education there were substituted references to the Secretary of State.

(5) For the purposes of any byelaws under Part II of the Children and Young Persons Act, 1933, the expression "child" shall have the same meaning as it has for the purposes of the said Part II; and any byelaws made by the council of a county district under the said Part II which are in force immediately before the date of the commencement of Part II of this Act shall, in relation to the area to which they extend, continue in operation on and after that date as if they had been made by the local education authority for the area in which the county district is situated, and may be varied or revoked accordingly.

121. Section eighty-three of the Elementary Education Act, 1870, the Board of Education Act, 1899, and sections one and two of the Education Act, 1921, are hereby repealed as from the date declared by His Majesty in Council to be the date on which the first appointment under this Act of a Minister of Education took effect; the enactments mentioned in the first column of Part I of the Ninth Schedule to this Act are, to the extent mentioned in the third column of that Part, hereby repealed, except in so far as any of them extend to Scotland, as from the date of the commencement of Part II of this Act; and the enactments mentioned in the first column of Part II of that Schedule are to the extent mentioned in the third column of that Part hereby repealed, except in so far as they extend to Scotland, as from the date on which section forty-four of this Act comes into operation:

Repeal of enactments.
33 & 34 Vict.
c. 75.

Provided that—

- (a) any regulation Order in Council order or other instrument in force under any enactment hereby repealed shall continue in operation and have effect as if made under this Act and may be varied or revoked accordingly; and
- (b) the provisions of the Education Act, 1921, relating to continuation schools shall, in any area in which sections seventy-six, seventy-seven and ninety-three of that Act were in operation immediately before the commencement of Part II of this Act, continue in force until the date on which section forty-four of this Act comes into operation.

122.—(1) This Act may be cited as the Education Act, 1944.

Short title
and extent.

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

SCHEDULES.

FIRST SCHEDULE.

LOCAL ADMINISTRATION.

PART I.

JOINT EDUCATION BOARDS.

1. Where it appears to the Minister that the establishment of a joint board as the local education authority for the areas of two or more councils to whom this Part of this Schedule applies would tend to diminish expense or to increase efficiency or would otherwise be of public advantage, the Minister may by order constitute a joint board (in this Act referred to as a "joint education board"), consisting of members appointed by those councils, and direct that the board shall be the local education authority for the areas of those councils :

Provided that the Minister shall not make such an order except after a local inquiry, unless all the councils for the areas of which the board are to be the local education authority have consented to the making of the order.

2. A joint education board so constituted shall be a body corporate with perpetual succession and a common seal and power to hold land for the purposes of their functions without licence in mortmain.

3. An order constituting a joint education board :—

- (a) may, without prejudice to the provisions of section two hundred and ninety-three of the Local Government Act, 1933 (which authorises the application of provisions of that Act to joint boards) provide for regulating the appointment and term of office of members of the board, for regulating the meetings and proceedings of the board, and for determining the manner in which the expenses of the board are to be defrayed ;
- (b) may contain such other provisions (including provision for the transfer of officers, property, and liabilities, and for the adjustment of accounts and apportionment of liabilities) as appear to the Minister to be expedient for enabling the board to exercise their functions ;
- (c) may provide for securing that where in consequence of the establishment of the board as the local education authority for the area of any council any person who was an officer of that council immediately before the date on which the board became the local education authority for the area thereof suffers direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments, he shall, unless provision for his compensation for that loss is made by or under any other enactment for the time being in force, be entitled to receive compensation therefor from the board, and for securing that the provisions of subsections (2) and (3) of section one hundred and fifty of the Local Government Act, 1933, and of the Fourth

Schedule to that Act shall have effect for the purposes of any claim for such compensation and for the purposes of the determination and payment of the compensation, subject to such modifications and adaptations as appear to the Minister to be necessary ; and

- (d) may, with the consent of the council of any county or county borough for the area for which the board is to be the local education authority, provide for the transfer to the board of any functions exercisable by that council under the Children and Young Persons Acts, 1933 and 1938, otherwise than as a local education authority.

4. An order constituting a joint education board shall be laid before Parliament as soon as may be after it is made.

5. This Part of this Schedule applies to the council of any county, to the council of any county borough, and to the council of any other borough of which the population was not less than half of the population of the county in which the borough is situated, according to the last census before the passing of this Act.

PART II.

EDUCATION COMMITTEES.

1. Every local education authority shall, in accordance with arrangements approved by the Minister, establish such education committees as they think it expedient to establish for the efficient discharge of their functions with respect to education.

2. Any two or more local education authorities may, with the approval of the Minister, concur in establishing a joint education committee for the consideration of questions of common interest to them.

3. Where it appears to the Minister to be expedient that two or more local education authorities should combine for the purpose of exercising some but not all of their functions with respect to education and that those authorities should establish a joint committee for that purpose, the Minister may after consultation with the authorities by order establish a joint education committee of those authorities and provide for the reference to the committee of such questions relating to those functions as in the opinion of the Minister should be so referred ; and any such order may provide for authorising the joint education committee to exercise any of those functions on behalf of the authorities concerned, and may include such incidental and consequential provisions, including provisions with respect to the appointment and functions of sub-committees, as the Minister thinks desirable.

4. In the following provisions of this Part of this Schedule the expression "education committee" includes a joint education committee.

5. Every education committee of a local education authority shall include persons of experience in education and persons acquainted with the educational conditions prevailing in the area for which the committee acts.

6. At least a majority of every education committee of a local education authority shall be members of the authority :

1ST SCH.
—cont.

Provided that in the case of a joint education committee, the provisions of this paragraph shall be deemed to have been complied with if the committee consists, as to more than one half of the members thereof, of persons who are members of any of the authorities for which the committee is established.

7. Every local education authority shall consider a report from an education committee of the authority before exercising any of their functions with respect to education :

Provided that an authority may dispense with such a report if, in their opinion, the matter is urgent or has been sufficiently considered or reported upon by a divisional executive established under Part III of this Schedule.

8. A local education authority may authorise an education committee of the authority to exercise on their behalf any of their functions with respect to education, except the power to borrow money or to raise a rate.

9. The minutes of proceedings of an education committee of the local education authority shall be open to the inspection of any local government elector for the area on payment of a fee not exceeding one shilling, and any such local government elector may make a copy thereof or an extract therefrom.

10. Every education committee of a local education authority may, subject to any restrictions imposed by the local education authority or the order of the Minister by which the committee was established :—

- (a) appoint such sub-committees constituted in such manner as the committee may determine ; and
- (b) authorise any such sub-committees to exercise any of the functions of the committee on their behalf.

11. Nothing in this Part of this Schedule shall require the reference to any education committee of a local education authority, or to any sub-committee of such a committee, of any matter which under any enactment for the time being in force is referred to any committee of the authority other than an education committee.

PART III.

DELEGATION OF FUNCTIONS OF LOCAL EDUCATION AUTHORITIES TO DIVISIONAL EXECUTIVES.

1. This Part of this Schedule shall not apply to any local education authority which is the council of a county borough.

2. For the purpose of securing that the functions of local education authorities will be exercised with due regard to the circumstances affecting different parts of their areas and with the co-operation of persons having special knowledge of such circumstances, provision shall be made by schemes (hereinafter referred to as "schemes of divisional administration") for partitioning the areas of authorities into such divisions as may be conducive to efficient and convenient administration and for constituting bodies of persons (hereinafter referred to as "divisional executives") for the purpose of exercising on behalf of the authorities, in such of the divisions as may be specified in the schemes, such functions relating to primary and secondary education as may be so specified :

Provided that if the Minister is satisfied with respect to the area of any local education authority that the making of a scheme of divisional administration for that area is unnecessary, he may by order direct that this Part of this Schedule shall not apply to that local education authority.

3. As soon as may be after the commencement of Part II of this Act, every local education authority to which this Part of this Schedule applies shall review the circumstances of every part of their area, and shall make such schemes of divisional administration as they consider expedient for the purpose mentioned in the last foregoing paragraph.

4. If the council of any borough or urban district has, before the first day of October nineteen hundred and forty-four, lodged with the Minister a claim that the borough or district be excepted from any scheme of divisional administration to be made by a local education authority the Minister may direct that the borough or district shall be so excepted, and the Minister shall so direct if the borough or urban district fulfils either of the following conditions, that is to say:—

- (a) that the population thereof on the thirtieth day of June nineteen hundred and thirty-nine, as estimated and certified by the Registrar General, was not less than sixty thousand ;
or
- (b) that on the thirty-first day of March nineteen hundred and thirty-nine the total number of pupils on the rolls of the public elementary schools in the area thereof was not less than seven thousand ;

so however that no such direction shall be given in the case of any borough or urban district which does not fulfil either of the said conditions unless the Minister, after consultation with the local education authority and such other councils as appear to him to be concerned, is satisfied that by reason of special circumstances the borough or urban district ought to be so excepted. Any borough or urban district which has been directed by the Minister to be so excepted as aforesaid is in this Part of this Schedule referred to as an excepted district.

5. The council of any borough or urban district which is an excepted district shall as soon as may be after the date on which the borough or urban district became such a district make, after consultation with the local education authority, a scheme of divisional administration for the borough or district which shall provide for the exercise by the council of that borough or district of the functions thereby delegated as the divisional executive for the purposes of the scheme and shall transmit the scheme to the local education authority for submission to the Minister.

6. Any scheme of divisional administration shall be submitted by the local education authority to the Minister and shall not have effect until it has been approved by an order made by him.

7. A local education authority, before submitting to the Minister any scheme of divisional administration (whether made by them or by a council of a borough or district which is an excepted district) shall consult the council of every county district in their area, and shall after such consultation serve a copy of the scheme upon each

1ST SCH.
—cont.

of those councils ; and before any scheme of divisional administration is submitted to the Minister, the local education authority or council by whom the scheme was made shall publish such notices with respect thereto as may be prescribed.

8. Every scheme of divisional administration shall—

- (a) provide for the constitution of every body which is to be a divisional executive for the purposes of the scheme, except where the scheme provides for the functions thereby delegated being exercised by the council of a borough or urban district as the divisional executive ;
- (b) define the functions which the several divisional executives specified therein, or in the case of a scheme for an excepted district the divisional executive, are thereby authorised to exercise on behalf of the local education authority ;
- (c) specify any conditions subject to which any divisional executives are so authorised ;
- (d) make such provision as may be expedient for empowering such executives to appoint committees and sub-committees and as to the matters to be referred to them ;
- (e) define the relationship between any such executive, committee, or sub-committee, and the local education authority and committees and sub-committees thereof ;
- (f) provide for the determination by the Minister of any disputes between the local education authority and any divisional executive ;
- (g) make provision for the submission to the local education authority, by every divisional executive thereby authorised to exercise functions, of estimates of expenditure intended to be incurred by the executive on behalf of the authority and of accounts of expenditure so incurred ; and for requiring such estimates and accounts to be subject to the approval of the authority ;
- (h) provide for such other matters as appear to the local education authority or council by whom the scheme is made to be expedient, or as the Minister may require :

Provided that no such scheme shall authorise any divisional executive to borrow money or to raise a rate.

9. If on the application of any local education authority, or of the council of any borough or urban district which is an excepted district, the Minister is satisfied, after consultation with the local education authority in cases where the application is made by the council of an excepted district, that it is expedient that any functions under this Act relating to further education should be exercised on behalf of the authority by a divisional executive, the Minister may direct that provision for that purpose may be made by a scheme of divisional administration, and where a direction is so given for the delegation to any such executive of functions relating to further education, this Part of this Schedule shall apply in respect of the delegation to that executive of the functions specified in the direction, in like manner as it applies in respect of the delegation of functions relating to primary and secondary education.

10. After considering any objections to a scheme of divisional administration made to him within the period of two months from the date on which the prescribed notices with respect to the scheme were published, and after making in the scheme such modifications, if any, as after consultation with the local education authority he considers expedient, the Minister shall make an order approving the scheme.

11. Any power conferred by this Part of this Schedule on a local education authority or council to make and submit to the Minister schemes of divisional administration shall be construed as including power to submit schemes for the variation or revocation of any such scheme previously made by that authority or council; and if at any time the Minister is of opinion that any such scheme ought to be varied or revoked or that a further scheme of divisional administration ought to be made by any such authority or council, he may direct them to make such a scheme and submit it to him.

12. If the population of any borough or urban district which is an excepted district is, according to any census taken after the passing of this Act, less than sixty thousand, the Minister shall, if after consultation with the local education authority he is of opinion that the borough or urban district ought no longer to be an excepted district, give such directions as he thinks proper under the powers conferred on him by the last foregoing paragraph.

13. The minutes of the proceedings of a divisional executive shall be open to the inspection of any local government elector for the area of the local education authority on payment of a fee not exceeding one shilling and any such local government elector may make a copy thereof or an extract therefrom.

SECOND SCHEDULE.

Section 13.

TRANSFER TO A LOCAL EDUCATION AUTHORITY OF AN INTEREST IN THE PREMISES OF A VOLUNTARY SCHOOL.

1. A local education authority and the managers or governors of any voluntary school maintained by the authority may, subject to and in accordance with the provisions of this Schedule, make an agreement for the transfer to the authority of any interest in the school premises held by any persons for the purposes of any trust deed relating to the school.

2. No such agreement shall take effect unless it has been approved by the Minister.

3. The Minister shall not approve any such agreement unless he is satisfied—

- (a) that due notice of the agreement has been given to any persons other than the managers or governors of the school who, by virtue of any trust deed relating to the school, have an interest therein and to any other persons who appear to the Minister to be concerned; and
- (b) that the execution of the agreement will effect the transfer of all interests necessary for the purpose of enabling the authority to maintain the school as a county school.

2ND SCH.
—cont.

4. Before approving any such agreement, the Minister shall consider any representations made to him by or on behalf of any persons appearing to the Minister to be concerned with the proposed transfer.

5. An agreement under this Schedule may provide for the transfer to the authority, subject to such conditions, reservations and restrictions, if any, as may be specified in the agreement, of the whole of the interest in the premises held by any persons for the purposes of any trust deed relating to the school, or of any less interest in the premises, and may include such other provisions, whether relating to the consideration for the said transfer or otherwise, as may be agreed upon between the authority and the managers or governors of the school.

6. Where any agreement made under this Schedule has been approved by the Minister, the managers or governors of the school may, whether or not the interest to be transferred to the authority by virtue of the agreement is vested in them, convey that interest to the authority.

7. Where any person other than the managers or governors of the school has a right to the occupation or use of the school premises or any part thereof for any particular purpose, no provision of any agreement made under this Schedule shall affect that right unless he has consented thereto.

8. In this Schedule, the expression " premises " includes a teacher's dwelling-house.

Section 15.

THIRD SCHEDULE.

SPECIAL AGREEMENTS IN RESPECT OF CERTAIN VOLUNTARY SCHOOLS.

26 Geo. 5. &
1 Edw. 8. c. 41.

1. Where proposals for the establishment of a school or for the alteration of the premises of a school have been submitted to a former authority, within the time limited by subsection (2) of section eight of the Education Act, 1936, with a view to the making of an agreement under that section, but the said proposals have not been carried out before the date of the commencement of Part II of this Act, a local education authority shall have power to make an agreement in accordance with the provisions of this Schedule in respect of those proposals or in respect of any revised proposals submitted to the authority in accordance with those provisions :

Provided that no such agreement shall have effect unless it is approved by the Minister, and no such agreement shall be made or approved unless the authority and the Minister are satisfied that the performance thereof will facilitate the execution of provisions relating to school accommodation for senior pupils contained or proposed to be contained in the development plan for the area.

2. If upon the application of any persons interested in any such proposals the Minister is satisfied that by reason of the passing of this Act or the making of any regulations thereunder, or by reason of movement of population or of any action taken or proposed to be taken under the enactments relating to housing or to town and country planning, or by reason of war damage, it is desirable that the proposals should

be revised, the Minister may give directions authorising a local education authority, in lieu of making an agreement in accordance with the provisions of this Schedule with respect to those proposals, to make such an agreement with respect to any revised proposals submitted to the authority before the expiration of such period as may be specified in the directions, being proposals which appear to the authority to serve substantially the same purpose as the proposals originally submitted.

3. No agreement shall be made under this Schedule after the expiration of six months or such extended period as the Minister may in any particular case allow from the date upon which the local education order for the area of the local education authority first comes into force.

4. Any such agreement shall provide for the making of a grant by the local education authority to persons specified in the agreement in consideration of the execution by those persons of the proposals to which the agreement relates.

5. The amount of the grant to be made in pursuance of any such agreement shall not be less than one half or more than three quarters of the cost of executing the proposals to which the agreement relates.

6. Where the agreement relates to proposals for the establishment of a school submitted to the local education authority for the County Borough of Liverpool, the authority may, if the agreement so provides, discharge their liabilities under the agreement by providing premises for the school and executing a lease of those premises to such persons as may be specified in the agreement for the purpose of enabling a voluntary school to be conducted thereon.

Any such lease shall provide for the reservation of a yearly rent of an amount not less than one nor more than two per cent. of the cost incurred by the authority in providing the premises for the school.

7. Any agreement made under this Schedule may provide for the giving of religious instruction in the school in accordance with the provisions of the trust deed relating to the school, or, where provision for that purpose is not made by such a deed, in accordance with the practice observed in the school before it became a voluntary school, and for the employment in the school, for the purpose of giving such religious instruction, of such number of reserved teachers as may be specified in the agreement.

8. Any agreement made by a local education authority under this Schedule may be varied by a further agreement between the authority and the managers or governors of the school to which the agreement relates, or in such other manner, if any, as may be specified in the agreement.

9. Where a grant has been made in respect of any school in pursuance of an agreement made under this Schedule, the managers or governors of the school may, at any time while the school is a special agreement school, repay the grant to the local education authority by which the school is maintained.

10. Where an agreement has been made under this Schedule in relation to any school, then, until the proposals to which the agreement relates have been carried out, the provisions of this Act relating to the respective obligations of the managers or governors of voluntary schools

3RD SCH
—cont.

and the local education authority in respect of repairs and alterations to the premises of the school shall not have effect in relation to that school, but the respective obligations of the managers or governors of the school and the local education authority in relation to those matters shall be such as may be determined by agreement between the managers or governors and the authority, or, in default of such agreement, by the Minister.

11. Where any local authority have, before the date of the commencement of Part II of this Act, made an agreement under the powers conferred by section eight of the Education Act, 1936, with respect to proposals submitted to the authority within the time limited by subsection (2) of that section, then :—

- (a) if the said proposals have been carried out before that date the agreement shall be deemed to have been made under this Schedule, and the provisions of this Act relating to special agreements shall have effect accordingly ;
- (b) if the said proposals have not been carried out before that date, the agreement shall cease to have effect, but without prejudice to the making of a further agreement under this Schedule with respect to those proposals or with respect to any revised proposals submitted to the authority in accordance with the provisions of this Schedule.

Section 21.

FOURTH SCHEDULE.

MEETINGS AND PROCEEDINGS OF MANAGERS AND GOVERNORS.

1. The quorum of the managers or governors shall not be less than three, or one third of the whole number of managers or governors, whichever is the greater.
 2. The proceedings of the managers or governors shall not be invalidated by any vacancy in their number or by any defect in the election, appointment or qualification of any manager or governor.
 3. Every question to be determined at a meeting of the managers or governors shall be determined by a majority of the votes of the managers or governors present and voting on the question, and where there is an equal division of votes the chairman of the meeting shall have a second or casting vote.
 4. The managers or governors shall hold a meeting at least once in every three months.
 5. A meeting of the managers or governors may be convened by any two of their number.
 6. The minutes of the proceedings of the managers or governors shall be kept in a book provided for the purpose.
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FIFTH SCHEDULE.

Section 29.

PROCEDURE FOR PREPARING AND BRINGING INTO OPERATION AN AGREED SYLLABUS OF RELIGIOUS INSTRUCTION.

1. For the purpose of preparing any syllabus of religious instruction to be adopted by a local education authority, the authority shall cause to be convened a conference constituted in accordance with the provisions of this Schedule.

2. For the purpose of constituting such a conference as aforesaid, the local education authority shall appoint constituent bodies (hereinafter referred to as "committees") consisting of persons representing respectively—

- (a) such religious denominations as, in the opinion of the authority, ought, having regard to the circumstances of the area, to be represented ;
- (b) except in the case of an area in Wales or Monmouthshire, the Church of England ;
- (c) such associations representing teachers as, in the opinion of the authority, ought, having regard to the circumstances of the area, to be represented ; and
- (d) the authority :

Provided that where a committee is appointed consisting of persons representing the Church of England, the committee of persons appointed to represent other religious denominations shall not include persons appointed to represent that Church.

3. Before appointing a person to represent any denomination or associations as a member of any such committee, a local education authority shall take all reasonable steps to assure themselves that he is representative thereof, but no proceedings under this Schedule shall be invalidated on the ground that a member of such a committee did not represent the denomination or associations which he was appointed to represent unless it is shown that the local education authority failed to take such steps as aforesaid.

4. A person so appointed may resign his membership of any such committee or may be withdrawn therefrom by the local education authority if in the opinion of the authority he ceases to be representative of the religious denomination or associations which he was appointed to represent, or of the authority, as the case may be ; and where a vacancy occurs among the persons so appointed the authority shall fill the vacancy in like manner as they made the original appointment.

5. The conference shall consist of the committees aforesaid and it shall be the duty of the conference to seek unanimous agreement upon a syllabus of religious instruction to be recommended for adoption by the local education authority.

6. Where the local education authority propose to adopt more than one syllabus of religious instruction for use in schools maintained by them, the authority shall inform the conference as to the schools in which, or in the case of a syllabus intended to be used for certain pupils only, the class or description of pupils for which, the syllabus to be prepared by the conference is to be used.

5TH SCH.
—cont.

7. Any sub-committees appointed by the conference shall include at least one member of each of the committees constituting the conference.

8. Upon any question to be decided by the conference or by any sub-committee thereof one vote only shall be given for each of the committees constituting the conference.

9. If the conference unanimously recommend any syllabus of religious instruction, the authority may adopt it for use in the schools for which, or for the class or description of pupils for which, it was prepared.

10. If the authority report to the Minister that the conference are unable to reach unanimous agreement as aforesaid, or if it appears to the Minister that an authority have failed to adopt any syllabus unanimously recommended to them by the conference, the Minister shall appoint to prepare a syllabus of religious instruction a body of persons having experience in religious instruction which shall, so far as is practicable, be of the like representative character as is required by paragraph 2 of this Schedule in the case of a conference.

11. The body of persons so appointed :—

- (a) shall give to the authority, the conference, and every committee constituting the conference, an opportunity of making representations to it, but, save as aforesaid, may conduct the proceedings in such manner as it thinks fit ;
- (b) shall, after considering any such representations made to it, prepare a syllabus of religious instruction ;
- (c) shall transmit a copy of the said syllabus to the authority and to the Minister,

and as from such date as the Minister may direct, the syllabus so prepared shall be deemed to be the agreed syllabus adopted for use in the schools for which, or for the class or description of pupils for which, it was prepared until a further syllabus is prepared for use in those schools, or for pupils of that class or description, in accordance with the provisions of this Schedule.

12. Whenever a local education authority are of opinion (whether upon representations made to them or otherwise) that any agreed syllabus for the time being adopted by them ought to be reconsidered, the authority shall cause to be convened for that purpose a conference constituted in accordance with the provisions of this Schedule. If the conference convened for the reconsideration of any syllabus unanimously recommend that the existing syllabus should continue to be the agreed syllabus or that a new syllabus should be adopted in substitution therefor, the authority may give effect to the recommendation of the conference, but if the authority report to the Minister that the conference are unable to reach unanimous agreement, or if it appears to the Minister that the authority have failed to give effect to the unanimous recommendation of the conference, the Minister shall proceed in accordance with the provisions of paragraph 10 of this Schedule, and paragraph 11 thereof shall apply accordingly.

SIXTH SCHEDULE.

Section 72.

CONSTITUTION OF INDEPENDENT SCHOOLS
TRIBUNALS.

1. For the purpose of enabling Independent Schools Tribunals to be constituted as occasion may require there shall be appointed two panels, that is to say—

- (a) a panel (hereinafter referred to as the "legal panel") appointed by the Lord Chancellor, of persons who will be available to act when required as chairman of any such tribunal; and
- (b) a panel (hereinafter referred to as the "educational panel") appointed by the Lord President of the Council, of persons who will be available to act when required as members of any such tribunal.

2. No person shall be qualified to be appointed to the legal panel unless he possesses such legal qualifications as the Lord Chancellor considers suitable, and no person shall be qualified to be appointed to the educational panel unless he has had such experience in teaching or in the conduct management or administration of schools as the Lord President of the Council considers suitable. An officer of any government department and a person employed by a local education authority otherwise than as a teacher shall be disqualified from being appointed to either of the said panels.

3. Any person appointed to be a member of either of the said panels shall hold office as such subject to such conditions as to the period of his membership and otherwise as may be determined by the Lord Chancellor or the Lord President of the Council, as the case may be.

4. Where any appeal is required to be determined by an Independent Schools Tribunal the tribunal shall consist of a chairman being a member of the legal panel and two other members being members of the educational panel, and the chairman and other members of the tribunal shall be impartial persons appointed from those panels by the Lord Chancellor and the Lord President of the Council respectively.

SEVENTH SCHEDULE.

Section 110.

ADJUSTMENT OF VARIATIONS OF RATES CONSEQUENT
UPON COMMENCEMENT OF PART II OF THIS ACT.

PART I.

1. For the purposes of this Schedule, the following expressions have the meanings hereby assigned to them, that is to say:—

"Standard year" means the financial year which ended on the thirty-first day of March, nineteen hundred and thirty-nine;

"Elementary education authority" means a council which in the standard year was a local education authority for the purposes of elementary education;

X

7TH SCH.
—cont.

“Standard rateborne expenditure” means, in relation to any elementary education authority, the amount by which the expenditure of the authority in connection with elementary education incurred in the standard year recognised for purposes of grant under regulations made by the Board of Education exceeded the amount of the grant payable under those regulations in respect of that expenditure.

2. The Minister shall ascertain the amount of the standard rateborne expenditure of each elementary education authority in the county, and the amount in the pound of the rate which would have been necessary to raise that amount.

3. The aggregate of the amounts of the standard rateborne expenditure of elementary education authorities in the county ascertained under the last foregoing paragraph shall be deemed to be the total rate charge of the county for elementary education for the standard year, and the Minister shall ascertain the amount in the pound of the rate which would have been required by precept of the county council to be levied by rating authorities for the purpose of meeting that charge if it had fallen to be borne by that council as part of their expenses for general county purposes.

4. The amount in the pound ascertained in respect of any elementary education authority under paragraph 2 of this Schedule is hereinafter referred to as the actual rate poundage of the authority, and the amount in the pound ascertained under paragraph 3 of this Schedule is hereinafter referred to as the notional rate poundage.

5. The Minister shall ascertain in the case of every elementary education authority in the county the amount of the difference between the actual rate poundage of the authority and the notional rate poundage, and where the notional rate poundage exceeds the actual rate poundage of an authority the difference is hereinafter referred to as the rate disadvantage of that authority, and where the notional rate poundage is less than the actual rate poundage of an authority the difference is hereinafter referred to as the rate advantage of that authority.

PART II.

1. If the rate disadvantage of any elementary education authority in any county is more than sixpence, but not otherwise, the Minister may, after consultation with the county council, make an order for the county under this Part of this Schedule.

2. Any such order shall come into operation on the date of the commencement of Part II of this Act and no such order shall remain in force after the expiration of the period of five years from that date.

3. The number of years during which (subject to the provisions of the last foregoing paragraph) an order made under this Part of this Schedule shall continue in force shall be the quotient which results from dividing by six the amount of the rate disadvantage of the elementary education authority having the greatest rate disadvantage in the county.

In making any calculation for the purposes of this paragraph, fractions shall be disregarded.

4. An order made under this Part of this Schedule for any county shall provide that in each year during which the order is in force the precepts issued by the county council in accordance with section nine of the Rating and Valuation Act, 1925, for general county purposes shall, instead of being of the same amount in the case of each rating authority as required by that section, be increased or decreased by such amount in the pound as may be determined by the order, being an amount calculated, in the case of a precept issued to a rating authority which is an elementary education authority by reference to the rate advantage or disadvantage of that authority, and in the case of a precept issued to any other rating authority by reference to the rate advantage or disadvantage of the county council.

7TH SCH.
—cont.

15 & 16 Geo. 5.
c. 90.

5. The amount by which the precept issued to a rating authority is to be required by the order to be increased or decreased in any financial year shall be a fraction of the rate advantage or disadvantage by reference to which the amount is to be calculated; and the denominator of the said fraction shall be the total number of years, increased by one, comprised in the period for which the order has effect, and the numerator thereof shall be :—

- (a) in the case of the first year for which the order has effect, one less than the denominator, and
- (b) in the case of each subsequent year, one less than the numerator in the case of the previous year.

EIGHTH SCHEDULE.

Section 120.

AMENDMENT OF ENACTMENTS.

PART I.

ENACTMENTS AMENDED FROM DATE OF COMMENCEMENT OF PART II OF THIS ACT.

Enactment to be amended.	Amendment.
The Mental Deficiency Act, 1913.	
Section two	For sub-paragraph (v) of paragraph (b) of subsection (1), there shall be substituted the following paragraph :— “(v) who is a person with respect to whom a report has been issued under the enactments relating to education that he has been found incapable of receiving education at school, or that by reason of a disability of mind he may require supervision after leaving school.”
Section thirty-one ...	The section shall cease to have effect.

8TH SCH.
—cont.

Enactment
to be amended.

Amendment.

The Ministry of Agri-
culture and Fisheries
Act, 1919.

Section seven ...

In subsection (2), for the words " under the Education Act, 1902, stand referred to the education committee," there shall be substituted the words " relate to the functions of local education authorities."

The Children and
Young Persons Act,
1933.

Section ten ...

In subsection (1), after the word " years " there shall be inserted the words " or any young person who has not attained the age at which under the enactments relating to education children cease to be of compulsory school age ", and for the words from " is totally exempted " to the end of the subsection there shall be substituted the words " or young person is not, by being so taken with him, prevented from receiving efficient full-time education suitable to his age ability and aptitude, be liable on summary conviction to a fine not exceeding twenty shillings "; in subsection (2) after the word " child " in both places where that word occurs, there shall be inserted the words " or young person "; for subsection (3) there shall be substituted the following subsection :—

" (3) Where in any proceedings for an offence against this section it is proved that the parent or guardian of the child or young person is engaged in any trade or business of such a nature as to require him to travel from place to place, the person against whom the proceedings were brought shall be acquitted if it is proved that the child or young person has attended a school at which he was a registered pupil as regularly as the nature of the trade or business of the parent or guardian permits :

Provided that in the case of a child or young person who has attained the age of six years the person against whom the proceedings were brought shall not be entitled to be acquitted under this subsection unless it is proved that the child or young person has made at least two hundred attendances during the period of twelve months ending with the date on which the proceedings were instituted."

Enactment to be amended.	Amendment.	8TH SCH. —cont.
The Children and Young Persons Act, 1933.—cont.		
Section eighteen ...	In subsection (1), for paragraph (a) there shall be substituted the following paragraph:— “ (a) until he has attained an age not less than two years below that at which under the enactments relating to education children cease to be of compulsory school age ; or ” ; and in subsection (2), in sub-paragraph (i) of paragraph (a), for the words “ under the age of twelve years (notwithstanding anything in paragraph (a) of the last foregoing subsection) ” there shall be substituted the words “ before they attain the age at which employment ceases to be prohibited under paragraph (a) of the last foregoing subsection. ”	
Section twenty-two ...	After subsection (3) there shall be inserted the following subsection :— “ (3A) A licence granted under this section shall specify the times, if any, during which the child to which the licence relates may be absent from school for the purposes authorised by the licence, and for the purposes of the enactments relating to education a child who is so absent during any times so specified shall be deemed to be absent with leave granted by a person authorised in that behalf by the managers, governors or proprietor of the school. ”	
Section sixty-one ...	In subsection (1), in paragraph (c) thereof, after the word “ child ” there shall be inserted the words “ or young person ”, and after the word “ children ” there shall be inserted the words “ or young persons ”.	
Section ninety-six ...	In subsection (1), the words “ as respects children ” and the words from “ for elementary education ” (where those words first occur) to the end of the subsection shall be omitted ; subsection (2) shall be omitted ; in subsection (3) for the words from “ for elementary education ” to the end of the subsection there shall be substituted the words “ shall be defrayed as expenses under the enactments relating to education ” ; in subsection (4), for the word “ under ” (where that	

8TH SCH.
—cont.

Enactment
to be amended.

Amendment.

The Children and
Young Persons Act,
1933.—cont.

word secondly occurs) there shall be substituted the words "in accordance with", and the words "as expenses of elementary education under the Education Act, 1921" shall be omitted.

The Local Government
Act, 1933.

Section ninety-four ...

After the words "Public Libraries Act, 1892," there shall be inserted the words "or of a sub-committee of any such committee;" the words "aided, provided or" shall be omitted; and at the end of the section there shall be inserted the words "or sub-committee."

Section one hundred
and eighteen.

The words "or The Education Act, 1921," shall be omitted.

The Seventh Schedule

The words "The Education Acts, 1921 to 1933," shall be omitted.

The Factories Act,
1937.

Section one hundred
and fifty-two.

In the definition of "young person" for the words "attained the age of fourteen and" there shall be substituted the words "ceased to be a child but", and the words from "but does not include" to the end of the definition shall be omitted.

The London Govern-
ment Act, 1939.

Section sixty-four ...

After the words "mental hospitals committee of the county council" there shall be inserted the words "or of a sub-committee of any such committee"; and the words "aided, provided or" shall be omitted.

Section eighty-five ...

The words "the Education Act, 1921 or" shall be omitted.

The Fifth Schedule ...

The words "The Education Acts, 1921 to 1937," shall be omitted.

PART II.

8TH SCH.
—cont.ENACTMENTS AMENDED FROM DATE ON WHICH SECTION
FORTY-FOUR OF THIS ACT COMES INTO OPERATION.

Enactment to be amended.	Amendment.
The Unemployment Insurance Act, 1935. Section seventy-eight	For the word "Minister" (wherever that word occurs) there shall be substituted the words "Minister of Education"; in subsection (2), for paragraph (a) there shall be substituted the following paragraph :— <p style="margin-left: 40px;">“(a) in England or Wales he shall be liable on summary conviction, in the case of a first offence to a fine not exceeding one pound, in the case of a second offence to a fine not exceeding five pounds, and in the case of a third or subsequent offence to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment so, however, that no proceedings for such an offence shall be taken except by or on behalf of the Minister of Education”;</p> <p>for subsection (4) there shall be substituted the following subsection :— <p style="margin-left: 40px;">“(4) The regulations made by the Minister of Education under this section shall make provision as to the functions to be performed by local education authorities with respect to persons required under this section to attend at authorised courses, and, in particular, shall direct such authorities to make in any college attendance notice served on any such person such modifications as may be provided by the regulations, and shall make provision as to the circumstances in which and the extent to which attendances in pursuance of requirements under this section may be reckoned as attendances in pursuance of the requirements of college attendance notices.”</p> </p>
Section eighty-one ...	In subsection (1), in paragraph (b) thereof, for the words "that age" there shall be substituted the words "the age of eighteen years".
Section eighty-seven...	In subsection (1), after the words "this Act," where those words first occur, there shall be inserted the words "other than an offence under section seventy-eight of this

8TH SCH.
—cont.

Enactment
to be amended.

Amendment.

The Unemployment
Insurance Act, 1935
—cont.

Act"; in subsection (3), for the words "an offence under this Act" there shall be substituted the words "any such offence as aforesaid".

Section one hundred
and four.

In subsection (1) after the word "Act," where that word first occurs, there shall be inserted the words "except under section seventy-eight thereof".

Section one hundred
and thirteen.

In subsection (1) for the definition of "Authorised course" there shall be substituted the following definition:—

"Authorised course means a county college established under the enactments relating to education or a training course provided under section seventy-seven of this Act and includes, in relation to insured contributors who have attained the age of eighteen years, any training course provided by the Assistance Board under the Unemployment Act, 1934."

Section 121.

NINTH SCHEDULE.

ENACTMENTS REPEALED.

PART I.

ENACTMENTS REPEALED FROM DATE OF COMMENCEMENT OF PART II OF THIS ACT.

Session and Chapter.	Short Title.	Extent of Repeal.
52 & 53 Vict. c. 40	The Welsh Intermediate Education Act, 1889.	Section nine.
3 & 4 Geo. 5. c. 28	The Mental Deficiency Act, 1913.	Subsection (2) of section two; proviso (iv) of section thirty; and section thirty-one.
9 & 10 Geo. 5. c. 91	The Ministry of Agriculture and Fisheries Act, 1919.	Proviso (i) to subsection (2) of section seven.
10 & 11 Geo. 5. c. 65	The Employment of Women, Young Persons and Children Act, 1920.	In section four, the definition of the expression "child."

Session and Chapter.	Short Title.	Extent of Repeal.
11 & 12 Geo. 5. c. 51	The Education Act, 1921.	The whole Act.
13 & 14 Geo. 5. c. 38	The Education (Institution Children) Act, 1923.	The whole Act.
16 & 17 Geo. 5. c. 9	The Economy (Miscellaneous Provisions) Act, 1926.	Section twelve.
19 & 20 Geo. 5. c. 17	The Local Government Act, 1929.	Subsection (1) of section eighty-two.
21 & 22 Geo. 5. c. 6	The Education (Local Authorities) Act, 1931.	The whole Act.
23 & 24 Geo. 5. c. 12	The Children and Young Persons Act, 1933.	In section thirty the words from "A person who is attending" to the words "of that term"; in subsection (3) of section forty-six the words from "For the purposes of this subsection" to the end of the subsection; in section ninety-six, in subsection (1) thereof, the words "as respects children" and the words from "for elementary education" (where those words first occur) to the end of the subsection, subsection (2) thereof, in subsection (4) thereof the words "as expenses of elementary education under the Education Act, 1921", in subsection (5) thereof the words "or urban district", in subsection (6) thereof the words "or urban district", and in subsection (7) thereof the words "Subject to the provisions of section four of the Education Act, 1921 (which require certain matters to be referred to education committees)"; in section ninety-seven and in section one hundred and four the words "for elementary education"; in section one hundred and six in subsection (2) thereof, paragraph (b).

9TH SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
23 & 24 Geo. 5. c. 29	The Education (Necessity of Schools) Act, 1933.	The whole Act.
23 & 24 Geo. 5. c. 51	The Local Government Act, 1933.	In section ninety-four the words "aided, provided or"; in section one hundred and eighteen the words "or the Education Act, 1921"; and in the Seventh Schedule the words "The Education Acts, 1921 to 1933."
26 Geo. 5 & 1 Edw. 8. c. 41.	The Education Act, 1936.	The whole Act.
1 Edw. 8 & 1 Geo. 6. c. 25.	The Education (Deaf Children) Act, 1937.	The whole Act.
1 Edw. 8 & 1 Geo. 6. c. 46.	The Physical Training and Recreation Act, 1937.	Sections one and two; in section three, in subsection (1) thereof the words from "recommendations" to "with" and the words "after considering a recommendation of the grants committee", and in subsection (3) thereof the words "after consultation with the National Council for England and Wales" and the words "on the recommendation of the grants committee and"; section six; and subsection (2) of section eight.
1 Edw. 8 & 1 Geo. 6. c. 67.	The Factories Act, 1937.	In subsection (1) of section one hundred and fifty-two, in the definition of "young person", the words from "but does not include" to the end of the definition.
1 & 2 Geo. 6. c. 40	The Children and Young Persons Act, 1938.	Section three; in section four, in subsection (1) thereof, the words "or under section forty-five of the Education Act, 1921, as so amended", and in subsection (2) thereof the words "and section forty-five of the Education Act, 1921"; in section six, in subsection (1) thereof, the words "or by virtue of subsection (2) of section three of this Act", and in subsection (2) thereof the words "or under subsection (2) of section three of this Act".

Session and Chapter.	Short Title.	Extent of Repeal.
2 & 3 Geo. 6. c. 40	The London Government Act, 1939.	In subsection (1) of section sixty-one the words from "and the provisions" to the end of the subsection; in section sixty-four the words "aided, provided or"; in section eighty-five the words "the Education Act, 1921 or"; and in the Fifth Schedule the words "The Education Acts; 1921 to 1937."
2 & 3 Geo. 6. c. 60	The Senior Public Elementary Schools (Liverpool) Act, 1939.	The whole Act.
2 & 3 Geo. 6. c. III	The Education (Emergency) Act, 1939.	The whole Act.

PART II.

ENACTMENTS REPEALED FROM DATE ON WHICH SECTION FORTY-FOUR OF THIS ACT COMES INTO OPERATION.

Session and Chapter.	Short Title.	Extent of Repeal.
25 Geo. 5. c. 8 ...	The Unemployment Insurance Act, 1935.	Section seventy-six; in subsection (1) of section seventy-nine the words "and contribute towards the cost of any other authorised courses"; in section eighty, in subsection (1) thereof, the words "persons who have not attained the age of eighteen years and of" and the words "who have attained that age," and in subsection (2) thereof paragraph (a); in section eighty-one, paragraph (a) of subsection (1) thereof, and subsection (3) and subsection (4); in subsection (1) of section eighty-three the

9TH SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
25 Geo. 5. c. 8—cont.	The Unemployment Insurance Act, 1935—cont.	words from " and the powers and duties " to the end of the subsection ; in section one hundred and four, in subsection (2), the words " section seventy-eight or " ; and section one hundred and twelve.
1 & 2 Geo. 6. c. 8...	The Unemployment Insurance Act, 1938	Section one.

CHAPTER 32.

Herring Industry Act, 1944.

ARRANGEMENT OF SECTIONS.

Section.

1. Grants for the provision of boats and equipment.
2. Additional powers to be conferred on the Herring Industry Board by scheme.
3. Payment of certain expenses of the Board out of moneys provided by Parliament.
4. Payment of advances to Board.
5. Power to extend period.
6. Extension of borrowing powers of Board.
7. Provision for election of members of Board.
8. Minor and consequential amendments.
9. Short title, construction and extent.

SCHEDULE.

An Act to authorise the giving of further financial assistance to the Herring Industry Board and to herring fishermen and persons desiring to engage in the herring industry, to amend the Herring Industry Acts, 1935 and 1938, and for purposes connected with the matters aforesaid. [3rd August 1944.]

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

1. For the purpose of assisting herring fishermen and persons desiring to engage in the herring industry, including in particular persons who have previously been engaged in that industry and persons who have served whole-time in the armed forces of the

Grants for the provision of boats and equipment.

Crown or the mercantile marine, in the provision of boats and equipment which could not be provided without such assistance, the Ministers may with the approval of the Treasury make arrangements for the payment, during the period of five years beginning with the date of the passing of this Act, of grants to such fishermen and persons for the said purpose, and may on the recommendation of the Herring Industry Board (hereafter in this Act referred to as "the Board") make out of moneys provided by Parliament such grants as may be provided for by the arrangements :

Provided that—

- (a) a grant made under this section in respect of any boat or equipment shall not exceed one-third of the total cost thereof ; and
- (b) the aggregate of the grants made under this section shall not exceed eight hundred and twenty thousand pounds.

2.—(1) There shall be included among the powers that may be conferred on the Board by a scheme made under section two of the Herring Industry Act, 1935, the following powers—

- (a) power to purchase boats and equipment for the purpose of being chartered or hired to persons desiring to engage in the herring industry, including in particular persons who have previously been engaged in that industry and persons who have served whole-time in the armed forces of the Crown or the mercantile marine, and to sell any such boats and equipment or shares therein to persons to whom they have previously been chartered or hired and to dispose of any boats and equipment or shares therein no longer required for the purpose of being chartered, hired or sold as aforesaid ;
- (b) power to arrange for the refrigeration and processing, whether by persons engaged in the industry or by the Board, of such proportion of herring catches as the Board consider expedient with a view to providing supplies of herring of good quality throughout the year and meeting temporary and seasonal conditions detrimental to the industry ;
- (c) power to regulate, by means of rules, the conditions subject to which herring may be refrigerated and the standard of quality of the herring before and after refrigeration ; and
- (d) power to levy contributions, in respect of any port or area, out of the proceeds of first sales of fresh herring, that is to say, the first completed sales wholesale after the herring have been caught, and to make payments to herring fishermen in that port or area in order to obviate so far as possible undue differences in their earnings.

Additional powers to be conferred on the Herring Industry Board by scheme. 25 & 26 Geo. 5. c. 9.

(2) A scheme conferring the powers specified in paragraph (d) of the last foregoing subsection shall provide that the powers shall not be exercised in respect of any port or area unless it appears to the Board that there exists among herring fishermen in that port or area a prevailing opinion in favour of the exercise of the said powers.

(3) A scheme conferring the said powers shall secure so far as practicable that the contributions levied in respect of any port or area are sufficient to meet payments due to herring fishermen in that port or area under the scheme and, if at any time the contributions are insufficient to meet those payments, the scheme shall require the Board to make such adjustments in the rate of contributions or payments as may be necessary to make good the deficiency.

Payment of certain expenses of the Board out of moneys provided by Parliament.

3.—(1) There shall be paid out of moneys provided by Parliament in respect of the general administrative expenses of the Board (including the expenses of the Herring Industry Advisory Council and of any committee appointed by the Board) approved by the Ministers, being expenses incurred during the period of five years beginning with the date of the passing of this Act, such sums, not exceeding seventy-five thousand pounds, as Parliament may from time to time determine.

(2) There shall be paid out of moneys provided by Parliament, in respect of any expenses incurred by the Board during the said period, and approved by the Ministers, in the exercise of any powers exercisable by the Board for promoting the sale of herring or products thereof, promoting market development, promoting schemes for the revival of winter fisheries, purchasing boats and equipment for the purpose of being chartered or hired, or promoting or carrying out schemes of research or experiment, such sums, not exceeding in the aggregate the amount which with the sums paid in respect of the general administrative expenses of the Board will amount to two hundred and fifty thousand pounds, as Parliament may from time to time determine.

Payment of advances to Board.

4.—(1) The Ministers may make out of moneys provided by Parliament advances to the Board, on such terms as the Ministers with the approval of the Treasury may prescribe, towards expenses incurred or to be incurred by the Board in the exercise of any powers exercisable by them under a scheme made under section two of the Herring Industry Act, 1935, for—

- (a) the making of loans for the provision, reconditioning and equipment of boats ;
- (b) the purchase of boats and equipment ;
- (c) the making of loans to any society or organisation formed for the purpose of acquiring nets and gear, fuel for boats, or other requisites for herring fishing, or requisites for

the curing, kippering or other processing, or the refrigeration, of herring and of selling or hiring any such requisites to the members of the society or organisation ;

- (*d*) the making of loans in connection with export ;
- (*e*) the undertaking of operations involving the outlay of working capital :

Provided that—

- (i) the aggregate amount of the advances made under this subsection shall not exceed one million and seven hundred thousand pounds ;
- (ii) moneys provided by Parliament which are to be advanced to the Board for the purposes referred to in paragraphs (*d*) and (*e*) of this subsection shall be paid into a fund (to be called the Herring Marketing Fund) which shall be established in accordance with directions given by the Treasury and shall be under the control and management of the Ministers ;
- (iii) the sums paid into the Herring Marketing Fund under the last foregoing paragraph shall not exceed two hundred thousand pounds in the aggregate ;
- (iv) no advances shall be made under this section after the expiration of the period of five years beginning with the date of the passing of this Act.

(2) All sums received by the Ministers by way of interest on an advance made to the Board for the purposes referred to in paragraphs (*a*), (*b*) and (*c*) of the last foregoing subsection, and all sums received by way of repayment of the principal of such an advance, shall be paid into the Exchequer.

(3) All sums received by the Ministers by way of interest on an advance made to the Board for the purposes referred to in paragraphs (*d*) and (*e*) of subsection (1) of this section shall be paid into the Exchequer, and all sums received by way of repayment of the principal of such an advance shall either be paid into the Herring Marketing Fund before the expiration of the period of five years beginning with the date of the passing of this Act or, if not paid into that fund before the expiration of the said period, shall be paid into the Exchequer.

(4) If it is shown to the satisfaction of the Ministers and the Treasury that any sum representing the principal of an advance made to the Board for the purposes referred to in subsection (1) of this section or part of such an advance cannot be repaid, the Treasury may direct that the liability of the Board to the Ministers shall be reduced to the extent of that sum.

(5) The Secretary of State concerned with the sea fishing industry in Scotland shall prepare, in such form and manner and at such times as the Treasury may direct, an account of the sums received into and paid out of the Herring Marketing Fund in each financial year.

(6) On or before the thirtieth day of November in each year, the said account prepared under the last foregoing subsection and, in a case where the Treasury have directed under subsection (4) of this section that the liability of the Board to the Ministers shall be reduced, a statement of the reasons for that reduction, shall be transmitted to the Comptroller and Auditor-General who shall examine and certify the account and lay copies thereof, together with his report thereon, before both Houses of Parliament.

(7) As soon as may be after the expiration of the period of five years beginning with the date of the passing of this Act, the Herring Marketing Fund shall be wound up in accordance with directions given by the Treasury and any sums then standing to the credit thereof shall be paid into the Exchequer.

Power to
extend period.

5.—(1) If it appears to the Ministers that, owing to the circumstances prevailing during the said period of five years referred to in section one of this Act and the last two foregoing sections, it has not been possible for the Board and herring fishermen to avail themselves of the financial assistance provided under the said sections to the extent anticipated, they may by order extend the period for a further period not exceeding three years and the said sections shall have effect accordingly.

(2) An order made under this section shall be laid as soon as may be before Parliament, and if either House of Parliament, within the period of forty days beginning with the day upon which the order is laid before it, resolves that it be annulled, it shall thereupon cease to have effect, without prejudice to the making of a new order.

In reckoning the said period of forty days no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

Extension of
borrowing
powers of
Board.

6. In section seven of the Herring Industry Act, 1935, (which gives the Board power to borrow sums required by them for the exercise of their powers) for the words "one million pounds" there shall be substituted the words "two million and five hundred thousand pounds".

Provision for
election of
members of
Board.

7. If it appears to the Board to be practicable and desirable to make provision for the election of members of the Board by persons engaged in the herring industry, the Board shall prepare

and submit to the Ministers proposals for the variation of the composition of the Board so as to enable members to be so elected, and thereupon the Ministers shall lay the proposals before Parliament together with a report setting out their views thereon.

8. The amendments specified in the second column of the Schedule to this Act, being amendments of a consequential or minor nature, shall be made in the provisions of the Herring Industry Acts, 1935 and 1938, mentioned in the first column of that Schedule. Minor and consequential amendments.

9.—(1) This Act may be cited as the Herring Industry Act, 1944, and shall be construed as one with the Herring Industry Acts, 1935 and 1938, and those Acts and this Act may be cited together as the Herring Industry Acts, 1935 to 1944. Short title, construction and extent.

(2) This Act shall extend to Northern Ireland and the provisions of section fifteen of the Herring Industry Act, 1935, except so far as they relate to the making of an Order in Council extending the provisions of that Act to Northern Ireland, shall apply to this Act as they apply to that Act.

SCHEDULE.

Section 8.

Amendments of the Herring Industry Act, 1935.

<i>Section amended</i>	<i>Amendment</i>
Section three ...	In paragraph (b) for the word "construction" there shall be substituted the word "provision", and in paragraph (i) after the word "herring" (where it first occurs) there shall be inserted the words "or products of herring".
Section nine ...	Paragraphs (ii) and (iii) of the proviso to subsection (3) and in paragraph (iv) of that proviso the words "or from the Herring Marketing Fund" shall cease to have effect; subsections (5) and (8) shall cease to have effect; in subsection (9) for the words "the said accounts prepared under the last two foregoing subsections" there shall be substituted the words "the said account prepared under subsection (7) of this section" and for the words "the accounts" there shall be substituted the words "the account"; and in subsection (10) the words "and the Herring Marketing Fund" and the word "respectively" shall cease to have effect.

Y

*Section amended**Amendment*

Section ten ... In subsection (1) for the words "the Herring Marketing Fund" there shall be substituted the words "moneys advanced to the Board under section four of the Herring Industry Act, 1944", and at the end of the said subsection there shall be added the words "The audit of the Board's accounts as aforesaid shall be carried out in accordance with such directions as may be given by the Ministers"; in subsection (2) for the word "accounts" there shall be substituted the word "account", and at the end of the said subsection there shall be added the words "and the report and account mentioned in subsection (6) of section four of the Herring Industry Act, 1944"; and in subsection (3) for the words "The London Association of Certified Accountants, Limited; The Corporation of Accountants Limited" there shall be substituted the words "The Association of Certified and Corporate Accountants, Limited".

*Amendment of the Herring Industry Act, 1938.**Section amended**Amendment*

Section five ... In subsection (1) the words "and from the Herring Marketing Fund" shall cease to have effect.

CHAPTER 33.

An Act to extend the making of contributions under section one of the Housing (Financial Provisions) Act, 1938, as respects new housing accommodation provided by local authorities before the first day of October, nineteen hundred and forty-seven; and to suspend temporarily the holding of local inquiries in respect of certain compulsory purchase orders.

[3rd August 1944.]

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:—

Contributions
to be made in
respect of new
housing ac-
commodation
provided by

1. As respects any new house completed after the passing of this Act and before the first day of October, nineteen hundred and forty-seven by way of housing accommodation provided by a local authority, the Housing (Financial Provisions) Act, 1938 (which provides for contributions out of the Exchequer and by

local authorities in respect of certain housing accommodation provided by local authorities) shall, as amended by any subsequent enactment, apply as if so much of section one thereof as limits the operation of that section to such housing accommodation as is specified in subsection (5) of that section (namely, accommodation for housing persons displaced from insanitary houses or from clearance or improvement areas or by the carrying out of re-development plans, and accommodation required for the abatement of overcrowding) were omitted.

local authorities before specified date. 1 & 2 Geo. 6. c. 16.

2. Notwithstanding anything in the First Schedule to the Housing Act, 1936, in the case of a compulsory purchase order under Part V of that Act submitted to the Minister after the date of the passing of this Act and before the expiration of two years from that date, where any objection is made to the order and is not withdrawn, the Minister may, after considering the objection, confirm the order (with or without modification) without causing a public local inquiry to be held.

Compulsory purchase orders: temporary suspension of local inquiries. 26 Geo. 5. & 1 Edw. 8. c. 51.

3.—(1) This Act may be cited as the Housing (Temporary Provisions) Act, 1944.

Short title, construction, citation and extent.

(2) This Act shall be construed as one with the Housing Act, 1936; and in that Act the expression "the Housing Acts" shall, unless the context otherwise requires, be construed as including this Act.

(3) The Housing Acts, 1936 and 1938, and this Act may be cited together as the Housing Acts, 1936 to 1944.

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

CHAPTER 34.

An Act to validate agreements purporting to grant or provide for the grant of tenancies for periods depending on the duration of the war and certain other events; to provide for the construction of such agreements and other tenancy agreements; and for purposes connected with the matters aforesaid. [3rd August 1944.]

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

1.—(1) Subject to the provisions of this section, any agreement, whether entered into before or after the passing of this Act, which purports to grant or provide for the grant of a tenancy for the duration of the war shall have effect as if it granted or

Validation of tenancies for the duration of the war.

provided for the grant of a tenancy for a term of ten years, subject to a right exercisable either by the landlord or the tenant to determine the tenancy, if the war ends before the expiration of that term, by at least one month's notice in writing given after the end of the war :

Provided that—

- (a) if the agreement provides for the termination of the tenancy by notice before the end of the war, that provision shall apply to the tenancy as it takes effect under this subsection ;
- (b) if the agreement provides for the termination of the tenancy by notice after the end of the war, that provision shall be substituted for the provision of this subsection relating to the termination of the tenancy after the end of the war ;
- (c) if the agreement relates to a holding within the meaning of the Agricultural Holdings Act, 1923, this subsection shall apply to that agreement subject to the provisions of sections twenty-three and twenty-five of the said Act.

13 & 14
Geo. 5. c. 9.

(2) In this section the expression " the duration of the war," in relation to any agreement, means a period which, on the proper construction of the words used in the agreement whatever they may be, ends with, or within a specified time after, one of the following events—

- (a) the end of the war or of hostilities as respects all the States with which His Majesty is at war and all theatres of war ;
- (b) the end of the war or of hostilities as respects any particular State or States or any particular theatre or theatres of war ;
- (c) the end of the emergency mentioned in the Emergency Powers (Defence) Act, 1939, or of the period for which that Act or any Regulation, order or power thereunder is in force or of the emergency mentioned in any other Act of the present Parliament ;
- (d) the end of the emergency (not defined by reference to any Act of Parliament) occasioned by the war or hostilities, whether as respects all the said States and all theatres of war or as respects any particular State or States or any particular theatre or theatres of war ;
- (e) any event likely to occur on or in connection with any of the events aforesaid ;

2 & 3 Geo. 6.
c. 62.

and any reference in this section (other than this subsection) to the end of the war shall, in relation to any agreement, be construed as referring to the end of such one of the aforesaid periods as is appropriate to that agreement.

(3) Any reference in this section to an agreement purporting to grant or provide for the grant of a tenancy for the duration of the war shall be construed as including a reference to—

- (a) an agreement purporting to grant or provide for the grant of—
 - (i) a tenancy for a specified term or for the duration of the war, whichever is the shorter ;
 - (ii) a tenancy for a specified term or for the duration of the war, whichever is the longer ; or
 - (iii) a tenancy which is to continue until determined by notice, subject to a condition that the notice is not to be given, or is not to be given by one of the parties, before the end of the war ;
- (b) an agreement between the vendor and purchaser of land that the vendor is to be entitled to retain possession of the land for the duration of the war ;

but shall not be construed as including an agreement granting or providing for the grant of a tenancy for a specified term subject to a right on the part of the landlord or the tenant to determine the tenancy, if the war ends before the expiration of that term, by notice after the end of the war.

(4) Subsection (1) of this section shall have effect, in the case referred to in sub-paragraph (i) of the last foregoing subsection, as if for the reference to ten years there were substituted a reference to the specified term referred to in that sub-paragraph ; and, in the case referred to in sub-paragraph (ii) thereof, the agreement shall, if the war ends before the specified term referred to in that sub-paragraph, have effect as if it granted or provided for the grant of a tenancy for that term and not such a tenancy as is referred to in the said subsection (1).

(5) Where at the date of any such agreement as is referred to in subsection (1) of this section the landlord is himself a tenant whose term has less than ten years to run, the said subsection (1) shall have effect as if for the reference to ten years there were substituted a reference to a period equal to the remainder of the said term less one day.

(6) In this section the expression "agreement" includes an agreement in the form of a lease.

2.—(1) Where any tenancy agreement uses, for the purpose of defining the term or purported term of the tenancy or for any other purpose, the expression "the war" or "hostilities" or "the emergency" or any similar expression which does not indicate whether it refers—

- (a) to the war or to hostilities as respects all the States with which His Majesty is at war and all theatres of war or,

as the case may be, to the emergency occasioned thereby ;
or

- (b) to the war or to hostilities as respects any particular State or States or any particular theatre or theatres of war, or, as the case may be, to the emergency occasioned thereby ;

the expression shall be construed as referring to the war or hostilities as respects those States with which His Majesty was at war at the date when the agreement was made, or, as the case may be, to the emergency occasioned thereby, unless it is shown that the parties intended that the expression should be otherwise construed.

The court by whom any such agreement is construed may admit any evidence which in the opinion of the court may throw light on the intention of the parties as to the meaning of the said expression.

(2) His Majesty may by Order in Council declare what date is to be treated for the purposes of any tenancy agreement as—

- (a) the date of the end of the war and of hostilities as respects all the said States and all theatres of war, and of the emergency (not being defined by reference to any Act of Parliament) occasioned thereby ;
- (b) the date of the end of the war and of hostilities, as respects any particular State or States or any particular theatre or theatres of war and of the emergency (not being defined as aforesaid) occasioned thereby ;
- (c) the date of any event which occurs, or which the parties considered likely to occur, on or in connection with the end of any such war, hostilities, or emergency as aforesaid, and which appears to His Majesty to require definition for the purposes of tenancy agreements ;

and every such agreement shall be construed accordingly, unless the context requires, or it is shown by admissible evidence, that it should be otherwise construed.

(3) In this section the expression “ tenancy agreement ” means any lease or other agreement, whether entered into before or after the passing of this Act, granting or providing for the grant of a tenancy or varying any of the terms or conditions of a tenancy, and includes any such agreement as is referred to in subsection (1) of the foregoing section.

Savings.

3.—(1) Section one of this Act shall not apply in any case where—

- (a) the relationship of landlord and tenant has terminated before the passing of this Act otherwise than by a notice given by the landlord or the tenant on or after the

thirteenth day of June, nineteen hundred and forty-four; or

- (b) the landlord or the tenant has given before the said day a notice in writing which would, but for the said section one, determine the said relationship; or
- (c) the parties have agreed, before the passing of this Act, to determine the said relationship or to substitute for their existing agreement a valid tenancy.

For the purposes of this subsection, where a tenant retains possession of premises by virtue only of the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1939, or any other enactment, the relationship of landlord and tenant shall be deemed to have terminated.

(2) Any notice given, proceedings taken or thing done before the passing of this Act in relation to any agreement to which section one of this Act applies shall, if it could have been given, taken or done in relation to that agreement as it takes effect under that section, continue to apply in relation to that agreement.

(3) Nothing in the said section one shall affect any provision of an agreement to which that section applies, being a provision which does not relate to the duration of the tenancy, and any such provision shall continue to apply in relation to the tenancy as it takes effect under that section.

(4) Nothing in the said section one shall be taken as requiring any agreement to be executed in writing or under seal.

(5) Nothing in the said section one shall be taken as bringing any agreement within section twenty-eight of the Finance Act, 1931 (which requires instruments granting or transferring leases for a term of seven years or more to be produced to the Commissioners of Inland Revenue). ^{21 & 22} Geo. 5. c. 28.

4. This Act shall apply to agreements to which the Crown is a party. Application to the Crown.

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

(a) for section one the following section shall be substituted—

1.—(1) Any agreement whether entered into before or after the passing of this Act purporting to grant or provide for the grant of a tenancy of lands and heritages in Scotland (i) for the duration of the war or (ii) for a fixed period or the duration of the war, whichever is the shorter or (iii) for a fixed period or for the duration of the war, whichever is the longer, shall not be invalid by reason of its terms as to duration, and shall terminate, as the case may be, at the end of such fixed period

or at the end of such one of the periods specified in subsection (2) of this section as, having regard to the context and any admissible evidence, is appropriate to the agreement :

Provided that save as otherwise expressly provided in the agreement it shall be necessary in order to terminate the tenancy that at least forty days or, if the agreement relates to an agricultural holding within the meaning of the Agricultural Holdings (Scotland) Act, 1923, six months, notice of termination be given in writing, and in the latter case the tenancy shall terminate at the term of Whit-Sunday or Martinmas next after the expiry of the notice.

(2) In this section the expression "the duration of the war," in relation to any agreement, means a period which, on the proper construction of the words used in the agreement whatever they may be, ends with, or within a specified time after, one of the following events—

- (a) the end of the war or of hostilities as respects all the States with which His Majesty is at war and all theatres of war ;
- (b) the end of the war or of hostilities as respects any particular State or States or any particular theatre or theatres of war ;
- (c) the end of the emergency mentioned in the Emergency Powers (Defence) Act, 1939, or the period for which that Act or any Regulation, order or power thereunder is in force or of the emergency mentioned in any other Act of the present Parliament ;
- (d) the end of the emergency (not defined by reference to any Act of Parliament) occasioned by the war or hostilities, whether as respects all the said States and all theatres of war or as respects any particular State or States or any particular theatre or theatres of war ;
- (e) any event likely to occur on or in connection with any of the events aforesaid.

(b) subsection (4) of section three shall not apply.

Provisions as
to Northern
Ireland.

10 & 11 Geo. 5.
c. 67.

6.—(1) The foregoing provisions of this Act shall not extend to Northern Ireland.

(2) Notwithstanding anything in the Government of Ireland Act, 1920, the Parliament of Northern Ireland shall have power to make laws, in respect of agreements exclusively relating to land

in Northern Ireland, for purposes similar to any of the purposes of this Act.

7.—(1) This Act may be cited as the Validation of War-time Leases Act, 1944. Short title, interpretation, operation and extent.

(2) In this Act the expressions “the war” and “hostilities” mean, except where the context otherwise requires, the war and hostilities in which His Majesty is engaged at the passing of this Act.

(3) This Act shall, subject to the provisions of section three thereof, be deemed to have had effect, in relation to any agreement, as from the date on which the agreement was entered into.

CHAPTER 35.

An Act to grant an indemnity in respect of the failure to lay before Parliament certain regulations made under the Fire Services (Emergency Provisions) Act, 1941, as soon as may be after they were made. [3rd August 1944.]

WHEREAS in exercise of the powers conferred on a Secretary of State by section one of the Fire Services (Emergency Provisions) Act, 1941, the regulations specified in the Schedule to this Act were made upon the dates respectively mentioned in that Schedule: 4 & 5 Geo. 6.
c. 22.

And whereas it is provided by the said Act that all regulations made thereunder shall be laid before Parliament as soon as may be after they are made and that if either House of Parliament within the next twenty-eight days on which that House has sat after any such regulation is laid before it resolves that the regulation be annulled, the regulation shall thereupon cease to have effect:

And whereas by reason of inadvertence the regulations specified in the said Schedule were not laid before either House of Parliament until the twenty-sixth day of July, nineteen hundred and forty-four, but were laid before both Houses on that date:

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

1. The Secretary of State is hereby freed, discharged and indemnified from and against all consequences whatsoever, if any, incurred or to be incurred by him by reason of the said failure to lay before Parliament the regulations specified in the Schedule to this Act as soon as may be after they were made, and those

regulations shall be deemed to have been duly laid before Parliament in accordance with the requirements of the statute under which they were made.

Short title.

2. This Act may be cited as the National Fire Service Regulations (Indemnity) Act, 1944.

SCHEDULE.

National Fire Service (General) Regulations, 1941, dated 5th August 1941 (S.R. & O. 1941 No. 1134) ;

National Fire Service (Alteration of Fire Areas) Regulations, 1941, dated 31st October 1941 (S.R. & O. 1941 No. 1710) ;

National Fire Service (General) Regulations, 1942, dated 14th January 1942 (S.R. & O. 1942 No. 69) ;

National Fire Service (General) (No. 2) Regulations, 1942, dated 22nd January 1942 (S.R. & O. 1942 No. 125) ;

National Fire Service (General) (No. 3) Regulations, 1942, dated 8th May 1942 (S.R. & O. 1942 No. 883) ;

National Fire Service (General) (No. 4) Regulations, 1942, dated 20th May 1942 (S.R. & O. 1942 No. 987) ;

National Fire Service (General) (No. 5) Regulations, 1942, dated 4th September 1942 (S.R. & O. 1942 No. 1848) ;

National Fire Service (Alteration of Fire Areas) Regulations, 1942, dated 12th September 1942 (S.R. & O. 1942 No. 1871) ;

National Fire Service (Preservation of Pensions) Regulations, 1942, dated 24th November 1942 (S.R. & O. 1942 No. 2519) ;

National Fire Service (General) (No. 6) Regulations, 1942, dated 17th December 1942 (S.R. & O. 1942 No. 2638) ;

National Fire Service (Preservation of Pensions) (General Pension Funds) Regulations, 1942, dated 18th December 1942 (S.R. & O. 1942 No. 2639) ;

National Fire Service (General) Regulations, 1943, dated 16th January 1943 (S.R. & O. 1943 No. 93) ;

National Fire Service (Alteration of Fire Areas) Regulations, 1943, dated 25th January 1943 (S.R. & O. 1943 No. 129) ;

National Fire Service (General) (No. 2) Regulations, 1943, dated 22nd March 1943 (S.R. & O. 1943 No. 461) ;

National Fire Service (General) (No. 3) Regulations, 1943, dated 19th July 1943 (S.R. & O. 1943 No. 1012) ;

National Fire Service (Alteration of Fire Areas) (No. 2) Regulations, 1943, dated 3rd August 1943 (S.R. & O. 1943 No. 1119) ;

National Fire Service (General) (No. 4) Regulations, 1943, dated 5th August 1943 (S.R. & O. 1943 No. 1151) ;

National Fire Service (Preservation of Pensions) Regulations, 1943, dated 19th August 1943 (S.R. & O. 1943 No. 1221) ;

National Fire Service (General) (No. 5) Regulations, 1943, dated 15th September 1943 (S.R. & O. 1943 No. 1333) ;

National Fire Service (Alteration of Fire Areas) Regulations, 1944, dated 11th February 1944 (S.R. & O. 1944 No. 141) ;

National Fire Service (Alteration of Fire Areas) (No. 2) Regulations, 1944, dated 14th March 1944 (S.R. & O. 1944 No. 285) ;

National Fire Service (Alteration of Fire Areas) (No. 3) Regulations, 1944, dated 22nd March 1944 (S.R. & O. 1944 No. 341) ;

National Fire Service (Employment Overseas) Regulations, 1944, dated 12th June 1944 (S.R. & O. 1944 No. 675).

CHAPTER 36.

Housing (Temporary Accommodation) Act, 1944.

ARRANGEMENT OF SECTIONS.

Section.

1. Provision for making structures for temporary housing available to housing authorities.
2. Removal of structures made available under s. 1.
3. Terms on which structures may be made available under s. 1.
4. Adaptation of certain provisions of principal Act.
5. Power to enter on land to ascertain whether it is suitable for erection of structures to be made available under s. 1.
6. Temporary powers for obtaining possession of land for erection of structures to be made available under s. 1.
7. Application to Scotland.
8. Financial provisions.
9. Short title, construction, citation and extent.

An Act to make provision for temporary housing accommodation, and for purposes connected therewith.

[10th October 1944.]

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. With a view to enabling local authorities for the purposes of **Provision for** Part V of the Housing Act, 1936 (in this Act referred to as "the principal Act") to provide as a matter of urgency temporary structures for temporary housing accommodation for the purposes of the discharge of their duties under the said Part V, the Minister of Health available to housing authorities. **26 Geo. 5. & 1 Edw. 8. c. 51.**

authority, make structures for use by any such authority for providing such accommodation available to the authority on such terms as the Minister may agree with them :

Provided that, unless it is otherwise hereafter determined by Parliament, no structures shall be made available under this section after the first day of October, nineteen hundred and forty-seven, other than structures intended to be made available before that date whose manufacture or construction was put in hand at a time when it appeared to the Minister that it would be practicable to make them available before that date.

Removal of
structures
made available
under s. 1.

2.—(1) The Minister may cause a structure made available under the preceding section, together with any fittings forming part thereof, to be taken down and removed under arrangements made by him with the Minister of Works, on giving to the local authority such notice of his intention in that behalf as may be provided for by the terms agreed and shall do so on being requested to do so by the local authority at any time after the expiration of ten years from the passing of this Act unless it appears to the Minister that housing conditions require that it should remain, but whilst remaining on the land the structure and any such fittings as aforesaid shall be deemed to be fixtures forming part of the freehold of the land.

(2) Where the Minister causes a structure to be removed under this section, he may, if the local authority so request, cause to be executed under arrangements made as aforesaid all such works as may be required for clearing the land of any substructure or other materials affixed to the land for the purposes of the erection of the structure.

(3) Structures, fittings and materials removed under this section shall be held or disposed of for the benefit of the Crown in such manner as the Minister may determine.

Terms on
which struc-
tures may be
made available
under s. 1.

3.—(1) The terms on which a structure may be made available under section one of this Act shall include provision for the making of a payment by the local authority to the Minister for each financial year, or part of a financial year, during which the structure remains on the land :

Provided that, in the case of a structure made available for erection on land of exceptionally high value, the said terms may either—

(a) not include any such provision, or

(b) not include any such provision but on the contrary provide for the making of a contribution by the Minister out of moneys provided by Parliament towards expenses incurred by the local authority in connection with the provision and maintenance of housing accommodation in the structure.

(2) The said terms may include any such provisions with respect to the use, management or maintenance of the structure in question, to the execution by or at the expense of the local authority of any works in connection with the erection of the structure or with the provision of housing accommodation therein, or to other relevant matters, being provisions consistent with the provisions of this Act and of the principal Act, as may appear to the Minister to be expedient.

4.—(1) The provisions of the principal Act relating to houses provided by a local authority under Part V of that Act shall, as respects the period during which structures made available under section one of this Act remain on the land, have effect in relation to such structures, and housing accommodation provided in such structures shall be deemed to be provided under the said Part V. Adaptation of certain provisions of principal Act.

(2) In paragraph (a) of section seventy-three of the principal Act (which confers on a local authority power to acquire land as a site for the erection of houses) the reference to a site for the erection of houses shall be deemed to include a reference to a site for the erection of structures which may be made available to the local authority under section one of this Act, and any land acquired under that paragraph as such a site shall be deemed to be land acquired for the purposes of the said Part V.

(3) In paragraph (b) of the proviso to subsection (4) of section one hundred and three of the principal Act (which provides that, without prejudice to the powers conferred on a metropolitan borough council by that Act with respect to the provision of housing accommodation within their borough, the London County Council shall be a local authority for the purposes of Part V of the principal Act as respects any part of the administrative county of London, other than the City of London, for the purpose of providing such housing accommodation as is mentioned in sub-paragraphs (i) to (iii) of that paragraph) the following sub-paragraph shall be inserted, that is to say—

“(iv) temporary accommodation in structures made available under section one of the Housing (Temporary Accommodation) Act, 1944.”

(4) The Minister's making any such arrangements as aforesaid shall not, nor shall any approval given by him in connection with the execution of any such arrangements or the use of any structures the subject thereof, be treated as an approval by him for the purposes of subsection (2) of section one hundred and thirty-eight of the principal Act (which provides that, where the Minister has approved plans and specifications inconsistent in certain respects with building byelaws, proposals for such works as are therein mentioned involving departure from the byelaws only to the like extent as in the case of the plans and specifications approved by the Minister may be carried out).

Power to enter on land to ascertain whether it is suitable for erection of structures to be made available under s. 1.

5.—(1) A person authorised in writing by a local authority for the purposes of Part V of the principal Act may at all reasonable times, on production if required of his authority, enter upon land which the local authority are authorised to purchase compulsorily for the purposes of the said Part V, or the acquisition of which for those purposes is under consideration by them, for the purpose of determining whether the land is suitable as a site for the erection of structures which may be made available to the local authority under section one of this Act and the plan on which any such structures should be laid out thereon, and of surveying, taking levels or probing or boring for that purpose, or for the purpose of estimating the value of the land :

Provided that if the land is occupied, admission thereto shall not be demanded as of right unless twenty-four hours notice of the intended entry has been given to the occupier.

(2) A local authority shall make to any person who sustains any damage by reason of anything done, in exercise of powers conferred by this section, by a person authorised by them, compensation in respect thereof of an amount to be determined by agreement between them and that person, or, in default of agreement, by an arbitrator to be appointed, in default of agreement, by the Minister.

6.—(1) During the period between the passing of this Act and the end of the year nineteen hundred and forty-five the provisions of the next succeeding subsection shall have effect for enabling a local authority for the purposes of Part V of the principal Act to obtain possession of land for use as a site for structures to be made available under section one of this Act.

(2) A local authority for the said purposes may enter upon and take possession of land as to which the Minister is satisfied that it is required for use as aforesaid if authorisation in writing in that behalf has been given to them in accordance with the following requirements, that is to say—

- (a) the authority must have served, in manner mentioned in the next succeeding subsection, on every owner and occupier of any of the land in question a notice in writing stating that they have made or intend to make an application to the Minister for an authorisation under this subsection as respects land described in the notice, being land consisting of or comprising the land in question, and that representations which any of the persons required to be served desires to make must be made to the Minister in writing within fourteen days from the date of the service of the notice on him ; and
- (b) the Minister must, before giving the authorisation, have considered any representations made to him as aforesaid by any of the persons aforesaid.

Temporary powers for obtaining possession of land for erection of structures to be made available under s. 1.

(3) Such a notice as is mentioned in the last preceding subsection shall be deemed to be duly served—

- (a) on a person being an owner or occupier of any of the land in question if such a notice, addressed to him by name, is delivered to him or left at, or sent by post in a prepaid letter to, his usual or last known place of abode ;
- (b) on a person being an owner or occupier of any premises comprised in the land in question which appear to the local authority to be separately occupied, if such a notice, addressed to " the owner and the occupier " of the premises (describing them), is delivered to some person on the premises, or, if there is no person on the premises to whom it can be delivered, is affixed to some conspicuous object on the premises ;
- (c) on all persons being owners or occupiers (if any) of premises comprised in any part of the land in question which appears to the local authority to be unoccupied, if such a notice, addressed to " the owners and any occupiers " of that part of the land (describing it), is affixed to some conspicuous object on that part of the land.

(4) Where a local authority have taken possession of land pursuant to an authorisation under this section, they shall by virtue of this section have power to acquire the land compulsorily as if they had been authorised so to do by an order under section seventy-four of the principal Act, made, submitted and confirmed in accordance with the provisions of the First Schedule thereto, incorporating the enactments required to be incorporated in such an order with the modifications and adaptations appropriate to such an order, and the authority shall as soon as may be after taking possession of the land serve notice under section eighteen of the Lands Clauses Consolidation Act, 1845, of their intention to take the land and shall in all respects be liable as if such notice had been given on the date of their entering on the land, except that the power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, to withdraw such a notice shall not be exercisable.

(5) A power to enter on and take possession of land conferred by an authorisation given under this section may, save as hereinbefore in this section provided, be exercised without notice to or the consent of any person and without compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845, but subject to payment of the like compensation, and interest on the compensation agreed or awarded, as the local authority would have been required to pay if those provisions had been complied with.

(6) While a local authority are in possession of land pursuant to an authorisation given under this section,—

- (a) the land may be used for the erection thereon of structures made available under section one of this Act, and all works required for that purpose may be executed thereon ;
- (b) the land may be used for the provision of housing accommodation in such structures erected thereon, and the authority may make contracts for the occupation of the land and such structures erected thereon by the persons for whom housing accommodation is to be provided therein ;
- (c) any right of way over the land, or other right relating thereto enjoyed by any person whether by virtue of an interest in the land or otherwise, shall, in so far as the exercise thereof would interfere with the use of the land as aforesaid or the execution of any such works as aforesaid, not be exercisable.

(7) In this section the expression “ owner ” has the meaning assigned to it by section one hundred and eighty-eight of the principal Act.

Application
to Scotland.

7. The preceding provisions of this Act shall in their application to Scotland have effect subject to the following modifications :—

- (a) for references to the Minister of Health there shall be substituted references to the Secretary of State ;
- (b) for references to the Housing Act, 1936, there shall be substituted references to the Housing (Scotland) Acts, 1925 to 1938 ; and for references to Part V of the Housing Act, 1936, there shall be substituted references to Part III of the Housing (Scotland) Act, 1925 ;
- (c) in subsection (1) of section two the words “ of the freehold ” shall be omitted ;
- (d) for subsection (2) of section four there shall be substituted the following subsection—
 “ (2) A local authority may acquire land for the erection of structures which may be made available to them under section one of this Act in like manner as they may acquire land for the purposes of Part III of the Housing (Scotland) Act, 1925, and any land so acquired for such erection shall be deemed to be land acquired for the purposes of the said Part III ” ;
- (e) in subsection (4) of section four for the reference to section one hundred and thirty-eight of the Housing Act, 1936, there shall be substituted a reference to section eighty of the Housing (Scotland) Act, 1925 ; and

15 & 16
Geo. 5. c. 15.

(f) in section six for references to section seventy-four of the Housing Act, 1936, and to the First Schedule thereto there shall be substituted respectively references to section fifty-one of the Housing (Scotland) Act, 1925, and to the Second Schedule to the Housing (Scotland) Act, 1930; for references to section eighteen and to sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845, there shall be substituted respectively references to section seventeen and to sections eighty-three to eighty-eight of the Lands Clauses Consolidation (Scotland) Act, 1845; and for the reference to section one hundred and eighty-eight of the Housing Act, 1936, there shall be substituted a reference to section forty-nine of the Housing (Scotland) Act, 1930. 20 & 21
Geo 5. c. 40.
8 & 9 Vict.
c. 19.

8.—(1) The Treasury may issue out of the Consolidated Fund of the United Kingdom sums not exceeding, unless it is otherwise hereafter determined by Parliament, one hundred and fifty million pounds to defray the expenses incurred by the Minister of Works in connection with the manufacture, construction or erection of structures under arrangements made as aforesaid. Financial
provisions.

(2) For the purpose of providing sums to be issued under the preceding subsection, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under the National Loans Act, 1939. 2 & 3 Geo. 6.
c. 117.

(3) The following provisions of this subsection shall have effect as respects the repayment of sums issued under subsection (1) of this section, that is to say :—

- (a) the aggregate of the sums so issued in any financial year shall be repaid into the Exchequer, as mentioned in the next succeeding paragraph, with interest thereon at the rate of two and a half per cent. per annum, the said interest accruing, as respects the whole aggregate, from such date in the financial year in which the sums are issued as the Treasury may determine;
- (b) the said aggregate shall be repaid by ten equal annual instalments, of principal and interest combined, falling due on the anniversary of the date determined under the preceding paragraph, the first such instalment falling due in the financial year next following the financial year in which the sums in question were issued;
- (c) any instalment to be paid into the Exchequer under the last preceding paragraph shall be paid, as to such part

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thereof as the Treasury may direct out of moneys provided by Parliament for the service of the Ministry of Health, and as to the remainder thereof out of moneys so provided for the service of the Department of Health for Scotland.

(4) The sums paid into the Exchequer under the last preceding subsection shall be issued out of the Consolidated Fund of the United Kingdom at such times as the Treasury may direct and shall be applied by the Treasury as follows :—

- (a) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit ;
- (b) so much thereof as represents interest shall be applied to the payment of interest which would, apart from this paragraph, have fallen to be paid out of the permanent annual charge for the National Debt.

(5) Expenses incurred in the removal of structures, fittings or materials under section two of this Act shall be defrayed out of moneys provided by Parliament, and the proceeds of any disposal thereof under that section shall be paid into the Exchequer.

(6) Receipts of the Minister under subsection (1) of section three of this Act shall be paid into the Exchequer.

(7) The Minister of Works shall, as respects each financial year in which sums are issued out of the Consolidated Fund under subsection (1) of this section or in which he incurs expenses as mentioned in that subsection, prepare in such form and manner as the Treasury may direct an account of sums so issued and received by him and of such expenses incurred by him.

Any account prepared under this subsection shall, on or before the thirtieth day of November next following the expiration of the financial year in question, be transmitted to the Comptroller and Auditor General who shall examine and certify the account and lay copies thereof, together with his report thereon, before Parliament.

Short title,
construction,
citation and
extent.

9.—(1) This Act may be cited as the Housing (Temporary Accommodation) Act, 1944.

(2) This Act, in its application to England, shall be construed as one with the principal Act, and may be cited together with the Housing Acts, 1936 and 1938, as the Housing Acts, 1936 to 1944.

(3) This Act, in its application to Scotland, shall be construed as one with the Housing (Scotland) Acts, 1925 to 1938, and may be cited together with those Acts as the Housing (Scotland) Acts, 1925 to 1944.

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

CHAPTER 37.

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-five, and to appropriate the further Supplies granted in this Session of Parliament. [26th October 1944.]

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.

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-five the sum of one thousand two hundred and fifty million pounds. Issue of £1,250,000,000 out of the Consolidated Fund.

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 one thousand two hundred and fifty million pounds. Power for the Treasury to borrow.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March one thousand nine hundred and forty-five, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills. 40 & 41 Vict. c. 2.

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

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

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

APPROPRIATION OF GRANT.

Appropriation of sum voted for supply services.

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 one thousand two hundred and fifty million pounds, is appropriated for the services and purposes expressed in Schedule (B) annexed hereto.

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.

Declaration required in certain cases before receipt of sums appropriated.

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 :

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

- (a) such a declaration has been subscribed within a period of twelve calendar months preceding the date of the payment, or such longer period as the Treasury may in any particular case or class of cases allow ; or
- (b) the payment is made through a banker who has entered into an undertaking in such form as may be approved by the Treasury with respect to the notification of circumstances coming to the knowledge of the banker which might affect the right to such payments of the person to whom the payment is made.

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

Short title.

5. This Act may be cited for all purposes as the Appropriation (No. 2) Act, 1944.

A B S T R A C T

O F

SCHEDULES (A.) and (B.) to which this Act refers. Section 3.

SCHEDULE (A.).

	£	s.	d.
Grant out of the Consolidated Fund - -	1,250,000,000	0	0
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SCHEDULE (B.)—APPROPRIATION OF GRANT.

Section 3.

1944.	Supply Grant.		
	£	s.	d.
Expenditure arising out of the War (Supplementary Vote of Credit) - - - -	1,250,000,000	0	0
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SCHEDULE (A.).

Sched. (A.).

GRANT OUT OF THE CONSOLIDATED FUND.

For the service of the year ending on the 31st day of March 1945:—

	£	s.	d.
Under this Act - - - - -	1,250,000,000	0	0
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SCHEDULE (B.).

Sched. (B.)
Expenditure
arising out
of the war
(Supplemen-
tary Vote of
Credit).

EXPENDITURE ARISING OUT OF THE WAR.
(SUPPLEMENTARY VOTE OF CREDIT.)

For defraying the expenses which may be incurred during the year ending on the 31st day of March 1945, for general Navy, Army and Air services and supplies in so far as specific provision is not made therefor by Parliament ; for securing the public safety, the defence of the realm, the maintenance of public order and the efficient prosecution of the war ; for maintaining supplies and services essential to the life of the community ; for relief and rehabilitation in areas brought under the control of any of the United Nations ; and generally for all expenses, beyond those provided for in the ordinary Grants of Parliament, arising out of the existence of a state of war - - - - - £1,250,000,000

CHAPTER 38.

An Act to amend the Government of India Act, 1935,
in certain respects. [26th October 1944.]

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

Extension of
term of office
of members
of certain
Provincial
Legislative
Councils.

26 Geo. 5. &
1 Edw. 8. c. 2.

1.—(1) Where (whether before or after the passing of this Act) by any provisions of a Proclamation under section ninety-three of the Government of India Act, 1935 (hereafter in this Act referred to as "the principal Act"), the retirement of any of the members of the Legislative Council of a Province is postponed, the term of office of all members of that Legislative Council who held office when those provisions came into force shall be treated as increased by the length of the period during which those provisions remain in force, together with such additional periods, if any, not exceeding twelve months, as the Governor in his discretion may by public notification direct for the purpose of securing that elections to that Council, other than elections to fill casual vacancies, are held at a convenient time of year.

(2) Where the Governor gives such a direction as aforesaid, the direction may further provide that for such period not exceeding twelve months from the giving of the direction as may be specified therein, vacancies in all or any specified seats in the Council shall not be filled.

(3) If, on the coming into force (whether before or after the passing of this Act) of any such provisions of any such Proclamation as aforesaid, there is a vacancy in any of the seats of the Legislative Council in question, it shall not be filled while those provisions remain in force, and, if it is a casual vacancy, any person who, after those provisions have ceased to be in force, is chosen to fill it shall be chosen for a term of office increased to the extent specified in subsection (1) of this section.

2. At the end of the proviso to subsection (2) of section two hundred and twenty of the principal Act (which relates to the term of office of judges of High Courts) there shall be added the following paragraph:—

Judges to vacate office on transfer.

“(c) the office of a judge shall be vacated by his being appointed by His Majesty to be a judge of the Federal Court or of another High Court.”

3. In subsection (3) of section three hundred and fourteen of principal Act (which provides that while Part XIII of that Act is in operation the advisers of the Secretary of State shall be not more than twelve, nor less than eight, in number) for the word “eight” there shall be substituted the word “five”.

Reduction of minimum number of advisers of Secretary of State.

4.—(1) In subsection (3) of section eighty-six of the Government of India Act set out in the Ninth Schedule to the principal Act (which provides that leave of absence shall not, in pursuance of that section, be granted to the Governor-General, the Commander-in-Chief or any other member of the Governor-General's Executive Council for any period exceeding four months or more than once during his tenure of office), after the words “this section” there shall be inserted the words “for urgent reasons of health or of private affairs”.

Leave of absence of Governor-General, &c.

(2) For subsection (6) of the said section eighty-six (which provides for the granting to the Governor-General and the Commander-in-Chief of travelling allowances in addition to the leave allowances to which they are entitled under that section) there shall be substituted the following subsection:—

“(6) If the Governor-General or the Commander-in-Chief is granted leave for urgent reasons of public interest, the Secretary of State may—

- (a) direct that he shall be entitled to receive during his absence his salary as fixed under the last foregoing section in lieu of the leave allowances to which he would otherwise be entitled under the last foregoing subsection ;
- (b) grant to him, in addition to his salary as so fixed or any leave allowances, as the case may be, such allowances or further allowances in respect of travelling expenses as the Secretary of State may think fit”.

Amendment as to acting appointments during absence of Governor-General, &c., on leave.

5. For section eighty-seven of the Government of India Act set out in the said Ninth Schedule (which requires, where leave is granted to the Governor-General or to the Commander-in-Chief, the appointment of a person to act in his place during his absence) there shall be substituted the following section:—

“ 87.—(1) Where, in pursuance of the last foregoing section, leave is granted to the Governor-General for any reason, or to the Commander-in-Chief for urgent reasons of health or of private affairs, a person shall be appointed to act in his place during his absence, and where leave is so granted to the Commander-in-Chief for urgent reasons of public interest, a person may be appointed to act in his place during his absence.

(2) Any such appointment shall be made by His Majesty by warrant under the Royal Sign Manual.

(3) A person appointed under this section to act in the place of the Commander-in-Chief may, if the Commander-in-Chief was a member of the Executive Council of the Governor-General, be also appointed by the Governor-General in Council to be a temporary member of that Council.

(4) A person appointed under this section shall, until the return to duty of the permanent holder of the office or, if he does not return, until a successor arrives, hold and execute the office to which he has been appointed and shall have and may exercise all the rights and powers thereof and shall be entitled to receive the emoluments and advantages appertaining to the office, forgoing the emoluments and advantages (if any) to which he was entitled at the time of his being appointed to that office.”

Supplemental.

6.—(1) The amendment made by section two of this Act in the principal Act shall be deemed to have been made therein immediately before the passing thereof.

(2) A copy of the principal Act giving effect to—

(a) the amendments mentioned in subsection (3) of section six of the India and Burma (Temporary and Miscellaneous Provisions) Act, 1942; and

(b) the amendments made by sections two, three, four and five of this Act,

shall be prepared and certified by the Clerk of the Parliaments and deposited with the Rolls of Parliament, and His Majesty's printer shall print in accordance with the copy so certified all copies of the principal Act which are printed after the said copy has been so prepared, certified and deposited.

Short title.

7. This Act may be cited as the India (Miscellaneous Provisions) Act, 1944.

CHAPTER 39.

An Act to extend the making of contributions under section one of the Housing (Financial Provisions) (Scotland) Act, 1938, as respects new housing accommodation provided by local authorities before the first day of October, nineteen hundred and forty-seven; to suspend temporarily the holding of local inquiries in respect of certain compulsory purchase orders; to provide for grants and advances to the housing association approved for the purposes of section two of the aforesaid Act; and to make provision with regard to the superannuation of the employees of the said association, and for purposes connected with the matters aforesaid. [26th October 1944.]

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) As respects any new house completed after the passing of this Act and before the first day of October, nineteen hundred and forty-seven by way of housing accommodation provided by a local authority, the Housing (Financial Provisions) (Scotland) Act, 1938, (which provides for contributions out of the Exchequer and by local authorities in respect of certain housing accommodation provided by local authorities) shall, as amended by any subsequent enactment, apply as if so much of section one thereof as limits the operation of that section to such housing accommodation as is specified in subsection (5) of that section (namely, accommodation for housing persons displaced from insanitary houses or from clearance or improvement areas or by the carrying out of re-development plans, and accommodation required for the purpose of putting an end to overcrowding) were omitted.

Contributions to be made in respect of new housing accommodation provided by local authorities before specified date.
2 & 3 Geo. 6. c. 3.

(2) In reckoning for the purposes of subsection (3) of section forty-seven of the Housing (Scotland) Act, 1935, as amended by subsection (2) of section four of the Housing (Financial Provisions) (Scotland) Act, 1938, the number of houses in respect of which the Secretary of State has undertaken to make a contribution under section one of the last-mentioned Act, no account shall be taken of any house to which the foregoing subsection applies.

25 & 26 Geo. 5. c. 41.

2. Notwithstanding anything in the Second Schedule to the Housing (Scotland) Act, 1930, in the case of a compulsory purchase order under Part III of the Housing (Scotland) Act, 1925, submitted to the Secretary of State after the passing of this Act and before the expiration of two years from that date, where any objection is made to the order and is not withdrawn, the Secretary

Compulsory purchase orders: temporary suspension of local inquiries.
20 & 21 Geo. 5. c. 40.

of State may, after considering the objection, confirm the order (with or without modification) without causing a public local inquiry to be held.

Grants to
Scottish
Special
Housing
Association.

3.—(1) With a view to increasing the provision of houses for the working classes in areas where the need for such houses is greatest, the Secretary of State may, with the consent of the Treasury, make to the Scottish Special Housing Association (being the association approved for the purposes of section two of the Housing (Financial Provisions) (Scotland) Act, 1938, and hereinafter referred to as "the Association") payments in respect of such number of houses provided by the Association in such areas as he may determine.

(2) A payment under the last foregoing subsection in respect of any house shall consist of an annual contribution for a period of forty years equivalent to the sum of the annual contributions which would have been payable in any year under sections one and five of the Housing (Financial Provisions) (Scotland) Act, 1938, as amended by any subsequent enactment, if the house had been a house provided by a local authority to which those sections applied.

(3) Where the Secretary of State is satisfied that the total net annual expenditure calculated in a manner prescribed in rules made by the Secretary of State and necessarily incurred by the Association in respect of houses provided under this section is greater than the payments in respect thereof under subsection (2) of this section, the Secretary of State may, with the approval of the Treasury, make such further contribution to the Association as he may determine.

Advances to
the Scottish
Special
Housing
Association
out of moneys
borrowed by
the Treasury.

4.—(1) For the purpose of enabling or assisting the provision by the Association of houses under the last foregoing section, the Secretary of State may make advances to the Association of such amounts and repayable over such periods and on such terms as may be approved by the Treasury.

(2) The Treasury may issue to the Secretary of State out of the Consolidated Fund or the growing produce thereof such sums as are necessary to enable the Secretary of State to make advances under subsection (1) of this section.

(3) For the purpose of providing the sums to be issued under subsection (2) of this section, the Treasury may, at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under the National Loans Act, 1939.

(4) The Secretary of State shall pay into the Exchequer any sums received by him from the Association by way of

interest on or repayment of the sums advanced by him under subsection (1) of this section.

(5) Of any sums received into the Exchequer under subsection (4) of this section, so much as represents interest on the advances shall be issued out of the Consolidated Fund and applied in payment of an equivalent amount of interest which would, but for this provision, have been paid out of the permanent annual charge for the National Debt; and so much as represents repayment of the advances shall be issued out of the Consolidated Fund and applied in redeeming or paying off debt of such description as the Treasury think fit.

5. For the purposes of any enactment relating to valuation or rating, the gross annual value of any house provided by the Association under section three of this Act shall not exceed—

- (a) the rent (exclusive of occupier's rates) which would have been fixed in pursuance of subsection (5) of section forty-seven of the Housing (Scotland) Act, 1935, if the house had been a dwelling house to which that section applied owned by the local authority and occupied by a tenant to whom no rebate from rent had been granted; or
- (b) the rent (exclusive of occupier's rates) charged in respect of the dwelling house;

whichever is the greater.

6. The Association may, with the sanction of the Secretary of State, adopt the provisions of Part I of the Local Government Superannuation (Scotland) Act, 1937, and if they do so, that Act shall, subject to such adaptations and modifications as the Secretary of State may prescribe, have effect, in relation to the Association, as if they were a local authority required to maintain a superannuation fund under Part I of that Act, and, in relation to any employee of the Association, as if the Association were a local authority within the meaning of that Act not being either a local authority specified in Part I of the First Schedule thereto or a local Act authority within the meaning of that Act.

7. There shall be paid out of moneys provided by Parliament the sums required for the payment of contributions in pursuance of section three of this Act.

8. This Act may be cited as the Housing (Scotland) Act, 1944, and the Housing (Scotland) Acts, 1925 to 1938, and this Act may be cited together as the Housing (Scotland) Acts, 1925 to 1944.

CHAPTER 40.

Liabilities (War-Time Adjustment) Act, 1944.

ARRANGEMENT OF SECTIONS.

Adjustment and Settlement of Moratorium Debts.

Section.

1. Services of liabilities adjustment officers in settling moratorium debts and liabilities.
2. Powers of the court to settle moratorium debts and liabilities.
3. Power to extend foregoing sections to additional areas.

Amendments of Principal Act.

4. Amendment of section 3 of principal Act.
5. Amendment of section 4 of principal Act.
6. Amendment of principal Act in relation to leases.
7. Amendment of principal Act in relation to mortgages.
8. Relief from rates.
9. Effect of protection order on certain proceedings in respect of rates.
10. Repeal of part of section 8 of the principal Act.
11. Abolition of preference for certain debts.
12. Power to compromise claims.
13. Power to allow liabilities adjustment proceedings to be brought by personal representatives.
14. Application of Part I of principal Act to property and businesses held on trust.
15. Protection of liabilities adjustment officers.
16. Registration of protection orders and liabilities adjustment orders.
17. Court to have powers under Moneylenders Act.
18. Proving of reduced debts.
19. Powers of court in pending proceedings.
20. Minor and consequential amendments of principal Act.
21. Interpretation.
22. Short title and citation.

SCHEDULES :

First Schedule.

Second Schedule.

An Act to provide for the adjustment and settlement of debts and liabilities arising in certain areas and to amend the Liabilities (War-Time Adjustment) Act, 1941.

[26th October 1944.]

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 :—

Adjustment and Settlement of Moratorium Debts.

Services of
liabilities
adjustment
officers in

1.—(1) Any person who—

- (a) owes any debt to which paragraph (1) of Regulation four of the Defence (Evacuated Areas) Regulations,

• (*War-Time Adjustment*) Act, 1944.

1940 (which grants a moratorium in respect of rents, rates and certain other liabilities of evacuated persons) applies or has applied ; settling moratorium debts and liabilities.

- (b) is under any liability under which sums will fall due to which the said paragraph will apply so long as the evacuation period continues ; or
- (c) is liable, or will become liable at the end of the evacuation period, under any contract of guarantee, indemnity or insurance entered into before the date of the said Regulations, in respect of any debt or liability referred to in the foregoing paragraphs ;

may apply to a liabilities adjustment officer for advice and assistance in enabling him to arrive at an equitable and reasonable settlement of his debt or liability, and the liabilities adjustment officer shall give his services accordingly.

(2) Any settlement of any such debt or liability as aforesaid, whether arrived at before or after the passing of this Act and whether with the assistance of a liabilities adjustment officer or otherwise, shall be enforceable at law and shall not be void for want of consideration and, on the making of the settlement, the evacuation period shall, if it has not already ended, be deemed to have ended, so far as that debt or liability is concerned.

2.—(1) Any person who owes any such debt or is under any such liability as is referred to in subsection (1) of the foregoing section, or the person to whom he is so indebted or liable, may apply to the court for the adjustment and settlement of the debt or liability and, where such an application is made by any person in respect of some but not all of his aforesaid debts and liabilities, the court may amend the application so as to relate to all those debts and liabilities. Powers of the court to settle moratorium debts and liabilities.

(2) On any such application the court—

- (a) shall determine as respects any such debt or any sum which is due or will fall due under any such liability, whether it is to be paid in full or whether it is reasonable and equitable in all the circumstances of the case (including the relative degrees of hardship suffered by the parties) that it should be remitted or reduced and, if it is to be reduced, the extent of the reduction ;
- (b) shall give directions as to the time and manner of payment of any such debt or sum, and, without prejudice to the generality of this provision, may postpone the payment thereof to such extent as the court thinks fit or may direct payment by instalments ;
- (c) may give relief on such terms as the court thinks fit in respect of the forfeiture of any lease for the non-payment of any such debt ;

and, on the determination of the application, the evacuation period shall, if it has not already ended, be deemed to have ended, so far as that debt or sum is concerned.

(3) The court, in exercising its powers under the last foregoing subsection—

- (a) shall not remit or reduce any principal sum charged on any premises and shall have regard, in considering whether any interest payable in respect of such a principal sum or any rent ought to be remitted or reduced, to the net annual value, or, as the case may be, lettable value of the premises during the relevant period ;
- (b) shall not reopen any settlement unless it was arrived at before the passing of this Act and the court considers that it would be an exceptional hardship not to reopen it, and shall not in any case require any sum already paid to be refunded.

In this subsection the expression “principal sum” means the sum actually lent and does not include any unpaid interest required by the terms of the charge to be added to that sum and charged on the premises.

(4) Where an application is made in respect of any liability under any contract of guarantee, indemnity or insurance—

- (a) the court shall, if no application has been made in respect of the principal debt, treat the application as an application in respect of the principal debt as well as in respect of the liability aforesaid, and shall require the principal debtor to be made a party to the proceedings ;
- (b) the court shall not grant any greater relief in respect of the said liability than the relief granted in respect of the principal debt ;
- (c) if the court requires the person liable in respect of the said liability to pay any part of the principal debt which the principal debtor is not required to pay, the amount so required to be paid shall not be recoverable from the principal debtor.

(5) Section eleven of the principal Act (which enables questions arising in liabilities adjustment proceedings to be referred to a liabilities adjustment officer for investigation and report) shall apply to applications under this section in like manner as it applies to liabilities adjustment proceedings.

(6) Where the affairs of any person who owes any such debt or is under any such liability as is referred to in subsection (1) of section one of this Act are the subject of liabilities adjustment proceedings, the powers conferred by this section may be exercised by the court in those proceedings.

(7) Where judgment has been given by any court for the payment of a debt to which this section and the last foregoing section would apply if the debt had not become merged in the judgment debt, and the judgment has not been satisfied, the said sections shall be deemed to apply to the judgment debt.

(8) Where this section and the last foregoing section would apply to any debt or sum but for the fact that an order has been made under paragraph (4) of Regulation four of the Defence (Evacuated Areas) Regulations, 1940, removing or modifying, in relation to that debt or sum, the restrictions imposed by the foregoing provisions of that Regulation, the said sections shall be deemed to apply to that debt or sum.

(9) Notwithstanding section fifteen of the principal Act (which in its application to companies provides for the application of that Act to private companies only) an application under this section or the last foregoing section may be made by any body corporate, and the proviso to section twenty of the principal Act (which provides for the exercise of jurisdiction, in a case where the debtor is a company, by the court or courts having jurisdiction to wind up the company) shall not apply to any application made under this section otherwise than in the course of liabilities adjustment proceedings.

3. Where it appears to the Lord Chancellor, as respects any area which has not been declared an evacuation area for the purposes of the Defence (Evacuated Areas) Regulations, 1940, that extensive and prolonged evacuation has taken place in the area as a result of war circumstances or that access to the area has been or was restricted for a prolonged period as a result of war circumstances, and that it is expedient that the foregoing sections of this Act should apply in relation to that area, he may by order provide for the application of the said sections to debts and liabilities to which they would apply if the area had been declared an evacuation area, and for the purposes of such an order the area shall be deemed to have been declared an evacuation area on a date specified in the order and the evacuation period for that area shall be deemed to have ended or to end on a date specified in that order or in a subsequent order made by the Lord Chancellor.

Power to extend foregoing sections to additional areas.

Amendments of Principal Act.

4.—(1) The amendments specified in the following provisions of this section shall be made in subsections (1) and (6) of section three of the principal Act (which relates to an application for the adjustment of a debtor's affairs), and accordingly the said subsections shall have effect as set out in the First Schedule to this Act.

Amendment of section 3 of principal Act.

(2) For sub-paragraph (b) of subsection (1) of the said section three there shall be substituted the following paragraph :—

“(b) is in such a position that, if he were required to pay his accrued debts and to meet, as they fall due, any such future liabilities as aforesaid, he would not have sufficient resources to enable him to preserve or recover his business or former means of livelihood or otherwise to make reasonable provision for the future maintenance of himself and his family ;”

2 & 3 Geo. 6.
c. 67.
6 & 7 Geo. 6.
c. 19.

and paragraph (ii) of the said subsection (which allows creditors whose debts are affected by the Defence (Evacuated Areas) Regulations, 1940, to commence liabilities adjustment proceedings) shall be omitted ; and for the words “ the Courts (Emergency Powers) Act, 1939,” there shall be substituted the words “ the Courts (Emergency Powers) Act, 1943 ”.

(3) In subsection (6) of the said section three for the words “ and shall also make an order, to be known as a ‘ liabilities adjustment order ’, providing for the adjustment and settlement of the debtor’s affairs under this Part of this Act ” there shall be substituted the words “ and shall also—

(a) if it considers that the circumstances permit the making of an order forthwith providing for the comprehensive adjustment and settlement of the debtor’s affairs under this Part of this Act, make such an order ; or

(b) if it considers that such an order cannot be made forthwith, make an interim order or orders providing for such of the matters referred to in the following provisions of this Part of this Act as it thinks fit with a view to arriving at a comprehensive adjustment and settlement in due course ;”

and at the end of the said subsection there shall be added the words—

“ Any such order as is mentioned in paragraph (a) or paragraph (b) of this subsection is hereafter in this Part of this Act referred to as a ‘ liabilities adjustment order.’ ”

Amendment of
section 4 of
principal Act.

5.—(1) The amendments specified in the following provisions of this section shall be made in subsections (1) and (3) of section four of the principal Act (which relates to the main provisions of a liabilities adjustment order), and accordingly the said subsections shall have effect as set out in the First Schedule to this Act.

(2) In subsection (1) of the said section four for the words from the beginning to “ the court considers practicable ” there shall be substituted the words “ Subject to the provisions of this section,

the court shall, if it considers it practicable for any payment to be made in respect of the debts proved in any liabilities adjustment proceedings, provide in the liabilities adjustment order for the payment of the said debts, either in full or to such extent as the court considers fair and reasonable."

(3) Subsection (3) of the said section four shall be amended as follows—

(i) at the end of sub-paragraph (i) of paragraph (c) there shall be added the words "and for excepting from the property to be distributed such sums as in the opinion of the court are required as working capital for the business";

(ii) sub-paragraph (iii) of the said paragraph (c) (which contains a limited power to postpone debts) and the word "and" immediately before that sub-paragraph, and the words from "so, however," to the end of the paragraph shall be omitted;

(iii) at the end of the subsection the following paragraphs shall be added—

“(e) for enabling the debtor to pay any necessary outgoings in respect of property retained by him and any sums falling due under contracts which are not disclaimed;

(f) for requiring any payment of cost of works or temporary works payment made to the debtor under Part I of the War Damage Act, 1943, to be applied 6 & 7 Geo. 6. in satisfaction of any debt due in respect of the works c. 21. for which the payment is made;

(g) for postponing the payment of the debts or any of them for such period as the court thinks fit.”

6.—(1) For subsection (1) of section six of the principal Act (which enables the court to reduce the rent of premises during the period for which a liabilities adjustment order is in force) the following subsection shall be substituted:— Amendment of principal Act in relation to leases.

“(1) Where at the date of the protection order the debtor is the tenant of any premises, the court may in the liabilities adjustment order provide that, in respect of any period whether before or after the making of the order, the debtor shall be wholly or partly relieved from the payment of rent:

Provided that—

(a) in the case of a period before the making of the order, the court shall not grant relief under this subsection unless in its opinion the lettable value of the premises was depreciated during that period as a result of war circumstances, and shall not wholly relieve the tenant from the

payment of rent unless in its opinion the premises had no lettable value during that period, or reduce the rent below such amount as in the opinion of the court represents the average lettable value during that period ;

- (b) in the case of a period after the making of the order, the court shall not grant relief under this subsection unless in its opinion the lettable value of the premises at the date when the period begins is or will be depreciated as a result of war circumstances, and shall not wholly relieve the tenant from the payment of rent unless in its opinion the premises have or will have no lettable value at that date or reduce the rent below such amount as in the opinion of the court represents the lettable value at that date.

Where the court grants relief under this section in respect of a period after the making of the order, it may define the period either by specifying it or by directing that the relief shall continue until a further application is made."

- (2) For the definition of "lettable value" in subsection (1) of section twenty-eight of the principal Act there shall be substituted the following definition :—

" 'lettable value' in relation to any premises of which the debtor is tenant, means the rent at which in the opinion of the court the premises might reasonably be expected to let, or, as the case may be, might reasonably have been expected to let, under a tenancy for one year granted upon the same terms and conditions (so far as applicable) as those upon which the debtor is holding the premises ".

- (3) The court in the liabilities adjustment order may provide for the postponement of payment by the debtor of any sum which has or will become payable by the debtor in respect of rent, whether or not the court has reduced the rent.

- (4) Where any lease of the debtor has been forfeited, whether before or after the date of the protection order, for any default in the payment of rent which is due to war circumstances, the court may grant relief from forfeiture on such terms as the court thinks fit.

Amendment
of principal
Act in
relation to
mortgages.

- 7.—(1) For paragraph (a) of the proviso to subsection (3) of section seven of the principal Act (which enables the court to reduce the rate of mortgage interest in respect of the period for which a liabilities adjustment order is in force or any less period) there shall be substituted the following paragraph :—

" (a) interest in respect of any period whether before or after the making of the order shall either not be payable or be reduced to such rate or amount as may be specified in the order."

(2) For subsection (4) of the said section the following subsection shall be substituted:—

“(4) The powers of the court under the last foregoing subsection to grant relief in respect of the payment of interest shall have effect subject to the following provisions:—

- (a) in the case of a period before the making of an order, the court shall not grant relief unless in its opinion the net annual value of the property was depreciated during that period as a result of war circumstances, and shall not wholly relieve the debtor from the payment of interest unless in its opinion the property had no net annual value during that period, or reduce the interest below such amount as in the opinion of the court represents the average net annual value during that period;
- (b) in the case of a period after the making of the order, the court shall not grant relief unless in its opinion the net annual value of the property at the date when the period begins is or will be depreciated as a result of war circumstances, and shall not wholly relieve the debtor from the payment of interest unless in its opinion the property has or will have no net annual value at that date or reduce the interest below such amount as in the opinion of the court represents the net annual value at that date.

Where the court grants relief under the last foregoing subsection in respect of a period after the making of an order, it may define the period either by specifying it or by directing that the relief shall continue until a further application is made.”

(3) For the definition of “net annual value” in subsection (1) of section twenty-eight of the principal Act there shall be substituted the following definition:—

“‘net annual value’, in relation to any property of which the debtor is mortgagor, means the annual profits which in the opinion of the court the debtor received or enjoyed from the property (if the period in question is a past one) or (in the case of a future period) might reasonably be expected to receive or enjoy from the property, after deducting all outgoings payable in respect of the property, so far as they are ultimately borne by the debtor, including (if the property is land) the cost of repairs and insurance, rates, income tax under Schedule A, war damage contribution, any sum payable on account of a redemption annuity within the meaning of the Tithe Act, 1936, or in lieu of tithe, interest on any prior mortgage, and (if the mortgaged property is leasehold) rent, but not including the interest payable under the mortgage in question.”

(4) The court in the liabilities adjustment order may provide for the postponement of payment by the debtor of any interest which has or will become payable by the debtor under the mortgage, whether or not the court has reduced the interest.

(5) Where any person has mortgaged any property as security for the performance of any obligation by the debtor, the court may by order direct, subject to such conditions as it thinks fit to impose, that the protection order shall extend to proceedings and remedies against that property, and may by order provide for the remission or reduction of the interest charged or chargeable on the property in respect of any period before or after the making of the order, in like manner and subject to like conditions as in the case of mortgage interest payable by the debtor, and make such consequential amendments and adjustments of the instrument creating the mortgage as the court considers necessary; and, on the making of an order of discharge, the court may direct that any order made under this subsection shall continue in force for such further period as the court thinks fit.

Relief from
rates.

8.—(1) When the court is of opinion that, for the purpose of arriving at an adjustment and settlement of the debtor's affairs that will afford to him a reasonable prospect of preserving or recovering his business or other means of livelihood, it is necessary to relieve him wholly or partly from liability in respect of rates, the court may provide in the liabilities adjustment order for remitting or reducing any sum which he is or will become liable to pay in respect of rates.

(2) The court may provide in the liabilities adjustment order for the postponement of payment of any sum which the debtor is or will become liable to pay in respect of rates, whether or not the court has reduced the rates.

(3) For the purposes of this section, where the rates in respect of any premises are payable in the first instance by any person other than the debtor, but are recoverable by him from the debtor, the debtor shall be deemed to be liable for the payment of those rates.

(4) Rules made under section sixteen of the principal Act shall provide for a reasonable opportunity to be given to the rating authority—

(a) to make representations to any liabilities adjustment officer who proposes to make a report to the court which may affect the exercise of the court's powers under this section; and

(b) to be represented at the hearing of any proceedings in which those powers are exercised.

(5) In this section the expression "rates" means any general or special rate, and includes, in the case of premises in the City of London, the poor rate.

9. For the purposes of any protection order—

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| <p>(a) the recovery of rates from the occupier of premises under section twelve of the Poor Rate Assessment and Collection Act, 1869, so as to entitle him to deduct the rates or any part thereof from rent payable to the debtor ;</p> <p>(b) the service under section fifteen of the Rating and Valuation Act, 1925, on a person paying rent to the debtor of a notice requiring him to pay that rent to the rating authority until arrears of rates due from the debtor have been paid ; and</p> <p>(c) the recovery of rates under section four of the Water Companies (Regulation of Powers) Act, 1887, by a water company to which that Act applies from the occupier of any premises so as to entitle him to deduct any sum so recovered from the amount payable by him to the debtor ;</p> | <p>Effect of protection order on certain proceedings in respect of rates.
32 & 33 Vict. c. 41.
15 & 16 Geo. 5. c. 90
50 & 51 Vict. c. 21.</p> |
|--|---|

shall be deemed to be and always to have been the exercise of a remedy against the property of the debtor in respect of his liability for the said rates.

10. Subsections (1), (2) and (3) of section eight of the principal Act (which require the court to secure the payment of sums in respect of property or under contracts retained or adopted by the debtor) shall cease to have effect. Repeal of part of section 8 of the principal Act.

11.—(1) For subsection (1) of section nine of the principal Act (which provides for the payment of proved debts in the same priority as under the Bankruptcy Act, 1914) there shall be substituted the following subsection :— Abolition of preference for certain debts. 4 & 5 Geo. 5. c. 59.

“(1) For the purpose of the distribution of any sums from time to time available for the satisfaction of the proved debts of the debtor, all those debts shall rank equally between themselves.”

(2) Subsection (2) of the said section nine shall cease to have effect.

12. The court may approve any compromise or arrangement, whether made by the debtor or by the liabilities adjustment officer or other person responsible for administering the liabilities adjustment order, with respect to any claim capable of resulting in a provable debt or any claim affecting any property of the debtor, but no such compromise or arrangement made while the liabilities adjustment order is in force as respects that debt or property shall be valid without the approval of the court. Power to compromise claims.

Power to allow liabilities adjustment proceedings to be brought by personal representatives.

13.—(1) Where the court is satisfied, in the case of a deceased person, that his affairs could, but for his death, have been made the subject of liabilities adjustment proceedings, the court may allow such proceedings to be brought in relation to the estate of the deceased person by his personal representative :

Provided that, if the court is satisfied that any benefit thereby accruing to persons interested in the estate will accrue wholly or mainly to persons other than members of the deceased person's family as defined in section thirteen of the principal Act, it shall not allow such proceedings to be brought.

(2) Where the court allows proceedings to be brought under this section, subsections (2) and (3) of section thirteen of the principal Act (which relate to cases where liabilities adjustment proceedings are continued after the death of the debtor) shall apply, with the necessary modifications, to proceedings brought under this section as they apply to proceedings continued under that section.

Application of Part I of principal Act to property and businesses held on trust.

14.—(1) Where a business is carried on or any property is held on trust for the benefit of any person (hereafter in this section referred to as "the beneficiary"), and the beneficiary is wholly or mainly dependent on the income derived from the business or property, and the court is satisfied that, if the business or property belonged to the beneficiary and he was liable for the debts arising in respect thereof, liabilities adjustment proceedings could be brought by him, the court may, subject to such conditions as it thinks fit to impose, allow such proceedings to be brought, on the joint application of the beneficiary and the trustees, for the adjustment and settlement of the affairs of the beneficiary and of the trust.

(2) Where liabilities adjustment proceedings are brought by virtue of this section—

- (a) the protection order shall extend to proceedings and remedies against the trust property or against the trustees in respect of liabilities incurred in their capacity as such, as well as to proceedings and remedies against the beneficiary or his property ;
- (b) the powers of the court shall be exercisable in relation to any property held, business carried on, or liabilities incurred, by the trustees in their capacities as such, as well as in relation to any property, business or liabilities of the beneficiary ;
- (c) references in the principal Act and this Act to the debtor shall be construed as references to the beneficiary or to the trustees, according as the court may direct.

15. Where a liabilities adjustment officer or other person has been empowered by an order of the court under Part I of the principal Act to dispose of property of the debtor (including any firm or company), and the liabilities adjustment officer or other person has disposed, before or after the passing of this Act, of any property in the possession or on the premises of the debtor at the date of the order, without notice of any claim by any other person in respect thereof, and it afterwards appears that the said property was not the property of the debtor at that date, the liabilities adjustment officer or other person shall not be personally liable for any loss or damage suffered by any person in consequence of the disposal of the property nor for the costs of any proceedings taken to establish a claim to the property, unless he has been guilty of negligence.

Protection of liabilities adjustment officers.

16.—(1) A protection order or liabilities adjustment order which provides for the appointment of a receiver of any land of the debtor or charges any such land or vests any such land in a trustee may be registered in the register of writs and orders affecting land kept at His Majesty's Land Registry under section one of the Land Charges Act, 1925, and accordingly that Act shall have effect as if such orders were included among the writs and orders mentioned in subsection (1) of section six of the said Act, and section twenty-three of the said Act (which excludes writs and orders affecting registered land) shall not apply to any such orders.

Registration of protection orders and liabilities adjustment orders.

15 & 16 Geo. 5.
c. 22.

(2) As soon as practicable after any such protection order or adjustment order as aforesaid has been registered under the Land Charges Act, 1925, the registrar shall enter an inhibition against the title of the debtor to any registered land appearing to be affected, and thereafter (without prejudice to dealings with or in right of any estate or interest having priority over the estate or interest of the debtor) no dealing affecting the said registered land shall, unless the court so directs, be entered on the register until the inhibition is vacated as to the land affected.

Any such inhibition shall be vacated when the protection order or the liabilities adjustment order, so far as it provides for the appointment of a receiver of the land or charges or vests the land, ceases to have effect.

(3) No fee shall be charged for the registration of any order or inhibition under this section.

17. Where any person whose affairs are the subject of liabilities adjustment proceedings has borrowed money from a moneylender, the court may exercise in those proceedings all the powers under section one of the Moneylenders Act, 1900, as extended by section ten and subsection (2) of section thirteen of the Moneylenders Act, 1927, which are exercisable in proceedings for the recovery of

Court to have powers under Moneylenders Act. 63 & 64 Vict. c. 51. 17 & 18 Geo. 5. c. 21.

money lent by a moneylender, and the powers may be exercised at the instance either of the debtor or the liabilities adjustment officer, notwithstanding any agreement to the contrary and notwithstanding that the time for repayment of the money or any part thereof has not arrived.

18. It is hereby declared for the avoidance of doubt that where any provable debt is reduced by the court in liabilities adjustment proceedings, the creditor shall not be entitled to recover that debt (as so reduced) from the debtor otherwise than by proving therefor in the proceedings or, in the case of a secured debt, by enforcing the security.

Proving of
reduced debts.

Powers of
court in
pending
proceedings.

19. The powers conferred on the court by this Act shall be exercisable in any liabilities adjustment proceedings, whether commenced before or after the passing of this Act, and in the case of an order made in the exercise of those powers in proceedings commenced before the passing of this Act the court may direct that the order shall have retrospective effect in substitution for any order made before the passing of this Act.

Minor and
consequential
amendments
of principal
Act.

20. The amendments specified in the second column of the Second Schedule to this Act, being amendments of a minor or consequential character, shall be made in the sections of the principal Act specified in the first column of that Schedule.

Interpretation.

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

“evacuation period” has the same meaning as in the Defence (Evacuated Areas) Regulations, 1940;

“the principal Act” means the Liabilities (War-Time Adjustment) Act, 1941;

“the principal debt”, in relation to any contract of guarantee, indemnity or insurance, means the debt or obligation as respects which the contract either guarantees payment or performance or indemnifies or insures against loss arising from default, and the expression “principal debtor” shall be construed accordingly;

“tenant” includes a person retaining possession of any premises after the termination of a lease or tenancy;

“war damage contribution” means a contribution payable under Part I of the War Damage Act, 1943.

4 & 5 Geo. 6.
c. 24.

Short title
and citation.

22. This Act may be cited as the Liabilities (War-Time Adjustment) Act, 1944, and the principal Act and this Act shall be construed as one and may be cited together as the Liabilities (War-Time Adjustment) Acts, 1941 and 1944.

SCHEDULES.

FIRST SCHEDULE.

Sections 4 and 5.

Section 3 (1) and (6) of the principal Act as amended by this Act.

3.—(1) An application may be made to the court for the adjustment and settlement under this Part of this Act of the affairs of any person, on the ground that, owing to war circumstances,—

- (a) he is unable to pay his accrued debts or will be unable, after payment of his accrued debts (if any), to meet, as they fall due, any future liabilities in respect of obligations already incurred; or
- (b) is in such a position that, if he were required to pay his accrued debts and to meet, as they fall due, any such future liabilities as aforesaid, he would not have sufficient resources to enable him to preserve or recover his business or former means of livelihood or otherwise to make reasonable provision for the future maintenance of himself and his family ;

and any such application may be made—

- (i) by the debtor ;
- (iii) in a case where the debtor has been granted and is still enjoying relief under section one of the Courts (Emergency Powers) Act, 1943, by any creditor who has a debt which would be a provable debt.

(6) Where, in the case of any debtor, the court is satisfied as to the matters specified in paragraph (a) or paragraph (b) of subsection (1) of this section, and that the case is one with which it is practicable and proper to deal under this Part of this Act, the court shall, if it has not already done so, make a protection order and shall also—

- (a) if it considers that the circumstances permit the making of an order forthwith providing for the comprehensive adjustment and settlement of the debtor's affairs under this Part of this Act, make such an order ; or
- (b) if it considers that such an order cannot be made forthwith, make an interim order or orders providing for such of the matters referred to in the following provisions of this Part of this Act as it thinks fit with a view to arriving at a comprehensive adjustment and settlement in due course ;

1ST SCH.
—cont.

and in any other case the court shall dismiss the application and, if a protection order has been made, shall revoke the order and give such directions with respect to anything done thereunder as it thinks necessary.

Any such order as is mentioned in paragraph (a) or paragraph (b) of this subsection is hereafter in this Part of this Act referred to as a "liabilities adjustment order".

Section 4 (1) and (3) of the principal Act as amended by this Act.

4.—(1) Subject to the provisions of this section, the court shall, if it considers it practicable for any payment to be made in respect of the debts proved in any liabilities adjustment proceedings, provide in the liabilities adjustment order for the payment of the said debts, either in full or to such extent as the court considers fair and reasonable, and in such manner and at such times as may be specified, and for that purpose may provide for the realisation of the debtor's property existing at the date of the order or becoming available at any time before the order of discharge, other than property held by him on trust for any other person, and for the distribution of the proceeds thereof and of any other sums available for distribution, including such sums as the debtor may be required to pay out of his future income.

(3) Without prejudice to the generality of subsection (1) of this section, the court in settling the terms of a liabilities adjustment order, may provide or allow, to such extent and subject to such conditions as it thinks fit, for all or any of the following matters, that is to say:—

- (a) for securing the maintenance of the debtor and his family ;
- (b) for excepting from the property to be realised any premises which are used, or would but for war circumstances be used, as the home of the debtor, any furniture, bedding and clothing of the debtor and his family, and the tools (if any) of the debtor's trade ;
- (c) in a case where the debtor carries on a business or intends, when circumstances permit, to resume the carrying on of a business suspended owing to war circumstances—
 - (i) for excepting from the property to be realised the business, any premises used for the business, and such other property as in the opinion of the court is required for the purposes of the business, and for excepting from the property to be distributed such sums as in the opinion of the court are required as working capital for the business ;
 - (ii) for securing the repayment of, or the payment of interest on, any sums borrowed by the debtor with the consent of the court for the purposes of the business ;
- (d) in the case of any property which in the opinion of the court it would be unreasonable to realise immediately owing to its temporary depreciation in value or for any other sufficient cause, for postponing realisation for such period as the court thinks fit ;

- (e) for enabling the debtor to pay any necessary outgoings in respect of property retained by him and any sums falling due under contracts which are not disclaimed ;
- (f) for requiring any payment of costs of works or temporary works payment made to the debtor under Part I of the War Damage Act, 1943, to be applied in satisfaction of any debt due in respect of the works for which the payment is made ;
- (g) for postponing the payment of the debts or any of them for such period as the court thinks fit.

1ST SCH.
—cont.

SECOND SCHEDULE.

Section 20.

MINOR AND CONSEQUENTIAL AMENDMENTS OF THE
PRINCIPAL ACT.

Amendments of the Principal Act.

<i>Section.</i>	<i>Amendment.</i>
Section one ...	<p>... In subsection (1) the word " serious " shall be omitted.</p> <p>Paragraph (a) of the proviso to subsection (2) shall be omitted.</p> <p>For subsection (5) the following subsection (5) shall be substituted :—</p> <p style="padding-left: 2em;">" (5) Where it appears to the liabilities adjustment officer that any scheme of arrangement approved under this section does not bind any creditor who has a provable debt by reason of the fact that the creditor was not given the prescribed notice—</p> <p style="padding-left: 2em;">(a) he may extend the scheme, with such variations as may be necessary, to the creditor not bound thereby, and that creditor or any other creditor may appeal to the court from the liabilities adjustment officer's decision,</p> <p style="padding-left: 2em;">(b) if the liabilities adjustment officer considers that the proper course is to revoke the scheme, he may apply to the court to revoke it,</p> <p style="padding-left: 2em;">and the court, on any such appeal or application, may itself extend the scheme or, in the case of an appeal, confirm the extension of the scheme (with or without further variation), or may revoke the scheme."</p>

2ND SCH.
—cont.

<i>Section.</i>	<i>Amendment.</i>
Section two ...	<p>... In subsection (1) after the words "are needed" there shall be inserted the words "and at least one liabilities adjustment officer to be attached to the High Court".</p> <p>At the end of the section the following subsections shall be added :—</p> <p style="padding-left: 40px;">“(4) A liabilities adjustment officer and any subordinate officer authorised in that behalf by a liabilities adjustment officer may, for the purpose of any proceedings under this Act or any scheme of arrangement or proposed scheme of arrangement under this Act, whether he is concerned in the proceedings or scheme or not, administer oaths and take affidavits.</p> <p style="padding-left: 40px;">(5) Any liabilities adjustment officer or subordinate officer appointed for a county court district shall be an officer of the county court for that district, and any liabilities adjustment officer or subordinate officer attached to the High Court shall be an officer of the High Court.”</p>
Section three ...	<p>... In subsection (2) for the words "the Courts (Emergency Powers) Act, 1939," there shall be substituted the words "the Courts (Emergency Powers) Act, 1943".</p> <p>In paragraph (b) of subsection (3) for the word "creditors" there shall be substituted the words "liabilities adjustment officer for the benefit of the creditors".</p> <p>In subsection (4) the words "and the proceedings under the petition have not been stayed under subsection (5) of section one of the Courts (Emergency Powers) Act, 1939, or under this Part of this Act" shall be omitted.</p>
Section six ...	<p>... In subsection (2) for the words "section nine of the War Damage Act, 1941" there shall be substituted the words "section twelve of the War Damage Act, 1943," and for the words "any reduction of rent made" there shall be substituted the words "any relief granted".</p> <p>At the end of subsection (3) there shall be added the words "or at the date of the hire-purchase agreement (whichever is the less)".</p>

<i>Section.</i>	<i>Amendment.</i>	2ND SCH. —cont.
Section nine For subsection (4) there shall be substituted the following subsection :— <div style="margin-left: 40px;">“ (4) The payment of debts in accordance with this section shall be subject to any provision or allowance made by the court in the liabilities adjustment order for any of the matters referred to in subsection (3) of section four of this Act or for the payment of the costs of the liabilities adjustment proceedings, including the costs of administering the liabilities adjustment order, so far as those costs are payable by the debtor and shall be subject to any compromise or arrangement approved by the court.”</div>	
Section ten Subsection (1) shall cease to have effect. <div style="margin-left: 40px;">In subsection (2) after the words “ any creditor whose debt has been proved ” there shall be inserted the words “ or of any other person whose rights are affected by a liabilities adjustment order ”.</div> <div style="margin-left: 40px;">In subsection (3) after the words “ Any creditor whose debt has been proved ” there shall be inserted the words “ or any other person whose rights are affected by a liabilities adjustment order ”.</div> <div style="margin-left: 40px;">In subsection (4) for the words “ the Courts (Emergency Powers) Act, 1939 ” there shall be substituted the words “ the Courts (Emergency Powers) Act, 1943 ”.</div>	
Section twelve	... In subsection (1) for the words “ Where the debtor has paid, either in full or to such extent as the liabilities adjustment order may specify, the proved debts ” there shall be substituted the words “ Where a liabilities adjustment order providing for the comprehensive adjustment and settlement of the debtor’s affairs has been made and the debtor has complied with the provisions (if any) of the order as to the payment of the proved debts ” ; after the words “ on his application ” there shall be inserted the words “ or on the application of the liabilities adjustment officer ” and for the word “ he ” there shall be substituted the words “ the debtor ”.	

2ND SCH.
—cont.

<i>Section.</i>	<i>Amendment.</i>
Section fourteen	... In paragraph (a) of subsection (5) for the words from " they would have no reasonable prospect " to the end of the paragraph there shall be substituted the words " they would not have sufficient resources to enable them to preserve or recover the business of the firm or, in the case of the partners, to make reasonable provision for the future maintenance of themselves and their families ".
Section fifteen	... Paragraph (b) of subsection (6) shall be omitted.
Section sixteen	... In paragraph (e) of subsection (2) after the words " proof of debts " there shall be inserted the words " interest on debts, assignment of book debts ", and at the end of the said paragraph there shall be added the words " and subsections (1) and (2) of section nine of the Moneylenders Act, 1927 " ; and at the end of the said subsection the following paragraphs shall be added— <div style="margin-left: 40px;"> <p>(f) may provide for the hearing of proceedings in private ;</p> <p>(g) may provide for the investment of any money paid into court in the course of liabilities adjustment proceedings " .</p> </div>
Section seventeen	... At the end of paragraph (a) of subsection (2) there shall be added the words " or, if there is a reference to the liabilities adjustment officer and he requires the creditors to prove their debts before the protection order is made, such date as may be notified by the liabilities adjustment officer in the prescribed manner " .
Section twenty	... In subsection (2) for the words " or necessary to decide for the purpose of making or varying the liabilities adjustment order " there shall be substituted the words " to decide for the purpose of those proceedings " . In paragraph (b) of subsection (3) after the words " or to make " there shall be inserted the words " or prosecute " .
Section twenty-four	... In subsection (4) for the words " the Courts (Emergency Powers) Act, 1939, " there shall be substituted the words " the Courts (Emergency Powers) Act, 1943 " .

<i>Section.</i>	<i>Amendment.</i>	2ND SCH —cont.
Section twenty-eight	In subsection (1), in the paragraph defining the expressions "mortgagee" and "mortgage" the words "as a security for a provable debt due to him from the debtor" shall be omitted, and at the end of that paragraph there shall be added the words "except that in subsections (1) and (2) of section seven of this Act the said expressions shall be limited to cases where the mortgage is a security for a provable debt due from the debtor", and for the definition of "proceedings" there shall be substituted the following definition :— " 'proceedings' includes the execution or enforcement of any judgment, order or warrant against the property or person of a debtor in default of payment of any sum of money (including rates)."	
Section twenty-nine	In subsection (2) for the words "Courts (Emergency Powers) Act, 1939" there shall be substituted the words "Courts (Emergency Powers) Act, 1943".	

CHAPTER 41.

House of Commons (Redistribution of Seats) Act, 1944.

ARRANGEMENT OF SECTIONS.

Section.

1. Establishment of permanent Boundary Commissions.
2. Immediate division of constituencies having electorates exceeding 100,000.
3. Initial report of Commissions as to redistribution.
4. Periodical reports of Commissions as to redistribution.
5. General provisions as to reports and Orders in Council.
6. Exception of university constituencies.
7. Interpretation.
8. Short title and citation.

SCHEDULES :

First Schedule.—Constitution, officers, expenses and procedure of Boundary Commissions.

Second Schedule.—Constituencies to be divided and number of new constituencies.

Third Schedule.—Rules for distribution of seats.

An Act to make temporary provision for the division of abnormally large constituencies together in certain cases with adjoining constituencies, and permanent provision for the redistribution of seats at parliamentary elections. [26th October 1944.]

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

Establishment
of permanent
Boundary
Commissions.

1.—(1) For the purpose of the continuous review of the distribution of seats at parliamentary elections, there shall be constituted four permanent Boundary Commissions, namely a Boundary Commission for England, a Boundary Commission for Scotland, a Boundary Commission for Wales and a Boundary Commission for Northern Ireland.

(2) The Boundary Commissions shall be constituted—

(a) in the case of the Commission for England, as soon as may be after the commencement of this Act ; and

(b) in the case of the other Commissions, as soon as may be after the date on which regulations made in pursuance of subsection (3) of section twelve of the Parliamentary Electors (War-Time Registration) Act, 1943, (which provides for the publication of electors lists for every constituency) come into force.

6 & 7 Geo. 6.
c. 48.

(3) The Boundary Commissions shall be constituted in accordance with the provisions of Part I of the First Schedule to this Act, their assistant Commissioners and other officers shall be appointed and their expenses shall be defrayed in accordance with the provisions of Part II of that Schedule, and their procedure shall be regulated in accordance with Part III of that Schedule.

(4) For the purposes of this Act the administrative county of Monmouth shall be taken to be part of Wales and not part of England.

Immediate
division of
constituencies
having
electorates
exceeding
100,000.

2.—(1) The Boundary Commission for England shall forthwith take into consideration the constituencies described in the first and second columns of the Second Schedule to this Act (hereinafter referred to as "abnormally large constituencies"), being constituencies having electorates exceeding one hundred thousand as specified in the third column of that Schedule, and shall as soon as may be submit to the Secretary of State a report showing the constituencies (hereinafter referred to as "new constituencies")

into which they recommend that the abnormally large constituencies should be divided, in order to give effect to the following provisions, that is to say :—

- (a) subject to the next following paragraph, each of the abnormally large constituencies shall be divided into such number of new constituencies as is specified in relation thereto in the fourth column of that Schedule (being the number obtained by dividing its electorate by fifty thousand, disregarding any fraction) ;
 - (b) where two or more abnormally large constituencies form a continuous area, that area may be so divided that one or more of the new constituencies include parts of more than one abnormally large constituency ;
 - (c) where an area is divided in accordance with paragraph (b) of this subsection, the number of new constituencies into which it is divided shall be the total number of new constituencies that would have been created by dividing, in accordance with paragraph (a) of this subsection, each of the abnormally large constituencies comprised in the area.
- (2) Where—
- (a) any part of a county borough or county district within the meaning of the Local Government Act, 1933, is included in an abnormally large constituency, and another part thereof is included in an adjoining constituency which is not an abnormally large constituency ; and
 - (b) the Boundary Commission are of opinion that it is desirable to include both parts of the county borough or county district in the same constituency ;

they may, for all the purposes of the foregoing subsection, treat the abnormally large constituency as including the adjoining constituency, and the number of new constituencies into which the abnormally large constituency (including the adjoining constituency) is to be divided as increased by one.

(3) Each of the new constituencies shall return a single member.

(4) The said report shall be laid by the Secretary of State before Parliament as soon as may be after its submission to him, together with the draft of an Order in Council for giving effect, whether with or without modifications, to the recommendations contained therein.

(5) For the purposes of this section the expression “ electorate ” in relation to a constituency means the number of electors appearing on the register of parliamentary electors for the constituency which came into force on the fifteenth day of November, nineteen hundred and thirty-nine.

Initial report
of
Commissions
as to redistri-
bution.

3.—(1) Each Boundary Commission shall, as soon as may be after the date on which regulations made in pursuance of subsection (3) of section twelve of the Parliamentary Electors (War-Time Registration) Act, 1943, come into force, take into consideration the representation in the House of Commons of that part of the United Kingdom with which they are concerned and submit to the Secretary of State a report with respect to the whole of that part of the United Kingdom showing the constituencies into which they recommend that it should be divided, and the number of members which they recommend should be returned by each of them other than the City of London, in order to give effect to the rules set out in the Third Schedule to this Act.

(2) In relation to a report by a Boundary Commission under this section, the enumeration date for the purpose of the Third Schedule to this Act shall be taken to be whichever is the later of the following dates, namely—

- (a) the earliest date on which lists of persons who appear to registration officers to be qualified to be registered in the civilian residence and service registers are required to be published by the said regulations ; or
- (b) the earliest date on which lists of persons who appear to registration officers to be qualified to be registered in the business premises register are required to be published by the said regulations.

(3) The report of a Boundary Commission under this section shall be laid by the Secretary of State before Parliament as soon as may be after its submission to him.

Periodical
reports of
Commissions
as to redistri-
bution.

4.—(1) After the submission of their report under the last foregoing section, each Boundary Commission shall keep under review the representation in the House of Commons of the part of the United Kingdom with which they are concerned, and shall, in accordance with the next following subsection, submit to the Secretary of State reports with respect to the whole of that part of the United Kingdom, either—

- (a) showing the constituencies into which they recommend that it should be divided, and the number of members which they recommend should be returned by each of them, in order to give effect to the rules set out in the Third Schedule to this Act ; or
- (b) stating that, in the opinion of the Commission, no alteration is required to be made in respect of that part of the United Kingdom in order to give effect to the said rules.

(2) Reports under the last foregoing subsection shall be submitted by a Commission—

- (a) in the case of the first report, not less than three or more than seven years from the date of the passing of an Act giving effect (whether with or without modifications) to the recommendations contained in the reports submitted by the Commissions under the last foregoing section ; and
- (b) in the case of the second or any subsequent report, not less than three or more than seven years from the date of the submission of their last report under subsection (1) of this section :

Provided that a report stating that no alteration is required to be made in respect of the part of the United Kingdom with which a Commission is concerned shall not be submitted less than six years from the date of the passing of the said Act, or the date of the submission of their last report under subsection (1) of this section, as the case may be.

(3) Any Boundary Commission may also from time to time submit to the Secretary of State reports with respect to the area comprised in any particular constituency or constituencies in the part of the United Kingdom with which they are concerned, showing the constituencies into which they recommend that that area should be divided, and the number of members which they recommend should be returned by each of them, in order to give effect to the rules set out in the said Third Schedule.

(4) Where a Commission intend to consider making a report under this section, they shall, by notice in writing, inform the Secretary of State accordingly, and a copy of the said notice shall be published—

- (a) in a case where it was given by the Boundary Commission for England or the Boundary Commission for Wales, in the London Gazette ; and
- (b) in a case where it was given by the Boundary Commission for Scotland, in the Edinburgh Gazette ; and
- (c) in a case where it was given by the Boundary Commission for Northern Ireland, in the Belfast Gazette ;

and the date on which any such notice is so published with respect to any report shall, for the purposes of the Third Schedule to this Act, be taken to be the enumeration date in relation to that report.

(5) As soon as may be after a Boundary Commission have submitted a report to the Secretary of State under this section, he shall lay the report before Parliament together, except in a case where the report states that no alteration is required to be made in respect of the part of the United Kingdom with which the Commission are concerned, with the draft of an Order in

Council for giving effect, whether with or without modifications, to the recommendations contained in the report.

General provisions as to reports and Orders in Council.

5.—(1) A report of a Boundary Commission under this Act showing the constituencies into which they recommend that any area should be divided shall state, as respects each constituency, the name by which they recommend that it should be known, and whether they recommend that it should be a parliamentary county or division of a parliamentary county or a parliamentary borough or division of a parliamentary borough.

(2) The draft of any Order in Council laid before Parliament by the Secretary of State under this Act for giving effect, whether with or without modifications, to the recommendations contained in the report of a Boundary Commission may make provision for any matters which appear to him to be incidental thereto or consequential thereon.

(3) Where any such draft gives effect to any such recommendations with modifications, the Secretary of State shall lay before Parliament together with the draft a statement of the reasons for the modifications.

(4) If any such draft is approved by resolution of each House of Parliament, the Secretary of State shall submit it to His Majesty in Council.

(5) If a motion for the approval of any such draft is rejected by either House of Parliament or withdrawn by leave of the House, the Secretary of State may amend the draft and lay the amended draft before Parliament, and, if the draft as so amended is approved by resolution of each House of Parliament, the Secretary of State shall submit it to His Majesty in Council.

(6) Where the draft of an Order in Council is submitted to His Majesty in Council under this section, His Majesty in Council may make an Order in terms of the draft which shall come into force on such date as may be specified therein and shall have effect notwithstanding anything in any enactment :

Provided that the coming into force of any such Order shall not affect any parliamentary election until a proclamation is issued by His Majesty summoning a new Parliament, or affect the constitution of the House of Commons until the dissolution of the Parliament then in being.

(7) The validity of any Order in Council purporting to be made under this Act and reciting that a draft thereof has been approved by resolution of each House of Parliament shall not be called in question in any legal proceedings whatsoever.

Exception of university constituencies.

6. Nothing in this Act shall apply to university constituencies, and accordingly in this Act the expression "constituency" shall not include a university constituency, and, in considering for the purposes of this Act the representation in the House of

Commons of any area, the representation of university constituencies shall be disregarded.

7.—(1) In this Act the expressions “constituency” (subject to Interpretation. the provisions of the last foregoing section) and “university constituency” have the same meanings as in the Representation of the People Act, 1918. 7 & 8 Geo. 5.
c. 64.

(2) In the application of this section to Northern Ireland, the reference to the Representation of the People Act, 1918, shall be construed as a reference to that Act as it applies in relation to the election of members to serve in Parliament for constituencies in Northern Ireland.

8. This Act may be cited as the House of Commons Short title (Redistribution of Seats) Act, 1944, and shall be included among and citation. the Acts which may be cited as the Representation of the People Acts.

SCHEDULES.

FIRST SCHEDULE.

Section 1

CONSTITUTION, OFFICERS, EXPENSES AND PROCEDURE OF BOUNDARY COMMISSIONS.

PART I.

Constitution.

1. The Speaker of the House of Commons shall be the chairman of each of the four Commissions.

2. The Commission for England shall consist of the chairman, the Registrar General of Births, Deaths and Marriages in England, the Director General of Ordnance Survey and two other members of whom one shall be appointed by the Secretary of State and the other by the Minister of Health.

1ST SCH.
—cont.

3. The Commission for Scotland shall consist of the chairman, the Registrar General of Births, Deaths and Marriages in Scotland, the Director General of Ordnance Survey and two other members appointed by the Secretary of State.

4. The Commission for Wales shall consist of the chairman, the Registrar General of Births, Deaths and Marriages in England, the Director General of Ordnance Survey and two other members of whom one shall be appointed by the Secretary of State and the other by the Minister of Health.

5. The Commission for Northern Ireland shall consist of the chairman, the Registrar General of Births, Deaths and Marriages for Northern Ireland, the Commissioner of Valuation for Northern Ireland and two other members appointed by the Secretary of State.

6. One of the members of each Commission, to be nominated by the chairman, shall be deputy chairman of the Commission.

7. A member of the House of Commons, or of either House of the Parliament of Northern Ireland, shall be disqualified for being appointed a member of any of the Commissions by the Secretary of State or Minister of Health, and a member of a Commission so appointed shall be disqualified for being a member of the Commission on his becoming a member of any such House.

8. A member of any Commission appointed by the Secretary of State or Minister of Health shall hold his appointment for such term and on such conditions as may be determined before his appointment by the Secretary of State or Minister of Health, as the case may be.

PART II.

Officers and expenses.

1.—(1) The Secretary of State may, at the request of any Commission, appoint one or more assistant Commissioners to inquire into, and report to the Commission upon, such matters as the Commission think fit.

(2) Any such assistant Commissioner shall be appointed either for a certain term or for the purposes of a particular inquiry, and on such conditions as to remuneration and otherwise as may be determined before his appointment by the Secretary of State with the approval of the Treasury.

2. The Secretary of State shall appoint a secretary to each of the Commissions, and may appoint such other officers of any Commission as he may determine with the approval of the Treasury, and the term and conditions of any such appointment shall be such as may be so determined.

3. The expenses of each Commission, including the travelling and other expenses of the members thereof, and the remuneration and expenses of the assistant Commissioners, secretary and other officers, shall be defrayed out of moneys provided by Parliament.

PART III.

1ST SCH.
—cont.*Procedure.*

1. A Commission shall have power to act notwithstanding a vacancy among the members thereof, and at any meeting of a Commission two, or such greater number as the Commission may determine, shall be the quorum.

2. For the purpose of considering any matter of common concern, the Commissions, or any two or three of them, may hold joint meetings.

3. Where a Commission have provisionally determined to make recommendations affecting any constituency, they shall publish in at least one newspaper circulating in the constituency a notice stating—

(a) the effect of the proposed recommendations and (except in a case where they propose to recommend that no alteration be made in respect of the constituency) that a copy of the recommendations is open to inspection at a specified place within the constituency; and

(b) that representations with respect to the proposed recommendations may be made to the Commission within one month after the publication of the notice;

and the Commission shall take into consideration any representations duly made in accordance with any such notice.

4. A Commission may, if they think fit, cause a local inquiry to be held in respect of any constituency or constituencies.

5.—(1) Subsections (2) and (3) of section two hundred and ninety of the Local Government Act, 1933, (which relate to the attendance of ^{23 & 24 Geo. 5.} witnesses at inquiries) shall apply in relation to any local inquiry ^{c. 51.} which the Commission for England or the Commission for Wales may cause to be held in pursuance of this Act.

(2) In relation to any local inquiry which the Commission for Scotland may cause to be held as aforesaid, the said subsections (2) and (3) shall apply in like manner as if that Act applied to Scotland, with the substitution however of references to an order for references to a summons.

(3) In relation to any local inquiry which the Commission for Northern Ireland may cause to be held as aforesaid, sections nineteen and twenty of the Poor Relief (Ireland) (No. 2) Act, 1847, shall apply. ^{10 & 11 Vict.} ^{c. 90.}

6. Subject to the foregoing provisions of this Schedule, each of the Commissions shall have power to regulate their own procedure.

7. Every document purporting to be an instrument made or issued by a Commission and to be signed by the secretary or any person authorised to act in that behalf, shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Commission.

Section 2.

SECOND SCHEDULE.

CONSTITUENCIES TO BE DIVIDED AND NUMBER OF NEW
CONSTITUENCIES.

Existing Constituency.		1939 Electorate.	No. of con- stituencies into which existing constituency is to be divided.
Parliamentary borough or county.	Division (if any).		
Birmingham ...	Moseley	109,059	2
Blackpool ...	—	106,892	2
Ilford ...	—	123,439	2
Bucks. ...	Wycombe	102,197	2
Chester ...	Altrincham	119,290	2
Essex ...	Epping	107,162	2
	Romford	207,101	4
	South Eastern	108,383	2
Hertford ...	St. Albans	102,990	2
Kent ...	Chislehurst	114,992	2
	Dartford	134,935	2
Middlesex ...	Harrow	168,594	3
	Hendon	208,609	4
	Twickenham	108,216	2
	Uxbridge	140,299	2
Surrey ...	Epsom	132,818	2
	Mitcham	103,162	2
West Sussex ...	Horsham and Worthing	100,834	2
Warwick ...	Nuneaton	112,503	2
	Tamworth	118,131	2

Section 3.

THIRD SCHEDULE.

RULES FOR DISTRIBUTION OF SEATS.

1. The number of constituencies in the several parts of the United Kingdom set out in the first column of the following table shall be as stated respectively in the second column of that table—

<i>Part of the United Kingdom</i>	<i>No. of Constituencies</i>
Great Britain ...	Not substantially greater or less than 591.
Scotland	Not less than 71
Wales	Not less than 35
Northern Ireland ...	12

2.—(1) A two-member constituency within the meaning of the next following rule which is not divided or required to return a single member as therein provided shall, subject to any adjustment of its boundaries made in accordance with that rule, continue to return two members.

(2) Every other constituency shall return a single member.

3.—(1) Any two-member constituency, the electorate whereof is less than approximately thirty-seven twentieths of the electoral quota or more than approximately two and a half times that quota, shall be divided into or among two or more other constituencies :

3RD SCH.
—cont.

Provided that, where the electorate of the constituency is less than approximately one and a quarter times the electoral quota, the constituency may, instead of being divided as aforesaid, be required to return a single member.

(2) Any other two-member constituency shall be divided as aforesaid unless the Boundary Commission concerned, after causing a local inquiry to be held, are satisfied, having regard to any particular circumstances affecting the constituency, that it is undesirable so to divide it.

(3) Where the boundaries of a borough as last defined for the purpose of ascertaining the boundaries of a two-member constituency—

- (a) do not include an area which is included within the boundaries of the borough as defined for local government purposes on the enumeration date ; or
- (b) include an area which is not included within the boundaries of the borough as so defined for local government purposes ;

then—

- (i) in reckoning the electorate of the constituency for the purpose of paragraph (1) of this rule, that area shall be included in or excluded from the constituency, as the case may be ; and
- (ii) if it is determined under paragraph (2) of this rule that the constituency shall not be divided as aforesaid, the boundaries of the borough shall be redefined, for the purpose of ascertaining the boundaries of the constituency, so as to include or exclude that area, as the case may be.

(4) In the last foregoing paragraph, for references to a borough there shall be substituted, in its application to Scotland, references to a county of a city and, in its application to Northern Ireland, references to a county.

(5) In this rule the expression “ two-member constituency ” means a constituency returning two members on the enumeration date.

4. So far as is practicable having regard to rule 1 of these rules, the electorate of any constituency returning a single member shall not be greater or less than the electoral quota by more than approximately one quarter of the electoral quota.

5.—(1) So far as is practicable having regard to the foregoing rules—

(a) in England and Wales,—

(i) no county or any part thereof shall be included in a constituency which includes the whole or part of any other county or the whole or part of a county borough or metropolitan borough ;

(ii) no county borough or any part thereof shall be included in a constituency which includes the whole or part of any other county borough or the whole or part of a metropolitan borough ;

3RD SCH
—cont.

(iii) no metropolitan borough or any part thereof shall be included in a constituency which includes the whole or part of any other metropolitan borough ;

(iv) no county district shall be included partly in one constituency and partly in another ;

(b) in Scotland,—

(i) no county or burgh shall be included partly in one parliamentary county and partly in another, or partly in a parliamentary county and partly in a parliamentary borough ;

(ii) no burgh other than a county of a city shall be included partly in one constituency and partly in another ;

(c) in Northern Ireland, no county district shall be included partly in one constituency and partly in another.

(2) In paragraph (1) of this rule the following expressions have the following meanings, that is to say :—

“ county ” means, in sub-paragraph (a), an administrative county other than the county of London, and, in sub-paragraph (b), a county exclusive of any burgh situate therein ;

“ county borough ” has the same meaning as in the Local Government Act, 1933 ;

“ county district ” has, in sub-paragraph (a), the same meaning as in the Local Government Act, 1933, and, in sub-paragraph (c), the same meaning as in the Local Government (Ireland) Act, 1898.

61 & 62 Vict.
c. 37.

6. A Boundary Commission may depart from the strict application of the last two foregoing rules if special geographical considerations, including in particular the size, shape and accessibility of a constituency, appear to them to render a departure desirable.

7. Nothing in rules 2 to 6 of these rules shall apply to the City of London, but that City as constituted at the commencement of this Act shall continue to be a separate constituency, and shall return either two members or a single member as may be provided by the Act giving effect (whether with or without modifications) to the recommendations contained in the reports submitted by the Boundary Commissions under section three of this Act.

8.—(1) For the purpose of these rules—

(a) the expression “ electoral quota ” means—

(i) in the application of these rules to a constituency in Great Britain, a number obtained by dividing the electorate for Great Britain by the number of constituencies in Great Britain existing on the enumeration date, or, in applying these rules for the purpose of section three of this Act, by the number of such constituencies existing at the commencement of this Act, namely five hundred and ninety-one ; and

(ii) in the application of these rules to a constituency in Northern Ireland, a number obtained by dividing the electorate for Northern Ireland by the number of constituencies in Northern Ireland existing on the enumeration date ;

(b) the expression "electorate", in relation to any constituency or any part thereof, means—

3RD SCH.
—cont.

(i) in a case where the enumeration date falls before the expiration of the Parliamentary Electors (War-Time Registration) Act, 1943, the number of persons whose names appear in the lists of persons qualified to be registered in the civilian residence, business premises and service registers for the constituency, or that part thereof, published on or last before that date in pursuance of regulations made under subsection (3) of section twelve of that Act; and

(ii) in a case where the enumeration date falls after the expiration of the said Act, the number of persons whose names appear on the parliamentary register of electors for the constituency, or that part thereof, in force on that date under the Representation of the People Act, 1918;

and, in relation to Great Britain or Northern Ireland, means the aggregate electorates as hereinbefore defined of all the constituencies therein.

(2) In reckoning for the purpose of these rules the number of constituencies in any part of the United Kingdom, a constituency returning two members shall be reckoned as two constituencies.

CHAPTER 42.

An Act to increase the rates of benefit payable under the Unemployment Insurance Acts, 1935 to 1940.

[26th October 1944.]

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 weekly rates of benefit (other than agricultural benefit) payable under section thirty-six of the Unemployment Insurance Act, 1935 (in this Act referred to as "the principal Act"), shall be increased in accordance with the subsequent provisions of this section.

Ordinary rates of benefit, other than agricultural benefit.
25 & 26 Geo. 5.
c. 8.

(2) In the case of men and women, and in the case of young men and young women who, by virtue of the proviso to the said section thirty-six, are entitled to benefit at the same rate as men and women respectively, the increase shall be four shillings:

Provided that in the case of a married woman (including any such young woman as aforesaid who is married) the increase

shall be two shillings unless she satisfies either of the following conditions, that is to say:—

- (a) that she is wholly or mainly maintaining her husband who is prevented by physical or mental infirmity from supporting himself; or
- (b) that she is living apart from her husband and can obtain no financial assistance from him.

(3) In the case of other young men and young women and of boys and girls who have attained the age of seventeen years, the increase shall be three shillings.

(4) In the case of boys and girls who have not attained the age of seventeen years, the increase shall be one shilling.

(5) Accordingly the Unemployment Insurance Acts, 1935 to 1940, shall have effect as if the First Schedule to this Act were substituted for the Fourth Schedule to the principal Act.

Ordinary
rates of
agricultural
benefit.
26 Geo. 5. &
1 Edw. 8.
c. 13.

2.—(1) The weekly rates of agricultural benefit payable under the said section thirty-six by virtue of section three of the Unemployment Insurance (Agriculture) Act, 1936, shall be increased—

- (a) in the case of men and in the case of young men who, by virtue of the proviso to the said section thirty-six, are entitled to benefit at the same rate as men, by four shillings;
- (b) in the case of other persons who have attained the age of seventeen years, by three shillings; and
- (c) in the case of boys and girls who have not attained the age of seventeen years, by one shilling.

(2) Accordingly the Unemployment Insurance Acts, 1935 to 1940, shall have effect as if the Second Schedule to this Act were substituted for the Third Schedule to the Unemployment Insurance (Agriculture) Act, 1936.

Dependent
children.

3. The amount by which, under subsection (1) of section thirty-seven of the principal Act, the weekly rate of benefit in the case of an insured contributor who has a dependent child or dependent children is to be increased, shall be increased by one shilling in respect of each such child, and accordingly for the said subsection (1) there shall be substituted the following subsection:—

“(1) Where an insured contributor who is entitled to benefit has a dependent child or dependent children, the weekly rate of benefit shall be increased by five shillings in respect of each of the first two dependent children and by four shillings in respect of each other dependent child”.

4.—(1) The amount by which, under subsection (1) of section thirty-eight of the principal Act, the weekly rate of benefit in the case of an insured contributor who has adult dependants is to be increased, shall be increased, in the case of a contributor who is not an agricultural contributor, by six shillings, and, in the case of an agricultural contributor, by five shillings.

(2) Accordingly in the said subsection (1) for the words "ten shillings", in both places where they occur, there shall be substituted the words "sixteen shillings", and in paragraph (a) of subsection (2) of section three of the Unemployment Insurance (Agriculture) Act, 1936, for the words "ten shillings" and "nine shillings" there shall be substituted respectively the words "sixteen shillings" and "fourteen shillings".

5. The maximum weekly rate of agricultural benefit shall be increased by thirteen shillings; and accordingly in subsection (4) of section thirty-nine of the principal Act for the words "forty-one shillings" there shall be substituted the words "fifty-four shillings".

6. The Fifth Schedule to the principal Act (which sets out the provisions of that Act which may be amended by order under section fifty-nine of that Act) shall have effect as if there were included therein the preceding sections of this Act and the Schedules to this Act.

7. There shall be defrayed out of moneys provided by Parliament any such increase in the sums so payable by virtue of section ninety-six of the principal Act as is attributable to the passing of this Act.

8.—(1) This Act may be cited as the Unemployment Insurance (Increase of Benefit) Act, 1944.

(2) This Act shall be construed as one with the Unemployment Insurance Acts, 1935 to 1940, and this Act and those Acts may be cited together as the Unemployment Insurance Acts, 1935 to 1944.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment, order or regulation.

(4) Section one of, and the First Schedule to, the Unemployment Insurance Act, 1940, and, in section six of that Act, the word "one", are hereby repealed.

(5) This Act shall come into operation on such day as the Minister of Labour and National Service may by order appoint.

(6) This Act shall not extend to Northern Ireland except in so far as it affects provisions of the Unemployment Insurance Acts, 1935 to 1940, which extend to Northern Ireland.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

WEEKLY RATES OF BENEFIT, OTHER THAN AGRICULTURAL BENEFIT.

Class of insured contributor.	Rate of benefit.	
	s.	d.
Men who have attained the age of 21 years	24	0
Women who have attained the age of 21 years and are not married, and married women who have attained that age and satisfy either of the conditions hereinafter mentioned	22	0
Married women who have attained the age of 21 years and do not satisfy either of the said conditions... ..	20	0
Young men between the ages of 18 and 21 years... ..	19	0
Young women between the ages of 18 and 21 years	17	0
Boys between the ages of 17 and 18 years	12	0
Girls between the ages of 17 and 18 years	10	6
Boys who have not attained the age of 17 years... ..	7	0
Girls who have not attained the age of 17 years	6	0

The conditions hereinbefore referred to are, in relation to a married woman, either—

- (a) that she is wholly or mainly maintaining her husband who is prevented by physical or mental infirmity from supporting himself; or
- (b) that she is living apart from her husband and can obtain no financial assistance from him.

Section 2.

SECOND SCHEDULE.

WEEKLY RATES OF AGRICULTURAL BENEFIT.

Class of agricultural contributor.	Rate of benefit.	
	s.	d.
Men who have attained the age of 21 years	22	0
Women who have attained the age of 21 years	18	0
Young men between the ages of 18 and 21 years	18	0
Young women between the ages of 18 and 21 years	15	0
Boys between the ages of 17 and 18 years	10	6
Girls between the ages of 17 and 18 years	9	0
Boys who have not attained the age of 17 years... ..	6	0
Girls who have not attained the age of 17 years	5	0

CHAPTER 43.

An Act to confer on the High Court in England and the Court of Session in Scotland, and to provide for conferring on the High Court in Northern Ireland, temporary jurisdiction in certain matrimonial causes where the relevant marriage took place on or after the third day of September, nineteen hundred and thirty-nine, and to provide for the recognition of certain decrees and orders in matrimonial causes in all British courts.

[17th November 1944.]

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) In the case of marriages to which this section applies—
- (a) the High Court in England shall have jurisdiction in and in relation to proceedings for divorce or for nullity of marriage as if both parties were at all material times domiciled in England ;
- (b) section one of the Matrimonial Causes Act, 1937 (which restricts the presentation of petitions for divorce during the first three years after marriage) shall not apply :
- Extension of jurisdiction of High Court to certain marriages irrespective of domicile.
1 Edw. 8. &
1 Geo. 6. c. 57.

Provided that this subsection shall not apply in relation to any proceedings for divorce or for nullity of marriage unless those proceedings were commenced not later than five years after the appointed day.

(2) The marriages to which this section applies are marriages celebrated on or after the third day of September, nineteen hundred and thirty-nine, but before the appointed day, where the husband was, at the time of the marriage, domiciled outside the United Kingdom, and the wife was, immediately before the marriage, domiciled in England :

Provided that this section shall not apply to any marriage if, since the celebration thereof, the parties thereto have at any time resided together in the country in which the husband was domiciled at the time of the residence, and for the purposes of this proviso the whole of the United States of America, the whole of India and the whole of any British possession outside India shall each be treated as one country.

(3) This section shall not extend or alter the jurisdiction of the High Court in, or in relation to, any proceedings for divorce or for nullity of marriage where, at the commencement of those proceedings, the parties are domiciled anywhere in the United Kingdom.

Extension of jurisdiction of Court of Session to certain marriages irrespective of domicile.

2.—(1) In the case of marriages to which this section applies the Court of Session shall have jurisdiction in and in relation to proceedings for divorce or for nullity of marriage as if both parties were at all material times domiciled in Scotland :

Provided that this subsection shall not apply in relation to any such proceedings unless they were commenced not later than five years after the appointed day.

(2) The marriages to which this section applies are marriages contracted or celebrated on or after the third day of September, nineteen hundred and thirty-nine, but before the appointed day, where the husband was, at the time of the marriage, domiciled outside the United Kingdom, and the wife was, immediately before the marriage, domiciled in Scotland :

Provided that this section shall not apply to any marriage if, since it was contracted or celebrated, the parties thereto have at any time resided together in the country in which the husband was domiciled at the time of the residence, and for the purposes of this proviso the whole of the United States of America, the whole of India and the whole of any British possession outside India shall each be treated as one country.

(3) This section shall not extend or alter the jurisdiction of the Court of Session in, or in relation to, any proceedings for divorce or for nullity of marriage where, at the commencement of those proceedings, the parties are domiciled anywhere in the United Kingdom.

Power of Parliament of Northern Ireland to make similar provision.
10 & 11 Geo. 5.
c. 67

3. The provision in section four of the Government of Ireland Act, 1920, that the Parliament of Northern Ireland shall not have power to make laws in respect of matters arising from a state of war shall not be construed as preventing the Parliament of Northern Ireland from making laws temporarily conferring on the High Court in Northern Ireland jurisdiction in matrimonial causes in the case of marriages where—

- (a) the marriage took place during a limited period beginning with the third day of September, nineteen hundred and thirty-nine ; and
- (b) the husband was, at the time of the marriage, domiciled outside the United Kingdom ; and
- (c) the wife was, immediately before the marriage, domiciled in Northern Ireland.

Certain decrees and orders to be generally recognised in British courts.

4.—(1) The validity of any decree or order made either—

- (a) by virtue of this Act ; or
- (b) by virtue of any such law made by the Parliament of Northern Ireland as is mentioned in the last preceding section ; or

- (c) by virtue of any law passed or made by any legislature or other authority having power to make laws with respect to matrimonial causes for any part of His Majesty's dominions outside the United Kingdom, or for any British protected state, which is declared by Order in Council to be a law substantially corresponding to the provision made as respects Great Britain by the preceding provisions of this Act,

shall, by virtue of this Act, be recognised in all British courts, whether within or without His Majesty's dominions, other than Dominion courts :

Provided that—

- (i) as respects the courts of any such part of His Majesty's dominions outside the United Kingdom (not being Dominion courts) as may be specified by Order in Council, this subsection shall have effect subject to such modifications as may be so specified or, if the Order in Council so provides, shall not have effect ;
- (ii) an Order in Council shall not be made under paragraph (c) of this subsection with respect to any law of any Dominion within the meaning of the Statute of Westminster, 1931, or of any Province or State forming part of such a Dominion, or of any British protected state, unless his Majesty is satisfied that adequate provision is made by the law of that Dominion, Province or State forming part of a Dominion, or British protected state, for the recognition by the courts thereof of the decrees and orders which are by virtue of this subsection to be recognised to the extent provided for by this subsection in British courts other than Dominion courts.

<sup>22 & 23 Geo. 5.
c. 4.</sup>

(2) Every Order in Council made under this section shall be laid as soon as may be before Parliament, and if an address is presented to His Majesty by either House of Parliament, within a period of forty days beginning with the day on which any such Order is laid before it, praying that the Order may be annulled, His Majesty in Council may annul the Order and it shall thereupon cease to have effect, but without prejudice to the validity of anything done thereunder in the meantime or to the making of a new Order.

In reckoning the said period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

Section one of the Rules Publication Act, 1893, shall not apply to any Order in Council made under this section. <sup>56 & 57 Vict.
c. 66.</sup>

(3) This section applies—

- (a) in relation to any British protectorate and any territory in respect of which a mandate has been accepted by

His Majesty and is being exercised by His Majesty's Government in the United Kingdom, as it applies in relation to a colony ;

(b) in relation to any territory in respect of which a mandate has been accepted by His Majesty and is being exercised by the Government of such a Dominion as aforesaid, as if it were part of that Dominion.

Interpretation. 5.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say—

“ the appointed day ” means such day as His Majesty may by Order in Council appoint ;

“ Dominion court ” means a court of, or of any Province or State forming part of, any Dominion within the meaning of the Statute of Westminster, 1931 ; and

“ marriage ” includes a purported marriage which was void ab initio, and “ husband ” and “ wife ” shall be construed accordingly.

(2) The jurisdiction conferred by or under this Act on any court shall be concurrent with any jurisdiction as respects the same matters which would, apart from this Act, be exercisable by any other court.

Short title. 6. This Act may be cited as the *Matrimonial Causes (War Marriages) Act, 1944.*

CHAPTER 44.

An Act to make provision as to the immunities, privileges and capacities of international organisations of which His Majesty's Government in the United Kingdom and foreign governments are members ; to confer immunities and privileges on the staffs of such organisations and representatives of member governments and in respect of premises and documents of such organisations ; to remove doubts as to the extent to which representatives of foreign Powers attending international conferences and the staffs of such representatives are entitled to diplomatic immunities ; to amend the *Diplomatic Privileges (Extension) Act, 1941* ; and for purposes connected with the matters aforesaid.

[17th November 1944.]

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) This section shall apply to any organisation declared by Order in Council to be an organisation of which His Majesty's Government in the United Kingdom and the government or governments of one or more foreign sovereign Powers are members.

Privileges,
immunities
and capacities
of certain
international
organisations
and their
staffs.

(2) His Majesty may by Order in Council—

- (a) provide that any organisation to which this section applies (hereinafter referred to as "the organisation") shall, to such extent as may be specified in the Order, have the immunities and privileges set out in Part I of the Schedule to this Act, and shall also have the legal capacities of a body corporate ;
- (b) confer upon such number of officers of the organisation, other than British subjects, as may be specified in the Order, being the holders of such high offices in the organisation as may be specified in the Order, and upon any person who is the representative of a member government on the governing body or any committee of the organisation, to such extent as may be so specified, the immunities and privileges set out in Part II of the Schedule to this Act ;
- (c) confer upon such other classes of officers and servants of the organisation (including British subjects holding such high offices as aforesaid or representing any member government as aforesaid) as may be specified in the Order to such extent as may be so specified, the immunities and privileges set out in Part III of the Schedule to this Act :

Provided that the Order in Council shall not confer any exemption from taxes or rates upon any person who is a British subject and whose usual place of abode is in the United Kingdom.

(3) Where immunities and privileges are conferred on any persons by an Order in Council made under the last foregoing subsection, the Secretary of State—

- (a) shall compile a list of the persons entitled to immunities and privileges conferred under paragraph (b) of that subsection, and may compile a list of the persons entitled to immunities and privileges conferred under paragraph (c) of that subsection ;
- (b) shall cause any list compiled under this subsection to be published in the London, Edinburgh and Belfast Gazettes ; and

(c) whenever any person ceases or begins to be entitled to the immunities and privileges to which any such list relates, shall amend the list and cause a notice of the amendment, or, if he thinks fit, an amended list, to be published as aforesaid.

(4) Every list or notice published under the last foregoing subsection shall state the date from which the list or amendment takes or took effect ; and the fact that any person is or was included or not included at any time among the persons entitled to the immunities and privileges in question may, if a list of those persons has been so published, be conclusively proved by producing the Gazette containing the list, or, as the case may be, the last list taking effect before that time, together with the Gazettes (if any) containing notices of the amendments taking effect before that time, and by showing that the name of that person is or was at that time included or not included in the said list.

6 & 7 Geo. 6.
c. 21.

(5) Where privileges and immunities are conferred under paragraph (a) or paragraph (b) of subsection (2) of this section upon any organisation or person, section seventy-eight of the War Damage Act, 1943 (which relates to the payment of contributions in respect of property owned by a foreign State or the Sovereign or envoy of a foreign State) shall apply to that organisation or person in like manner as it applies to a foreign State or the envoy of a foreign State.

(6) This section and the next following section shall remain in force for the period of five years beginning with the date of the passing of this Act and shall then expire :

Provided that, if at any time while the said sections are in force an address is presented to His Majesty by each House of Parliament praying that the said sections shall be continued in force for a further period not exceeding five years after the time at which they would otherwise expire, His Majesty may by Order in Council direct that the said sections shall continue in force for that further period.

Provisions as
to Orders in
Council.

2.—(1) Every Order in Council made under subsection (1) or subsection (2) of the last foregoing section shall be laid as soon as may be before Parliament, and if an address is presented to His Majesty by either House of Parliament, within the period of forty days beginning with the day on which any such Order is laid before it, praying that the Order be annulled, His Majesty in Council may annul the Order and it shall thereupon cease to have effect, but without prejudice to the validity of anything done thereunder in the meantime or to the making of a new Order.

(2) In reckoning the said period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

(3) Section one of the Rules Publication Act, 1893, shall not apply to any such Order in Council. 56 & 57 Vict.
c. 66.

(4) Any such Order in Council may be varied or revoked by a subsequent Order in Council made in like manner.

3.—(1) Where a conference is held in the United Kingdom and is attended by the representatives of His Majesty's Government in the United Kingdom and the government or governments of one or more foreign sovereign Powers, and it appears to the Secretary of State that doubts may arise as to the extent to which the representatives of such foreign Powers and members of their official staffs are entitled to diplomatic immunities, he may—

Diplomatic immunities of representatives attending international conferences.

- (a) compile a list of the persons aforesaid who are entitled to such immunities, and cause that list to be published in the London, Edinburgh and Belfast Gazettes; and
- (b) whenever it appears to the Secretary of State that any person ceases or begins to be entitled to such immunities, amend the list and cause a notice of amendment or, if he thinks fit, an amended list, to be published as aforesaid;

and every representative of a foreign Power who is for the time being included in the list shall, for the purpose of any enactment and rule of law or custom relating to the immunities of an envoy of a foreign Power accredited to His Majesty, and of the retinue of such an envoy, be treated as if he were such an envoy, and such of the members of his official staff as are for the time being included in the list shall be treated for the purpose aforesaid as if they were his retinue.

(2) Every list or notice published under the last foregoing subsection in relation to any conference shall include a statement of the date from which the list or amendment takes or took effect; and the fact that any person is or was included or not included at any time among the persons entitled to diplomatic immunities as representatives attending the conference or as members of the official staff of any such representative may, if a list of those persons has been so published, be conclusively proved by producing the Gazette containing the list or, as the case may be, the last list taking effect before that time, together with the Gazettes (if any) containing notices of the amendments taking effect before that time, and by showing that the name of that person is or was at that time included or not included in the said list.

4. Nothing in the foregoing provisions of this Act shall be construed as precluding His Majesty from declining to accord immunities or privileges to, or from withdrawing immunities or privileges from, nationals or representatives of any Power on the Reciprocal treatment.

ground that that Power is failing to accord corresponding immunities or privileges to British nationals or representatives.

Amendment
of Diplomatic
Privileges
(Extension)
Act, 1941.
4 & 5 Geo. 6.
c. 7.

5. Where diplomatic privileges and immunities have been extended by the Diplomatic Privileges (Extension) Act, 1941, to the members of the government of any foreign Power or of a provisional government, or to the members of any national committee or other foreign authority and, since such extension took effect, the government, committee or authority has ceased to be established, or has ceased to be wholly established, in the United Kingdom, the Act shall nevertheless continue to apply (so long as it remains in force), and be deemed never to have ceased to apply, in relation to members of that government, committee or authority, or persons employed on the official staff of any such member, who perform their functions wholly or partly in the United Kingdom.

Short title.

6. This Act may be cited as the Diplomatic Privileges (Extension) Act, 1944.

SCHEDULE.

Section 1.

PART I.

Immunities and privileges of the organisation.

1. Immunity from suit and legal process.
2. The like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of an envoy of a foreign sovereign Power accredited to His Majesty.
3. The like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a foreign sovereign Power.
4. Exemption from taxes on the importation of goods directly imported by the organisation for its official use in the United Kingdom or for exportation, such exemption to be subject to compliance with such conditions as the Commissioners of Customs and Excise may prescribe for the protection of the Revenue.

PART II.

Immunities and privileges of high officers and government representatives.

1. The like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign Power accredited to His Majesty.
2. The like inviolability of residence as is accorded to such an envoy.
3. The like exemption or relief from taxes and rates as is accorded to such an envoy.

PART III.

Immunities and privileges of other officers and servants.

1. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.
2. The following exemption or relief from taxes and rates :—
 - (a) in the case of a British subject who is a national or citizen of, or belongs to, any part of His Majesty's dominions outside the United Kingdom and would, if he were not a British subject, be qualified to receive the immunities and privileges set out in Part II of this Schedule, the like exemption or relief from taxes and rates as is accorded to an envoy of a foreign sovereign Power accredited to His Majesty ;
 - (b) in any other case exemption from income tax in respect of emoluments received as an officer or servant of the organisation.

 CHAPTER 45.

An Act to extend the duration of the present Parliament and to provide for the extension of the duration of the House of Commons of Northern Ireland.

[17th November 1944.]

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

1. The Septennial Act, 1715 (which relates to the duration of Parliament), as amended by section one of the Prolongation of Parliament Act, 1943, shall, in its application to the present Parliament, have effect as if ten years were therein substituted for nine years.

Prolongation of present Parliament.
1 Geo. 1.
Stat. 2. c. 38.
6 & 7 Geo. 6.
c. 46.
2. Subsection (4) of section fourteen of the Government of Ireland Act, 1920 (which relates to the duration of the House of Commons of Northern Ireland), as amended by section two of the Prolongation of Parliament Act, 1943, shall, in its application to the House of Commons in the present Parliament of Northern Ireland, have effect, if the said House so resolves, as if eight years were therein substituted for seven years.

Power to prolong the House of Commons of Northern Ireland.
10 & 11 Geo. 5.
c. 67.
3. This Act may be cited as the Prolongation of Parliament Act, 1944.

Short title.

CHAPTER 46.

An Act to establish a Ministry of National Insurance and for purposes connected therewith.

[17th November 1944.]

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. It shall be lawful for His Majesty to appoint a Minister of National Insurance, and there shall be transferred to that Minister, subject to and in accordance with the provisions of this Act,—

- (a) the functions of the Minister of Health and of the Secretary of State with respect to national health insurance, old age pensions, widows', orphans' and old age contributory pensions and supplementary pensions ;
- (b) the functions of the Minister of Labour and National Service with respect to unemployment insurance and unemployment assistance ; and
- (c) the functions of the Secretary of State with respect to workmen's compensation.

2. The Minister of National Insurance (hereinafter referred to as "the Minister") shall take the oath of allegiance and the official oath, and the Promissory Oaths Act, 1868, shall have effect as if the name of the Minister were included in the first Part of the Schedule to that Act.

3.—(1) There shall be paid out of moneys provided by Parliament—

- (a) to the Minister, an annual salary not exceeding five thousand pounds ;
- (b) to a parliamentary secretary appointed by the Minister, an annual salary not exceeding fifteen hundred pounds.

(2) For the purpose of section six of the Ministers of the Crown Act, 1937 (which makes provision against duplicate salaries) any such salary shall be deemed to be a salary payable under that Act.

(3) The Minister may appoint such other secretaries and such officers and servants as he may with the consent of the Treasury determine and there shall be paid to the secretaries, officers and servants so appointed [such salaries or remuneration as the Treasury may determine.

(4) The expenses of the Minister, including any salaries or remuneration payable under the last foregoing subsection, shall

Appointment and functions of Minister of National Insurance.

Oath of allegiance and official oath.
31 & 32 Vict. c. 72.

Remuneration, appointment of officers, expenses, etc.

1 Edw. 8 & 1 Geo. 6. c. 38.

be paid out of moneys provided by Parliament, save in so far as those expenses are to be paid in some other manner by virtue of any enactment applied to the Minister under the following provisions of this Act.

4. Neither the Minister, nor the parliamentary secretary appointed by the Minister, shall, by reason of his office as such, be incapable of being elected as a member of the Commons House of Parliament or of sitting or voting as such a member. Capacity to sit in House of Commons.

5.—(1) The Minister shall for all purposes be a corporation sole, and shall have an official seal which shall be authenticated by the signature of the Minister or of a secretary of the Ministry or of any person authorised by the Minister to act in that behalf. Seal, style and acts of Minister.

(2) The seal of the Minister shall be officially and judicially noticed, and every document purporting to be an instrument made or issued by the Minister, and to be sealed with the seal of the Minister authenticated in the manner provided by this section or to be signed by a secretary of the Ministry or any person authorised as aforesaid, shall be received in evidence and be deemed to be so made or issued without further proof, unless the contrary is shown.

(3) A certificate signed by the Minister that any instrument purporting to be made or issued by him was so made or issued shall be conclusive evidence of that fact.

(4) The Documentary Evidence Act, 1868, shall apply to the Minister as if his name were included in the first column of the Schedule to that Act, and as if he or a secretary of the Ministry or any person authorised by him to act on his behalf were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any document issued by the Minister. 31 & 32 Vict. c. 37.

6.—(1) The functions to be transferred to the Minister under this Act shall be transferred by such Orders in Council as may from time to time be made by His Majesty for transferring to the Minister, as from such dates as may be specified in the Order,— Transfer of functions by Orders in Council.

(a) any of the powers conferred or duties imposed on the Minister of Health or Secretary of State by the National Health Insurance Acts, 1936 to 1941, other than powers or duties conferred or imposed under sections thirty-five to forty-three of the National Health Insurance Act, 1936 (which relate to the administration of medical benefit); 26 Geo. 5 & 1 Edw. 8. c. 32.

(b) any of the powers conferred or duties imposed on the Minister of Health or Secretary of State by the Old Age Pensions Act, 1936; 26 Geo. 5 & 1 Edw. 8. c. 31.

- (c) any of the powers conferred or duties imposed on the Minister of Health or Secretary of State by the Widows', Orphans' and Old Age Contributory Pensions Acts, 1936 to 1941 ;
- (d) any of the powers conferred or duties imposed on the Minister of Health or Secretary of State by Part II of the Old Age and Widows' Pensions Act, 1940 ;
- (e) any of the powers conferred or duties imposed on the Minister of Labour and National Service by the Unemployment Insurance Acts, 1935 to 1944, other than powers or duties conferred or imposed under sections seventy-six to seventy-nine of the Unemployment Insurance Act, 1935, (which relate to courses of instruction) or under section eighty-two or sections one hundred to one hundred and two of that Act (which relate to the promotion of employment) ;
- (f) any of the powers conferred or duties imposed on the Minister of Labour and National Service by the Unemployment Assistance Acts, 1934 to 1940 ;
- (g) any of the powers conferred or duties imposed on the Secretary of State by the Workmen's Compensation Acts, 1925 to 1943.

3 & 4 Geo. 6.
c. 13.

25 & 26 Geo. 5.
c. 8.

(2) Where any power or duty conferred or imposed by any enactment mentioned in subsection (1) of this section is retained by an existing authority, and it appears to His Majesty in Council that any other power or duty so conferred or imposed should be exercised or discharged in connection with the power or duty retained, His Majesty may by Order in Council provide that that other power or duty shall be exercised or discharged either by the existing authority alone or by both the existing authority and the Minister, whether jointly or severally ; and such provision may be made at any time notwithstanding that that other power or duty has been transferred to the Minister by a previous Order in Council.

(3) His Majesty may also by Order in Council, to such extent as may appear to His Majesty to be necessary or expedient having regard to any transfer effected under the foregoing provisions of this Act—

- (a) provide for the alteration of the constitution and functions of the National Health Insurance Joint Committee, and of any consultative council established under section four of the Ministry of Health Act, 1919, or section five of the Scottish Board of Health Act, 1919, to give advice in connection with matters relating to national health insurance ;

9 & 10 Geo. 5.
c. 21.
9 & 10 Geo. 5.
c. 20.

- (b) provide for the transfer to the Minister of any power or duty conferred or imposed on an existing authority by or under any enactment other than those mentioned in subsection (1) of this section, or for the exercise or discharge of any such power or duty by the Minister and the existing authority jointly.

(4) His Majesty may by Order in Council make such incidental consequential and supplemental provisions as appear to His Majesty to be necessary or expedient having regard to any provision included in an Order in Council by virtue of the foregoing provisions of this Act and in particular, but without prejudice to the generality of the foregoing provision, any such Order in Council may—

- (a) repeal, modify or adapt any enactment, Order in Council, order, rule, regulation, scheme, deed, agreement or other instrument relating to an existing authority or the powers and duties thereof ;
- (b) provide for the transfer to a new authority, by virtue of the Order and without more, of any property of an existing authority ;
- (c) provide for treating anything done before the date when the Order takes effect by, to, before or under the authority of an existing authority, or any person appointed by an existing authority, as if it had been done by, to, before or under the authority of a new authority or any person appointed by a new authority, so far as may be necessary for the carrying on or completion thereof, and for the substitution of a new authority for an existing authority in any contract or legal proceeding made or begun before that date ;
- (d) provide for securing that any order, rule, regulation, scheme, arrangement or requirement made, certificate issued, notice, decision, determination, direction or approval given, or thing done by an existing authority shall continue to have effect to the like extent and subject to the like conditions as if it had been duly made, issued, given or done by a new authority ;
- (e) authorise the Minister to exercise or discharge any power or duty transferred from an existing authority through that authority or other government department or other agency.

(5) The reference in paragraph (a) of the last foregoing subsection to an enactment shall include a reference to an enactment of the Parliament of Northern Ireland, and all other references in that paragraph and in paragraph (d) of that subsection to the instruments and things therein respectively specified shall include

references to such instruments and things made, issued, given and done by virtue of an enactment of that Parliament; but nothing in this Act or in any Order in Council made thereunder shall affect the power of that Parliament to make laws in respect of any matter which would, apart from this Act and any such Order, be within that power.

(6) Any Order in Council made under this Act may be varied or revoked by any subsequent Order in Council made by His Majesty, and any such variation or revocation may be made to take effect as from the date of the Order in Council varied or revoked or any subsequent date.

56 & 57 Vict.
c. 66.

(7) Every Order in Council made under this Act 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.

(8) If either House of Parliament within the next twenty-eight days on which the 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 respecting things previously done or omitted to be done, without prejudice, however, to the making of a new order.

(9) In this section—

- (a) the expression “duties” includes liabilities and the expression “powers” includes rights;
- (b) the expression “existing authority” means an authority from whom powers or duties are or have been transferred by Order in Council made under this Act, and the expression “new authority” means an authority to whom powers or duties are or have been transferred by such an Order or, in a case where under such an Order such an authority is to act jointly with an existing authority, both those authorities;

and references in subsection (1) of this section to any enactment shall be construed as a reference to that enactment as amended by any other enactment.

Short title.

7. This Act may be cited as the Ministry of National Insurance Act, 1944.



CHAPTER 47.

Town and Country Planning Act, 1944.

ARRANGEMENT OF SECTIONS.

PART I.

TOWN AND COUNTRY PLANNING.

Areas of extensive war damage : acquisition of land, and grants towards expenses of acquisition and clearing.

Section.

1. Designation of areas of extensive war damage, and of land needed for re-location of population and industries of such areas.
2. Power to purchase land for redevelopment of areas of extensive war damage, or needed for re-location of population and industries of such areas.
3. Power to purchase land for highways in connection with areas of extensive war damage, or with land needed for re-location.
4. Power to purchase land designated under s. 1 for the public service.
5. Grants towards loan charges in respect of acquisition and clearing of land for dealing with war damage.
6. Contributions of local planning authorities towards expenses of highway authorities under this Part, and grants in respect of such contributions.
7. General provisions as to grants under the two preceding sections.
8. Quinquennial review of financial effect of redevelopment.

Acquisition of land for certain planning purposes.

9. Power to purchase land for purposes relating to redevelopment of areas of bad lay-out and obsolete development.
10. Power to purchase land for certain planning purposes.
11. Obligation to purchase war-damaged land where development permission refused.

General provisions as to acquisition of land under Part I.

12. Power to authorise purchase by local planning authority for area where land is, in lieu of by promoting authority.
13. Modifications as to procedure and compensation for purchase in case of land held for carrying on of statutory undertakings.
14. Provisions as to purchase and appropriation of open spaces, etc.
15. Provisions as to purchase of licensed premises.
16. Validity and date of operation of orders, etc.
17. Registration of orders as local land charges.
18. Incorporation of Lands Clauses Acts, etc., with modifications, including modifications providing for expedited completion of purchases.

Powers in relation to land acquired or appropriated.

19. Disposal or appropriation by local planning authority of land held by them for purposes of this Part.
20. Power of local planning authority to carry out development of land held by them for purposes of this Part.
21. Power of local highway authority to construct new roads for purposes of this Part.
22. Authorisation of development on land acquired for purposes of this Part notwithstanding interference with easements, etc.

Section.

23. Power to extinguish highways over land acquired for purposes of this Part.
24. Extinguishment of private ways, and rights as to apparatus, over or in land acquired for purposes of this Part.
25. Extinguishment of rights of way, and rights as to apparatus, of statutory undertakers.
26. Extension and modification of powers and duties of statutory undertakers.
27. Relief of statutory undertakers from obligations rendered impracticable by exercise of powers of this Part.
28. Authorisation of use and development of consecrated land, and burial grounds, notwithstanding restrictions.
29. Authorisation of use and development of open spaces, etc., notwithstanding restrictions.
30. Provisions as to displacements from land acquired for purposes of this Part.

Planning Provisions.

31. Duty of local planning authority to furnish information to the Minister.
32. Control of development carried out by interim development authorities and responsible authorities.
33. Power to suspend planning schemes and reimpose interim development control.
34. Statutory undertakers : interim development control.
35. Statutory undertakers : applications for interim development permission.
36. Statutory undertakers : revocation of interim development permission.
37. Statutory undertakers : postponement of interim development applications.
38. Interim development orders : exclusion of permission in particular areas or particular cases.
39. Suspension of byelaws, etc. by interim development order or other planning scheme in force : additional powers.
40. Establishment of joint committees for planning purposes.
41. Application to agricultural buildings of provisions of planning schemes as to buildings.
42. Designation of buildings of special architectural or historic interest.
43. Preservation of buildings of special architectural or historic interest.
44. Appeals in respect of design or external appearance of buildings.
45. Extension as respects war period of protection for existing buildings and uses.
46. Power during war period to give under planning schemes consent to development with effect for a limited period.

Miscellaneous provisions relating to Part I.

47. Provisions as to borrowing for purposes of this Part.
48. Subsidy under 1 & 2 Geo. 6. c. 16, as respects housing for persons displaced in exercise of powers of this Part.
49. Works below high water mark.
50. Power of entry for purposes of survey and valuation.
51. Provisions as to local inquiries.
52. Provisions as to ecclesiastical property.
53. Notification of purchases of war-damaged land to War Damage Commission.
54. Service of notices.
55. Definition of local planning authority ; and delegation to county councils and joint committees.
56. Provisions as to London.

PART II.

COMPENSATION IN CONNECTION WITH ACQUISITION OF LAND
FOR PUBLIC PURPOSES.

Section.

57. Assessment of compensation in connection with acquisition of land for public purposes by reference to 1939 prices.
58. Supplement to compensation in case of owner-occupiers.
59. Supplement to compensation in case of improvements.
60. Supplemental provisions relating to the two preceding sections.
61. Ascertainment of compensation for purchase of land valued under the War Damage Act, 1943.
62. Power to prescribe rate of interest payable where entry made before payment of compensation.

PART III.

GENERAL.

63. Regulations.
64. Powers of official arbitrator on references to him.
65. Interpretation.
66. Short title and extent.

SCHEDULES :

- First Schedule.—Procedure for dealing with objections.
 Second Schedule.—Procedure for authorising compulsory purchase.
 Third Schedule.—Procedure for authorising compulsory purchase of statutory undertakers' land.
 Fourth Schedule.—Assessment of compensation to statutory undertakers.
 Fifth Schedule.—Modifications of Lands Clauses Acts and Acquisition of Land (Assessment of Compensation) Act, 1919, for purposes of Part I.
 Sixth Schedule.—Procedure for completion of compulsory purchase under orders providing for expedited completion.
 Seventh Schedule.—Provisions as to operation in certain special cases of rule in s. 57 (1) as to assessment of compensation.
 Eighth Schedule.—Ascertainment of compensation for purchase of land valued under the War Damage Act, 1943.

An Act to make provision for the acquisition and development of land for planning purposes; for amending the law relating to town and country planning; for assessing by reference to 1939 prices compensation payable in connection with the acquisition of land for public purposes, and as to the rate of interest thereon; and for purposes connected with the matters aforesaid. [17th November 1944.]

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.

TOWN AND COUNTRY PLANNING.

Areas of extensive war damage: acquisition of land, and grants towards expenses of acquisition and clearing.

Designation of areas of extensive war damage, and of land needed for re-location of population and industries of such areas.

1.—(1) Where the Minister of Town and Country Planning (in this Act referred to as “the Minister”) is satisfied that it is requisite, for the purpose of dealing satisfactorily with extensive war damage in the area of a local planning authority, that a part or parts of their area, consisting of land shown to his satisfaction to have sustained war damage or of such land together with other land contiguous or adjacent thereto, should be laid out afresh and redeveloped as a whole, an order declaring all or any of the land in such a part of their area to be land subject to compulsory purchase for dealing with war damage may be made by the Minister if an application in that behalf is made to him by the authority before the expiration of five years from such date as the Minister may by order appoint as being the date when the making of such applications has become practicable.

A part of the area of a local planning authority as to which the Minister is satisfied as aforesaid is in this Act referred to as an “area of extensive war damage”.

(2) Where the Minister is satisfied that land is or will be required for the purpose of providing for re-location of population or industry, or for replacement of open space, in the course of the redevelopment of a part of the area of a local planning authority being an area of extensive war damage, he may, if an application in that behalf is made to him by the authority before the expiration of five years from the date appointed under the preceding subsection, make an order declaring any land which ought in his opinion to be made available for that purpose to be land subject to compulsory purchase for that purpose.

In this Act the expression “re-location of population or industry” means, in relation to an area of extensive war damage, rendering available elsewhere than in that area, whether in an existing community or in a community to be newly established, accommodation for residential purposes or for the carrying on of business or other activities, together with all appropriate public services, facilities for public worship, recreation and amenity, and other requirements, being accommodation to be rendered available for persons or undertakings who are living or carrying on business or other activities in that area or who were doing so but by reason of war circumstances are no longer for the time being doing so, and whose continued or resumed location in that area would be inconsistent with the proper planning thereof; and the expression “replacement of open space” means, in relation to an area of

extensive war damage, rendering land available for use as an open space or otherwise in an undeveloped state in substitution for land in that area which is so used.

(3) Where it appears to the Minister that, having regard to all the circumstances, a local planning authority will, at some future date falling not earlier than two years after the date appointed under subsection (1) of this section, have had sufficient time for the submission of applications for orders under subsection (1) of this section, he may notify the local planning authority accordingly, and if he so notifies them he shall not be required to consider any such application made by them after that date :

Provided that before the Minister gives a notification under this subsection he shall inform the local planning authority of his intention so to do and afford them an opportunity of appearing before and being heard by a person appointed by him for the purpose.

(4) Where a local planning authority have taken into consideration for the purposes of this section the question of the laying out afresh and redevelopment as a whole of a part of their area, or the question of providing in any locality for re-location of population or industry or for replacement of open space, they shall publish in one or more newspapers circulating in their area a notice stating that they are considering the said question and describing in general terms the situation of the part of their area or the locality, and shall not make an application for an order under this section as respects that part of their area or that locality, as the case may be, before the expiration of two months from the date on which a notice has been published or first published in relation thereto in pursuance of this subsection.

(5) An application for an order under this section shall designate the land to which the application relates by reference to a map or maps annexed thereto, either with or without descriptive matter (which, in the case of any discrepancy with the map or maps, shall prevail except in so far as may be otherwise provided by the application), and subject as aforesaid shall be in such form as may be prescribed.

(6) An application for an order under this section shall be accompanied by such statement, illustrated by such map or maps, as the authority consider requisite for indicating the manner in which it is intended that the land in the area of extensive war damage, or the land as to which they seek an order declaring it to be subject to compulsory purchase for providing for re-location of population or industry, or for replacement of open space, in the course of the redevelopment of such an area, should be laid out as respects its internal arrangement and in relation to the existing or intended lay-out of the surrounding locality, and the manner in which it is intended that such land

PART I.
—cont.

should be used whether for purposes requiring the carrying out of development or otherwise.

(7) If the Minister is satisfied that the particulars appearing from the application and the statement are adequate for enabling the expediency of the making of an order to be properly considered, he shall notify the authority that he is so satisfied and thereupon they shall—

- (a) publish by Gazette and local advertisement a notice in the prescribed form describing the land to which the application relates, stating that an application under this section has been submitted to the Minister in relation thereto and is about to be considered by him, naming a place where a copy of the application and of the map or maps and any descriptive matter annexed thereto, and of the statement and map or maps illustrating it submitted to him, may be seen at all reasonable hours, and specifying the time (not being less than twenty-eight days from the first local advertisement) within which, and the manner in which, objections to the application may be made ; and
- (b) serve a like notice on such persons as the Minister may specify whether individually or as members of a class of persons ;

and the provisions of the First Schedule to this Act shall have effect in relation to the application if any objection thereto is duly made.

(8) Subject to the provisions of the said Schedule in a case in which those provisions have effect in relation to the application, the Minister may make an order in accordance therewith either without modification or with any modification except (unless all persons interested consent) a modification extending the order to any land not thereby designated.

(9) Where the Minister proposes to make an order in accordance with an application with any modification, he shall furnish to the authority a statement of the proposed modification, and may, if he thinks fit, give to the authority directions requiring them to publish by Gazette and local advertisement, or to serve on such persons, or on all persons of such classes, as may be specified in the directions, or both to publish and serve as aforesaid, such notice of the proposed modification as may be therein specified.

(10) An order under this section shall designate the land to which it relates in the manner specified in subsection (5) of this section, and that subsection shall have effect accordingly with the substitution of references to the order for references to the application.

(11) As soon as may be after such an order has been made, the authority on whose application the order was made shall publish

by Gazette and local advertisement a notice in the prescribed form stating that the order has been made and naming a place where a copy of the order and of the map or maps and any descriptive matter annexed thereto may be seen at all reasonable hours, and shall serve a like notice on any person who has duly made an objection to the application and at the time of making it or thereafter has sent to the authority a request in writing to serve him with the notice required by this subsection specifying an address for service, and on such other persons as the Minister may specify whether individually or as members of a class of persons.

(12) Where an authority who have published a notice under subsection (4) of this section as a preliminary to an application made by them for an order under this section are required by virtue of subsection (7) (9) or (11) of this section to publish any notice, they shall serve a like notice on any owner of any of the land designated by the application who at any time after the publication of the notice under subsection (4) of this section has sent to the authority a request in writing that he should be so served specifying an address for service and giving the prescribed particulars of his interest.

2.—(1) Subject to the provisions of this section, a local planning authority may be authorised to purchase compulsorily—

- (a) any land in their area as to which an order under section one of this Act is in force declaring the land to be subject to compulsory purchase for dealing with war damage, or
- (b) any land as to which an order under that section made on the application of that authority is in force declaring the land to be subject to compulsory purchase for providing for re-location of population or industry, or for replacement of open space, in the course of the redevelopment of an area of extensive war damage,

Power to purchase land for re-development of areas of extensive war damage, or needed for re-location of population and industries of such areas.

by an order made by the authority and submitted to the Minister and confirmed by him in accordance with the provisions of Part I of the Second Schedule to this Act.

(2) Subject to the provisions of this section, a local planning authority may be authorised in manner aforesaid to purchase compulsorily any land in their area which is in an area of extensive war damage, notwithstanding that no order under section one of this Act is in force in relation thereto, if—

- (a) the Minister is satisfied that its acquisition by the authority will be required for the purpose of dealing satisfactorily with the damage whatever may be decided as to the manner in which the land is to be laid out and used, and that the postponement of the acquisition thereof would be prejudicial to the public interest ; and

PART I.
—cont.

(b) the order authorising the purchase is submitted to the Minister before the expiration of three years from the date appointed under subsection (1) of the preceding section.

(3) Without prejudice to any other power in that behalf, a local planning authority may, with the consent of the Minister, acquire by agreement any land in their area which is in an area of extensive war damage, or any land as to which the Minister is satisfied that it is required for providing for re-location of population or industry, or for replacement of open space, in the course of the redevelopment of a part of their area being an area of extensive war damage.

(4) An owner of any land as to which an order under section one of this Act, or under subsection (2) of this section, has become operative may at any time after the expiration of five years from the date appointed under subsection (1) of the preceding section, if the acquisition under this Part of this Act of his interest in the land has not then become obligatory, give notice in writing to the local planning authority in whose area the land is situated that he desires to avail himself of the provisions of this subsection, and, where such a notice is given on any date, unless within three months from that date the acquisition of his interest has become obligatory, or an authority on whom authorisation to purchase the land compulsorily has been or could be conferred under this Part of this Act has made to the owner an offer to purchase his interest at a price to be agreed, or, in default of agreement, at the like price, to be determined in the like manner, as if the purchase were compulsory, his interest shall be treated as excepted from the operation of any order under this section or under section four of this Act, whether made before or after the expiration of the said three months :

Provided that in a case in which the land in question either has not sustained war damage or has sustained such damage but has been rendered capable of reasonably beneficial use, the Minister shall have power, on application being made to him within the said three months by an authority on whom authorisation to purchase the land compulsorily has been or could be conferred, and after affording to the authority and to the owner an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose, to direct that the notice shall not have effect, but without prejudice to the giving of a further notice after such interval as the Minister may specify.

Any question arising under the proviso to this subsection whether land has been rendered capable of reasonably beneficial use shall be determined in accordance with the provisions of section eleven of this Act in that behalf.

(5) The authority on whose application an order in force under section one of this Act was made may at any time, with the consent of the Minister, direct that the order shall cease to be in force as to any particular land to which it relates.

(6) An authority shall comply with any requirements of the Minister as to notification to other authorities concerned of the receipt by the authority of notices under subsection (4) of this section or of the giving by them of directions under the last preceding subsection.

3.—(1) Where the Minister is satisfied that the construction or improvement of a road is needed—

(a) outside an area of extensive war damage for the purpose of securing a satisfactory lay-out for land in that area, or of enabling any such land to be developed in the manner intended by the local planning authority, or

(b) for the purpose of providing proper means of access to land which is to be made available for providing for re-location of population or industry, or for replacement of open space, in the course of the redevelopment of such an area,

Power to purchase land for highways in connection with areas of extensive war damage, or with land needed for re-location.

a local highway authority may, subject to the provisions of subsections (3) and (5) of this section, be authorised, by an order made by the authority and submitted to the Minister and confirmed by him in accordance with the provisions of Part I of the Second Schedule to this Act, to purchase compulsorily any land as to which the Minister is satisfied that its acquisition by the authority is requisite for the construction or improvement of the road, or for carrying out the improvement, or controlling the development, of frontages to the road or of lands abutting thereon or adjacent thereto.

(2) Where the Minister of War Transport is satisfied that the construction or improvement of a road is needed to supersede a part of a trunk road, the supersession whereof appears to him to be expedient for any such purpose as is mentioned in paragraph (a) or (b) of the preceding subsection, the said Minister may, subject to the provisions of subsections (3) and (5) of this section, be authorised, by an order made by him in accordance with the provisions of Part II of the Second Schedule to this Act, to purchase compulsorily any land as to which he is satisfied that its acquisition by him is requisite for the construction or improvement of the road, or for carrying out the improvement, or controlling the development, of frontages to the road or of lands abutting thereon or adjacent thereto.

Expenses incurred by the said Minister by virtue of this subsection shall be defrayed out of the Road Fund.

(3) Except in a case in which the Minister or the Minister of War Transport, as the case may be, is satisfied that the land as to which

PART I.
—cont.I Edw. 8 &
I Geo. 6. c. 5

the confirmation or making of an order under this section falls to be considered by him is required for the purposes of a project which was adequately set out in a statement submitted with an application for an order under section one of this Act which has been made, or has been the subject of an inquiry for the purposes of subsection (3) of section one of the Trunk Roads Act, 1936, the notice required by paragraph 2 or 8, as the case may be, of the Second Schedule to this Act to be published shall be published not only as therein mentioned but also by being exhibited at such places in the locality to which the order relates as appear to the authority by whom it was submitted or to the Minister of War Transport, as the case may be, to be suitable for bringing it to the attention of all persons concerned.

(4) A local highway authority or the Minister of War Transport may enter into an agreement with an owner of any frontage to a road, or land abutting on or adjacent to a road, imposing, so far as his interest in the land enables him to bind it, restrictions for controlling the development of the frontage or land, and any restrictions imposed by such an agreement shall be enforceable by the local highway authority or the said Minister, as the case may be, against the said owner and any person deriving title under him in the like manner and to the like extent as if the authority or Minister were possessed of, or interested in, adjacent land and the agreement had been entered into for the benefit of that adjacent land.

(5) Where there is submitted to the Minister, or the Minister of War Transport proposes to make, an order under this section authorising the compulsory purchase of any land forming a frontage to, or abutting on or adjacent to, a road, and the Minister or the Minister of War Transport, as the case may be, is satisfied as respects the whole or any part of the land—

- (a) that the purchase would be requisite only for the purpose of controlling development, and
- (b) that every owner has entered, or is willing to enter, into such an agreement with the local highway authority or the Minister of War Transport as is provided for by the last preceding subsection, or is bound by such an agreement, and that the agreement or proposed agreement is satisfactory for the said purpose,

the order shall not be confirmed or made so as to authorise the compulsory purchase of any part of the land as to which the Minister or the Minister of War Transport, as the case may be, is satisfied as aforesaid.

(6) A local highway authority may, with the consent of the Minister, acquire by agreement any land which they could be authorised under this section to purchase compulsorily.

4.—(1) Where the purchase of any of the land as to which an order under section one of this Act is in force—

PART I. —cont.

- (a) appears to the Minister of Works and the Minister to be necessary for the public service, or
- (b) appears to the Postmaster-General and the Minister to be necessary for the purpose of the Post Office,

Power to purchase land designated under s. 1 for the public service.

the Minister of Works and the Minister, or the Postmaster-General and the Minister, as the case may be, may, by an order made by them in accordance with the provisions of Part II of the Second Schedule to this Act, provide that the power to purchase land for the public service conferred by section two of the Commissioners of Works Act, 1852, or the power to purchase land for the purpose of the Post Office conferred by subsection (1) of section forty-six of the Post Office Act, 1908, as the case may be, shall in the case of that land be exercisable as a power to purchase compulsorily.

15 & 16 Vict. c. 28. 8 Edw. 7. c. 48.

(2) Subsection (2) of section forty-six of the Post Office Act, 1908 (which provides for obtaining the sanction of Parliament for a purchase of land under that section compulsorily) shall not have effect in relation to a purchase of land made thereunder compulsorily pursuant to an order under this section.

(3) References in this Act to a purchase of land under this Part of this Act include references to a purchase made under the said section forty-six compulsorily pursuant to an order under this Part of this Act, and references in this Act to a Minister include references to the Postmaster-General.

5.—(1) Subject to and in accordance with the provisions of this section and of section seven of this Act, the Minister may undertake to make, and may make, out of moneys provided by Parliament grants to a local planning authority as respects any moneys borrowed by the authority to defray the cost—

Grants towards loan charges in respect of acquisition and clearing of land for dealing with war damage.

- (a) of acquiring, in the exercise of powers conferred by this Part of this Act, any land in an area of extensive war damage, or of clearing, in the exercise of powers so conferred, any such land so acquired ; or
- (b) of so acquiring or clearing any other land as to which the Minister is satisfied that it is required for providing for re-location of population or industry, or for replacement of open space, in the course of the redevelopment of such an area,

of the following amounts, that is to say,—

- (i) as respects moneys borrowed to defray cost falling within paragraph (a) of this subsection, of amounts equal to the loan charges which the authority are liable to pay for the period of two years beginning with the date on which the moneys were borrowed, together with such further amounts as are provided for by the following provisions of this section ;

PART I.
—cont.

(ii) as respects moneys borrowed to defray cost falling within paragraph (b) of this subsection, of amounts equal to the loan charges which the authority are liable to pay for such period as is mentioned in the last preceding paragraph, together with further amounts equal to one half of the loan charges which the authority are liable to pay for the period of two years beginning with the end of that period.

(2) Where the preceding subsection has effect as respects moneys borrowed to defray cost falling within paragraph (a) of that subsection, and the Minister is satisfied that during any of the eight years next following the end of the said period of two years the area of extensive war damage remains, by reason of such damage, incapable to any extent of being brought into use for any substantial purpose and that the rendering of it capable of being brought into use has been for the time being impracticable or could have been accomplished only in a manner involving wasteful expense or bad planning, he may make out of moneys provided by Parliament further grants in respect of the loan charges which the authority are liable to pay for that year, of an amount bearing to the amount of those charges such proportion as appears to the Minister to be appropriate having regard to the extent to which during that year that area remains as aforesaid incapable of being brought into use.

The Minister, with the consent of the Treasury, may, after consultation with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable, make rules as to the matters to which regard is to be had in determining the extent to which during any year an area of extensive war damage remains as aforesaid incapable of being brought into use, and in determining the proportion appearing to the Minister to be appropriate as aforesaid, and as to the application of the provisions of this subsection where those provisions have effect as respects more than one authority in relation to the same area of extensive war damage; and in particular rules made under this subsection may provide that in such circumstances as may be specified by the rules a development of land need not be treated as the bringing of the land into use for a substantial purpose, notwithstanding that apart from such provision it would fall to be so treated, so long as the local planning authority in question are prevented by such circumstances relating to the area as may be specified by the rules from obtaining a return from the development which is substantial having regard to the nature thereof.

(3) Where it appears to the Minister and the Treasury that by reason of special circumstances affecting the redevelopment of an area of extensive war damage the time required for redeveloping the area must necessarily extend beyond the period

over which under the last preceding subsection further grants may be made, that period shall be extended by five years.

(4) For the purposes of this section the Minister may, in such cases as he may with the consent of the Treasury determine, treat land appropriated by a local planning authority for any of the purposes of this Part of this Act as if it had been acquired by them for that purpose in the exercise of powers conferred by this Part of this Act at such cost as the Minister may with the consent of the Treasury determine, and as if the cost had been defrayed by the application, at the time of the appropriation, of moneys belonging to the authority.

(5) Where the cost of the acquisition by a local planning authority of any land is reduced by reason of the land being subject to a restriction on the development or use thereof imposed by or under any enactment, any payment made by the authority in connection with the restriction (whether by way of compensation or of contribution towards damage or expense incurred in consequence of the restriction), not exceeding the amount by which the said cost is reduced as aforesaid, shall be treated for the purposes of the preceding provisions of this section as if it had been part of the cost of the acquisition of the land, and as if it had been defrayed by the application, at the time of the acquisition, of moneys belonging to the authority.

(6) Where a local planning authority apply, or are treated as having applied, moneys belonging to the authority to defray any such cost as is mentioned in the preceding provisions of this section, those provisions shall have effect as if the said moneys had at the time of the application thereof been borrowed on such terms as to interest and rate of repayment as the Treasury may determine, and the authority were liable to pay loan charges in respect thereof accordingly.

6.—(1) A local planning authority may undertake to make, and may make, contributions towards the expense incurred by a local highway authority—

- (a) in acquiring land the acquisition of which by them is authorised under section three of this Act by reference to the requirements of an area of extensive war damage the whole or any part of which is comprised in the area of the local planning authority, or by reference to the requirements of land to be made available for the purpose of providing for re-location of population or industry, or for replacement of open space, in the course of the redevelopment of such an area of extensive war damage ;
- (b) in carrying out any such construction or improvement as is mentioned in subsection (1) of section three of this Act by reference to such requirements as aforesaid ; or

PART I.
—cont.

Contributions
of local
planning
authorities
towards
expenses of
highway
authorities
under this
Part, and
grants in
respect of such
contributions.

PART I.
—*cont.*

- (c) in carrying out the construction or improvement of any road in such an area of extensive war damage as aforesaid.

(2) A local planning authority may undertake to make, and may make, contributions, as respects any road as to which the Minister of War Transport is satisfied that the construction or improvement thereof is needed to supersede a part of a trunk road the supersession whereof appears to him, by reference to such requirements as are mentioned in paragraph (a) of the preceding subsection, to be expedient as mentioned in subsection (2) of section three of this Act, towards the expense incurred by the said Minister—

- (a) in acquiring land for the construction or improvement of the road, or for carrying out the improvement, or controlling the development, of frontages to the road or of lands abutting thereon or adjacent thereto ;
- (b) in carrying out the construction or improvement of the road or of any such frontages or lands.

Receipts of the Minister of War Transport under this subsection shall be paid into the Exchequer.

(3) Subject to the provisions of the next following section, the Minister may undertake to make, and may make, out of moneys provided by Parliament grants to a local planning authority as respects any moneys borrowed by the authority—

- (a) to defray the cost of contributions made by them under subsection (1) of this section towards the expense of acquiring and clearing land the acquisition of which is authorised as mentioned in paragraph (a) of that subsection, or
- (b) where the authority is both the local planning authority and the local highway authority, to defray the cost of acquiring land as mentioned in the said paragraph (a) and clearing land so acquired, or
- (c) to defray the cost of contributions made by them under the last preceding subsection towards the expense incurred by the Minister of War Transport in acquiring land as mentioned in paragraph (a) of that subsection and clearing land so acquired,

of amounts equal to the loan charges which the local planning authority are liable to pay for the period of two years beginning with the date on which the moneys were borrowed.

(4) Subsection (6) of the last preceding section shall apply in relation to the last preceding subsection as it applies in relation to subsection (1) of that section.

7.—(1) It shall be a condition of the making of grants under either of the two last preceding sections—

PART I.
—cont.

General provisions as to grants under the two preceding sections.

(a) that there shall have been submitted to the Minister such information as to the proposals of the local planning authority for the lay-out and redevelopment of the area of extensive war damage and of any such other land as is mentioned in paragraph (b) of subsection (1) of section five of this Act as the Minister may require to enable a comparison to be made between the annual return to the authority from the carrying out of the redevelopment and the annual equivalent of the cost thereof; and

(b) that the proposals have been approved by the Minister with the consent of the Treasury as being likely to result in an annual return and annual equivalent such as are mentioned in the preceding paragraph which are satisfactory in relation to one another, having regard to the circumstances of the area of extensive war damage and the requirements of a proper lay-out and redevelopment.

(2) The approval under the preceding subsection of any proposals may be made subject to compliance with requirements imposed by the Minister for securing, to such extent as he may specify, that any valuation, or negotiations for the acquisition, of land in the area of extensive war damage to be acquired by the local planning authority under this Part of this Act, or of other land to be so acquired being land such as is mentioned in paragraph (b) of subsection (1) of section five of this Act, will be carried out by the Valuation Office.

(3) Grants under either of the two last preceding sections shall be payable at such times and in such manner as the Treasury may direct and subject to such conditions as to records, certificates, audit or otherwise as the Minister may with the approval of the Treasury impose.

8.—(1) An authority whose proposals for the redevelopment of any part of their area have been approved under the last preceding section shall, in such year as the Minister may require and in each fifth year thereafter, submit to the Minister such particulars as may be prescribed by regulations made by the Minister with the approval of the Treasury after consultation with such associations of local authorities as appear to the Minister to be concerned and with any local authority with whom consultation appears to him to be desirable, as respects such matters as may be so prescribed, with regard to the financial effect of the carrying out of the redevelopment to which the proposals, and any other proposals of the authority so approved, relate.

Quinquennial review of financial effect of redevelopment.

PART I.
—cont.

(2) Where it appears to the Minister, having regard to particulars submitted by an authority in pursuance of the preceding subsection, taken together with any previous particulars so submitted, that a net gain has accrued to the authority from the carrying out of the redevelopment to which the statement or statements in question relate, he may notify the authority accordingly, and after considering any representations made by the authority may certify the amount thereof; and the amount certified, less any amount previously certified under this subsection, shall be applied in repayment to the Minister of grants made to the authority under subsection (2) or (3) of section five of this Act.

(3) Receipts of the Minister under the last preceding subsection shall be paid into the Exchequer.

Acquisition of land for certain planning purposes.

Power to purchase land for purposes relating to redevelopment of areas of bad lay-out and obsolete development.

9.—(1) Where the Minister is satisfied that it is requisite, for the purpose of dealing satisfactorily with conditions of bad lay-out and obsolete development in the area of a local planning authority, that a part or parts of their area, consisting of land shown to his satisfaction to be land where such conditions exist or of such land together with other land contiguous or adjacent thereto, or such a part or parts of their area together with land outside their area contiguous or adjacent thereto, should be laid out afresh and redeveloped as a whole, the authority may be authorised to purchase compulsorily any land in such a part of their area, and any such land outside their area as aforesaid, by an order made by the authority and submitted to the Minister and confirmed by him in accordance with the provisions of Part I of the Second Schedule to this Act.

References in the following provisions of this section to a part of the area of an authority as to which the Minister is so satisfied include references to land as to which he is so satisfied consisting of a part of the area of the authority together with land outside their area but contiguous or adjacent thereto.

(2) Where the Minister is satisfied as aforesaid as to a part of the area of a local planning authority and is further satisfied that land is or will be required for the purpose of providing for re-location of population or industry, or for replacement of open space, in the course of the redevelopment thereof, the authority may be authorised in manner mentioned in subsection (1) of this section to purchase compulsorily any land which ought in the opinion of the Minister to be made available for that purpose.

In this Act the expressions "re-location of population or industry," and "replacement of open space," have, in relation to a part of the area of a local planning authority as to which the Minister is satisfied as aforesaid, the like meanings as are assigned to those expressions respectively by section one of this Act in relation to an area of extensive war damage.

(3) Where the Minister is satisfied as mentioned in subsection (1) of this section as to a part of the area of a local planning authority, a local highway authority may be authorised in manner therein mentioned to purchase compulsorily any land as to which the Minister is satisfied that its acquisition by that authority is, in relation to the part in question of the area of the local planning authority, requisite as mentioned in subsection (1) of section three of this Act in relation to an area of extensive war damage, and the Minister of War Transport may be authorised, by an order made by him in accordance with the provisions of Part II of the Second Schedule to this Act, to purchase compulsorily any land as to which he is satisfied that its acquisition by him is, in relation to the part in question of the area of the local planning authority, requisite as mentioned in subsection (2) of section three of this Act in relation to an area of extensive war damage :

Provided that the power to authorise compulsory purchase conferred by this subsection shall be subject to the limitation specified in subsection (5) of section three of this Act as regards cases in which owners have entered, or are willing to enter, into agreements for controlling the development of frontages or other land.

(4) Where the Minister is satisfied as mentioned in subsection (1) of this section as to a part of the area of a local planning authority, and the purchase of any land in that part of that area, or of any land being land that is to be made available for the purpose of providing for re-location of population or industry, or for replacement of open space, in the course of the redevelopment of that part of that area or land adjacent to such land,—

- (a) appears to the Minister of Works and the Minister to be necessary for the public service, or
- (b) appears to the Postmaster-General and the Minister to be necessary for the purpose of the Post Office,

the Minister of Works and the Minister, or the Postmaster-General and the Minister, as the case may be, may make in relation to that land in accordance with the provisions of Part II of the Second Schedule to this Act such an order authorising the compulsory purchase thereof as is mentioned in section four of this Act.

Subsection (2) of section forty-six of the Post Office Act, 1908, shall not have effect in relation to a purchase of land made under that section compulsorily pursuant to an order under this subsection.

(5) Without prejudice to any other power in that behalf, a local planning or highway authority may, with the consent of the Minister, acquire by agreement any land which they could be authorised under this section to purchase compulsorily.

(6) The provisions of subsections (1) and (2) of section six of this Act as to the making of contributions by a local planning

PART I.
—cont.

authority towards expenses incurred by a local highway authority and the Minister of War Transport shall, with the necessary modifications, apply in relation to a part of the area of a local planning authority as to which the Minister is satisfied as mentioned in subsection (1) of this section, and in relation to land to be made available for the purpose of providing for re-location of population or industry, or for replacement of open space, in the course of the redevelopment of such a part of their area, as those provisions apply in relation to an area of extensive war damage the whole or any part of which is comprised in the area of a local planning authority and in relation to land to be made available for the purpose of providing for such re-location or replacement in the course of the redevelopment of such an area of extensive war damage.

(7) Expenses of the Minister of War Transport under subsection (3) of this section shall be defrayed out of the Road Fund, and receipts of the said Minister under the last preceding subsection shall be paid into the Exchequer.

Power to
purchase land
for certain
planning
purposes.

10.—(1) A local planning authority may be authorised by an order made by the authority and submitted to the Minister and confirmed by him in accordance with the provisions of Part I of the Second Schedule to this Act to purchase compulsorily any land as to which the Minister is satisfied that its acquisition by the authority is expedient on the ground that land is or will be required—

- (a) as a site for development of any class which is needed for the proper planning of the area of the authority, whether in its existing state or as intended, in order to secure a proper balance of development ;
- (b) for use as a public open space or a playing-field ;
- (c) as a site for development for a purpose the furtherance whereof is in the public interest, in substitution for land on which it is desired to carry out development for that purpose, whether consisting of the making good of war damage or of any other operation, but on which that development cannot be allowed consistently with the proper planning of the area of the authority ;
- (d) for providing accommodation for persons or undertakings who are for the time being living or carrying on business or other activities elsewhere by reason of war circumstances, but who would be likely to return or come to the area of the authority, or to a particular part of their area, if accommodation elsewhere is not provided, and whose location in their area, or in that part thereof, as the case may be, would be inconsistent with the proper planning thereof ;

and that the land in question ought to be made available for meeting that requirement :

Provided that a local planning authority shall not be authorised under this subsection to acquire land to meet a requirement falling within paragraph (a), (c) or (d) thereof if the Minister is satisfied that the nature of the requirement and other circumstances are not such as to render it expedient in the public interest that the land to be used for meeting the requirement should be acquired by a local planning authority, that a person other than a local planning authority is able and willing to meet the requirement at such time and in such manner as may be requisite, and that land is available therefor on reasonable terms.

(2) A local planning authority may be authorised in manner mentioned in subsection (1) of this section to purchase compulsorily—

- (a) land in, or in the neighbourhood of, a part of their area being an area of extensive war damage which, for the purposes of the laying out afresh and redevelopment of that area, ought in the opinion of the Minister to be dealt with together with land in that area as to which an order under section one of this Act or under subsection (2) of section two thereof has come into operation ;
- (b) land as to which the Minister is satisfied that its acquisition by the authority is expedient on the ground that land is or will be required, in the course of the redevelopment of a part of the area of the authority being an area of extensive war damage or of land in the neighbourhood of such a part of their area, for the purpose of re-location of population or industry or of replacement of open space, and that the land in question ought to be made available for meeting that requirement.

(3) A local planning authority may be authorised in manner aforesaid to purchase compulsorily land in the area of the authority as to which the Minister is satisfied that, by reason of the land being derelict and likely otherwise to remain so for a considerable period, it is expedient that it should be acquired by the authority with a view to securing that it is brought into use.

(4) Without prejudice to any other power in that behalf, a local planning authority may, with the consent of the Minister, acquire by agreement—

- (a) any land which they could be authorised under this section to purchase compulsorily ; or
- (b) any land on which it is desired to carry out the making good of war damage or other development but on which that development cannot be allowed consistently with the proper planning of the area of the authority.

(5) In paragraph (d) of subsection (1) of this section the expression "accommodation" means accommodation for residential purposes or for the carrying on of business or other activities,

PART I.
—cont.

together with all appropriate public services, facilities for public worship, recreation and amenity, and other requirements.

Obligation to purchase war-damaged land where development permission refused.

11.—(1) Where the Treasury have certified for the purposes of this section that, having regard to the availability of labour and material, the making good of war damage has in general become practicable in the case of buildings of any description (whether defined by reference to character or situation or other circumstances), and an interim development application is made after the time so certified as respects land which has been rendered, and remains, incapable of reasonably beneficial use in consequence of war damage to buildings or works thereon, being land which before the occurrence of the damage comprised buildings of the description in question, then if—

- (a) a decision is given (whether by the interim development authority or by the Minister) refusing permission for the development, or granting permission therefor for a limited period only or (where the application is for permission for a limited period only) granting the permission for a period shorter than the period applied for, and
- (b) the development could, apart from the provisions of the Town and Country Planning Acts, 1932 and 1943, at the time of the application have been lawfully carried out and there is no alternative development of the land for which permission would be granted and which could be lawfully carried out within a reasonable period from the time of the application so as to render the land capable of reasonably beneficial use,

any owner of the land may, by notice in writing given to the local planning authority within six months from the date of the decision on the application, require the authority to purchase his interest in the land, and, subject to the provisions of this section, where such a notice is given the authority shall be deemed as from the date on which the notice takes effect in accordance with the following provisions of this section to have been authorised to purchase the interest compulsorily and to have served a notice to treat in respect thereof on that date.

(2) Where notice is given to a local planning authority requiring them to purchase an interest in pursuance of the preceding subsection, the authority shall as soon as may be notify to the Minister that the notice has been given, and also whether in their opinion the conditions precedent to the valid giving of the notice are fulfilled, and thereupon the Minister—

- (a) if he is of opinion that a decision falling within paragraph (a) of the preceding subsection should not have been given, may within the period of two months from the receipt of the notification direct that there shall be

substituted for the decision given such decision not falling within that paragraph as appears to him to be expedient, and that the notice shall not take effect ;

- (b) if he is satisfied that any of the conditions precedent to the valid giving of the notice is not fulfilled, shall within the said period direct that the notice shall not take effect ;
- (c) if he is satisfied that, having regard to the benefit which would accrue to the owner in question from the land or any part thereof either in its existing state or if there were carried out thereon any alternative development for which permission would be granted and which could be lawfully carried out within a reasonable period, it is equitable so to do, may within the said period of two months direct that the notice shall not take effect, or shall take effect only as respects such part of the land as may be specified in the direction ;
- (d) if he is satisfied that, having regard to the probable ultimate use of all or any part of the land as respects which the notice is to take effect, it is expedient so to do, may direct that as respects the said land or part thereof the authorisation to purchase and notice to treat referred to in the preceding subsection shall be deemed to have been given and served respectively to and by such county council as may be specified in the direction in lieu of the local planning authority ;

and subject to any direction given under this subsection the notice shall take effect at the expiration of the said period of two months :

Provided that where the Minister proposes to give a direction under this subsection, he shall give notice of the proposal, with such particulars as appear to him requisite, to the persons concerned, that is to say,—

- (i) as respects a direction under paragraph (a) (b) or (c) of this subsection, the owner in question, the local planning authority and the interim development authority (if that authority is not the local planning authority),
- (ii) in the case of a direction under paragraph (d) of this subsection, the local planning authority and the county council in question,

and if any of the persons concerned desire to make representations with respect to the proposed direction, the Minister shall not determine whether or not to give the direction until he has afforded to the persons concerned an opportunity of appearing before and being heard by a person appointed by him for the purpose.

PART I.
—cont.

Where the Minister gives a direction under paragraph (d) of this subsection, he shall as soon as may be give notice thereof to the owner in question.

6 & 7 Geo. 6.
c. 29.

(3) As respects any application for permission to develop land which has been rendered, and remains, incapable of reasonably beneficial use in consequence of war damage to buildings or works thereon, the power of an interim development authority under subsection (2) of section two of the Town and Country Planning (Interim Development) Act, 1943, to postpone the consideration of an interim development application—

- (a) shall not be exercisable where the application is made after the time certified under subsection (1) of this section in relation to any description of buildings which would be comprised in the land after the carrying out of the development for permission for which application is made ;
- (b) where the application is made before the said time, shall not be exercisable so as to postpone the consideration of the application beyond the said time.

(4) The provisions of subsections (1) and (2) of this section shall apply in relation to an application for permission for development made under a planning scheme as they apply in relation to an interim development application, but with the substitution for the references to the interim development authority of a reference to the responsible authority (that is to say, the authority responsible for enforcing and carrying out the relevant provisions of the scheme), and for the reference in paragraph (b) of the said subsection (1) to development for which permission would be granted of a reference to development which could be carried out in conformity with the provisions of the scheme or of permission granted thereunder.

(5) Any question arising under this section or under the proviso to subsection (4) of section two of this Act as to the meaning of the expression “ reasonably beneficial use ” shall be determined as follows :—

- (a) land shall be deemed to have been rendered incapable of reasonably beneficial use if it was immediately after the occurrence of the war damage in question in a state such as to make it incapable of being as beneficially used while remaining in that state as it was immediately before the occurrence of the damage, and shall be deemed to remain incapable of reasonably beneficial use so long as it is in such a state as aforesaid ;
- (b) land shall be deemed to have been rendered capable of reasonably beneficial use, and an alternative development of land shall be deemed to be such as would render land

capable of reasonably beneficial use, if the land has been brought, or the development would bring the land, as the case may be, into a state such as to make it capable of being as beneficially used while remaining in that state as it was immediately before the occurrence of the war damage in question.

(6) In determining whether there is alternative development which could be carried out so as to render land capable of reasonably beneficial use, regard shall be had to the extent to which any use would involve forgoing the benefit of any buildings or works or parts thereof remaining on the land and still having value.

(7) For the purposes of paragraph (b) of subsection (1) of this section alternative development may be treated as being such as could be carried out so as to render land capable of reasonably beneficial use, notwithstanding that it would not otherwise be so treated, if it is equitable so to do having regard to any contribution which the owner will receive under subsection (4) of section ten of the Town and Country Planning Act, 1932, in respect of the refusal of an interim development application, and in considering whether it is equitable to give a direction under paragraph (c) of subsection (2) of this section, the Minister shall have regard to any such contribution. <sup>22 & 23 Geo. 5-
c. 48.</sup>

(8) Any question arising under paragraph (b) of subsection (1) of this section or under the last preceding subsection shall be determined by the Minister; and, subject to the preceding provisions of this subsection, any such question as is mentioned in subsection (5) of this section shall be determined by the War Damage Commission.

(9) The purchase of any interest by a local authority in purported pursuance of this section shall be conclusive evidence that every condition precedent to the authority being empowered to purchase the interest has been fulfilled:

Provided that this subsection shall not prejudice the provisions of subsection (2) of this section, or the effect of any direction given under that subsection.

(10) A county council may contribute towards the expenses incurred by a local planning authority under this section, and section forty-nine of the Town and Country Planning Act, 1932 (which provides for the manner in which expenses of county councils under that Act are to be defrayed and confers on county councils power to borrow), except the first proviso thereto, shall apply to expenses incurred by a county council under this subsection as it applies to such of their expenses as are mentioned in the said section forty-nine.

PART I.
—cont.

(II) References in this Act to land which has been acquired and is for the time being held by a local planning authority for the purposes of this Part of this Act include references to land acquired by such an authority under this section which has not been disposed of by them, or appropriated by them for any such purpose as is mentioned in subsection (3) of section nineteen of this Act.

General provisions as to acquisition of land under Part I.

Power to
authorise
purchase by
local planning
authority for
area where
land is, in lieu
of by pro-
moting
authority.

12.—(1) Any authorisation of the compulsory purchase of land outside the area of a local planning authority which under the preceding provisions of this Act could be given to that authority (in this section referred to as “the promoting authority”) may in lieu of being given to the promoting authority be given, in the like manner and subject to the like conditions, to the local planning authority in whose area the land is situated (in this section referred to as “the area authority”).

(2) The area authority may, in connection with the giving to them of an authorisation under this section, enter into an agreement with the promoting authority containing any terms approved by the Minister as to any matters relating to the carrying out of the purpose for which the purchase in question may be authorised, and in particular, in the case of a purchase for the purpose of providing for re-location of population or industry in the course of the redevelopment of a part of the area of the promoting authority, as to the lay-out and manner of use of the land to be purchased and as to rendering accommodation provided therein available for persons or undertakings from the area of the promoting authority.

(3) Before giving an authorisation to the area authority under this section, the Minister shall consult the promoting authority, and shall afford them an opportunity of negotiating with the area authority for such an agreement as aforesaid; and, if thereafter it appears to the Minister that the authorisation should be given to the area authority but no such agreement has been made, he may as a condition of giving it require the area authority to give to the promoting authority an undertaking to observe such terms as to any of the matters aforesaid as appear to him to be expedient.

(4) The terms of an agreement entered into or undertaking given under this section may be varied from time to time by agreement made between the promoting authority and the area authority with the approval of the Minister, and may at the instance of either of those authorities be varied by the Minister after consultation with the other; and any direction or decision which the Minister has power to give under any enactment shall have effect notwithstanding that it may be inconsistent with

anything that would otherwise have been required by virtue of any such terms :

Provided that, before giving a direction or decision appearing to the Minister to involve any such inconsistency, he shall consult the promoting authority.

(5) The Minister may give his consent to the acquisition by agreement by the area authority of any land for the compulsory purchase of which by them an authorisation could be given under this section, subject as is provided by this section as regards such an authorisation, and accordingly references in subsections (2) and (3) of this section to an authorisation shall include references to such consent, and the area authority may, without prejudice to any other power in that behalf, acquire by agreement any land as to which such consent is given.

13.—(1) The preceding provisions of this Act as to the manner in which authorisation may be given for the compulsory purchase of land under the several enactments in that behalf contained in those provisions shall have effect subject to the provisions of this section in the case of land to which this section applies, that is to say, land which is used for the purpose of the carrying on of a statutory undertaking, or in which an interest is held for that purpose, other than any such land which is in respect of its nature or situation comparable rather with the generality of land as respects which those enactments have effect than of land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings.

(2) Any question arising in relation to an authorisation of a compulsory purchase under any of the said enactments whether land is land to which this section applies shall be determined by the Minister having jurisdiction to authorise a compulsory purchase thereunder in the case of land other than land to which this section applies and the appropriate Minister.

(3) If with respect to any of the land as respects which an order authorising a compulsory purchase under any of the said enactments is submitted, or is proposed to be made, in accordance with the procedure therein mentioned, the person carrying on a statutory undertaking makes to the appropriate Minister, in the prescribed manner and within the time within which objections to the order may be made, a representation that it is land to which this section applies and a request that it should be excluded from the order, and it is determined that it is land to which this section applies, then, subject to the provisions of subsection (5) of this section, the order shall, if it relates only to that land, not be confirmed or not be made, as the case may be, or, if it relates in part to that land, be modified so as to exclude it.

PART I.
—cont.

(4) A compulsory purchase of land under any of the said enactments may, in the case of land to which this section applies, be authorised—

- (a) in the case of a purchase by a local planning or highway authority, by an order made by the Minister and the appropriate Minister in accordance with the provisions of Part I of the Third Schedule to this Act on the application of that authority ; or
- (b) in the case of a purchase by a Minister, by an order made by the Minister having jurisdiction by virtue of the enactment in question to authorise a compulsory purchase thereunder and the appropriate Minister in accordance with the provisions of Part II of the Third Schedule to this Act :

Provided that if any objection to an application for, or proposal to make, an order giving an authorisation in accordance with this subsection is duly made by the person carrying on a statutory undertaking for the purpose of the carrying on of which an interest in any land to which the application or proposal relates is held, or any such land is used, and is not withdrawn, any order made thereon shall be provisional only and shall be of no effect until confirmed by Parliament.

(5) Where an order in relation to which subsection (3) of this section would apart from this subsection have effect as respects any land is an order under subsection (1) of section two or under section four of this Act authorising the compulsory purchase of that land as being land as to which an order under section one of this Act is in force, the following provisions shall have effect, that is to say—

- (a) subsection (3) of this section shall not have effect as respects the land in question unless within the time allowed for making objections to the application for the relevant order under section one of this Act the person carrying on a statutory undertaking has made to the appropriate Minister in the prescribed manner a representation that the land in question is land to which this section applies ;
- (b) where such a representation is so made as respects any land, the Minister and the appropriate Minister may make under this subsection an order, which shall be provisional only and shall be of no effect until confirmed by Parliament, declaring that it is expedient that that land should be subject to compulsory purchase, and if such an order has taken effect as respects the land in question, subsection (3) of this section shall not have effect as respects it.

(6) The provisions of the Fourth Schedule to this Act shall have effect, as respects the interest of the person by whom the undertaking in question is being carried on, as to the compensation to be paid in respect of a compulsory purchase under this Part of this Act of land to which this section applies, including compensation to be estimated in connection with the purchase for damage sustained by reason of the severing of land the subject thereof from other land held therewith or otherwise injuriously affecting such other land, and compensation to be so estimated for disturbance or any other matter not directly based on the value of land.

(7) In this Act the expression “statutory undertaking” means any of the following undertakings the carrying on of which is authorised by any Act (whether public general or local) or by any order or scheme made under, or confirmed by, an Act, that is to say,—

- (a) railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier and lighthouse undertakings ;
- (b) undertakings for the supply of electricity, gas, hydraulic power or water ;

and as respects statutory undertakings the expression “the appropriate Minister” means—

- (i) in relation to an undertaking falling within paragraph (a) of this subsection, the Minister of War Transport ;
- (ii) in relation to an undertaking for the supply of electricity, gas or hydraulic power, the Minister of Fuel and Power ;
- (iii) in relation to an undertaking for the supply of water, the Minister of Health ;

and any reference in this Act to the Minister of War Transport and the appropriate Minister shall be construed, in relation to any undertaking falling within paragraph (a) of this subsection, as a reference to the Minister of War Transport.

(8) If any question arises, in relation to anything required or authorised to be done under this Act, which Minister, was or is the appropriate Minister as defined in this section, the question shall be determined by the Treasury.

14.—(1) Where an order under this Part of this Act authorises the compulsory purchase by a local planning or highway authority of any land forming part of any common, open space or field garden allotment, the order, so far as it relates to the acquisition of such land, shall be provisional only and shall be of no effect until confirmed by Parliament, except where the Minister of Agriculture and Fisheries (in the case of a common or of a

Provisions as to purchase and appropriation of open spaces, etc.

PART I.
—cont.

fuel or field garden allotment), or the Minister (in the case of an open space, not being a common or such an allotment), is satisfied—

- (a) that there has been or will be given in exchange for such land other land, not being less in area, and being equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land purchased was vested, and subject to the like rights, trusts and incidents as attached to the land purchased ; or
- (b) that the land is required for the widening of an existing highway and that the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public,

and certifies accordingly.

(2) A local planning authority may be authorised, by an order made by the authority and submitted to the Minister and confirmed by him, to appropriate for the purposes of this Part of this Act any land for the time being held by them for other purposes being land to which this subsection applies, that is to say, land which is, or forms part of, a common, open space or fuel or field garden allotment (including any such land which is specially regulated by any enactment, whether public general or local or private), other than land being Green Belt land as defined in the Green Belt (London and Home Counties) Act, 1938 :

1 & 2 Geo. 6.
c. xciii.

Provided that an order under this subsection shall be provisional only and shall be of no effect until confirmed by Parliament, except as mentioned in the preceding subsection.

(3) Where it is proposed to certify as aforesaid, the Minister having jurisdiction to give the certificate shall give public notice of his intention so to do, and—

- (a) after affording opportunity to all persons interested to make representations and objections in relation thereto, and
- (b) after causing a public local inquiry to be held in any case where it appears to him to be expedient so to do, having regard to any representations or objections made,

the said Minister may, after considering any representations and objections made and, if an inquiry has been held, the report of the person who made the inquiry, give the certificate.

(4) So soon as may be after the giving of a certificate under this section, the local planning or highway authority shall publish by Gazette and local advertisement a notice in the prescribed form stating that the certificate has been given.

(5) Where—

PART I.
—*cont.*

- (a) a purchasing authority have been authorised under any enactment in this Part of this Act to purchase compulsorily land forming part of a common, open space or fuel or field garden allotment, or
- (b) a local planning authority have been authorised under subsection (2) of this section to appropriate any such land, or have been authorised in accordance with the Green Belt (London and Home Counties) Act, 1938, to appropriate for the purposes of this Part of this Act land being Green Belt land as defined in that Act,

the authority may be authorised, in a case falling within paragraph (a) of this subsection in accordance with the provisions of the enactment therein mentioned, and in a case falling within paragraph (b) thereof in accordance with the provisions of section ten of this Act, to purchase compulsorily, or they may acquire by agreement, land for giving in exchange for the land purchased or appropriated :

Provided that the power of a local planning or highway authority under this subsection to acquire land by agreement shall be exercisable only with the consent of the Minister.

(6) The said Minister may, where it appears to him expedient so to do in order to secure that land given in exchange as mentioned in paragraph (a) of subsection (1) of this section shall vest in the persons, and subject to the rights, trusts and incidents, mentioned in that paragraph, make an order vesting the land as aforesaid.

(7) Section one hundred and sixty-three of the Local Government Act, 1933, and section one hundred and six of the London Government Act, 1939 (which contain general provisions, extending respectively to England and Wales exclusive of London, and to London, as to the appropriation by local authorities of land belonging to them) shall not apply to land to which subsection (2) of this section applies which is for the time being held by a local planning authority.

23 & 24 Geo. 5.
c. 51.
2 & 3 Geo. 6.
c. 40.

(8) In the case of an appropriation under this section of land acquired under any enactment incorporating the Lands Clauses Acts, or acquired under any order made under any enactment and incorporating those Acts, any work executed on the land after the appropriation has been effected shall, for the purposes of section sixty-eight of the Lands Clauses Consolidation Act, 1845, be deemed to have been authorised by the enactment or order under which the land was acquired.

8 & 9 Vict.
c. 18.

(9) On an appropriation of land under this section there shall be made in the accounts of the authority, in the case of an authority for an area elsewhere than in London, such adjustment as the

PART I.
—cont.

Minister of Health may direct, or, in the case of an authority for an area in London, such adjustment as may be necessary.

(10) In this section the expression "common" includes any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green; the expression "open space" means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground; and the expression "fuel or field garden allotment" means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act.

Provisions as
to purchase
of licensed
premises.

15. Where land purchased under this Part of this Act comprises premises in respect of which an old on-licence is in force, the following provisions shall have effect:—

- (a) the purchasing authority, before purchasing the premises, may undertake that in the event of the renewal of the licence being refused, they will pay to the compensation authority towards the compensation payable on such refusal under the Licensing (Consolidation) Act, 1910, such contribution as may be specified in the undertaking, and any sum payable by the purchasing authority in pursuance of such undertaking shall be treated as part of their expenses in purchasing the land;
- (b) if, after purchasing or contracting to purchase the premises, the purchasing authority intimate to the licensing justices that they are willing to surrender the licence, the licensing justices may refer the matter to the compensation authority and that authority, on being satisfied that the licence, if not surrendered, might properly have been dealt with as a redundant licence, shall contribute out of the compensation fund towards the compensation paid by the purchasing authority in respect of the purchase of the premises a sum not exceeding the compensation which would have been payable under the Licensing (Consolidation) Act, 1910, on the refusal of the renewal of the licence.

10 Edw. 7. &
1 Geo. 5. c. 24.

Validity and
date of
operation of
orders, etc.

16.—(1) If any person aggrieved by an order under section one of this Act, or an order authorising a compulsory purchase of land under any enactment in this Part of this Act, or a certificate or order under section fourteen of this Act, desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of this Act or that any requirement of this Act or of any regulation made thereunder has not been complied with in relation to the order or certificate, he may, within twenty-eight days from the date on which notice of the making or confirmation of the order by the Minister having jurisdiction to make or confirm such an order, or notice of the

giving of the certificate, is first published in accordance with the provisions of this Act in that behalf, make an application to the High Court, and on any such application the Court—

- (a) may by interim order suspend the operation of the order or any provision contained therein, or of the certificate, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings; and
- (b) if satisfied that the order or any provision contained therein, or the certificate, is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act or of any regulation made thereunder not having been complied with, may quash the order or any provision contained therein, or the certificate, either generally or in so far as it affects any property of the applicant.

(2) Subject to the provisions of the preceding subsection, such an order or certificate shall not, either before or after it has been made or confirmed or given as aforesaid, be questioned in any legal proceedings whatsoever, and shall become operative on the date on which such notice as aforesaid is first published as aforesaid.

(3) Except by leave of the Court of Appeal, no appeal shall lie to the House of Lords from a decision of the Court of Appeal under this section.

(4) This section shall not apply to an order which is provisional only and is of no effect until confirmed by Parliament.

17.—(1) As soon as may be after an order under section one of this Act, or an order authorising a compulsory purchase of land under any enactment in this Part of this Act, becomes operative, it shall be registered in the prescribed manner in the register of local land charges by the proper officer of the council of each county borough or county district in which the land designated by the order or any part thereof is situated, or, if that land, or any part thereof, is situated in the City of London or any other part of the administrative County of London, by the proper officer of the Common Council of the City of London or of the London County Council, as the case may be.

Registration
of orders as
local land
charges.

(2) It shall be the duty of the authority on whose application an order under section one of this Act is made, and of the purchasing authority under an order authorising a compulsory purchase as aforesaid, as soon as may be after the order has become operative to notify that fact to the proper officer of any other authority by whom it is required to be registered as afore-

PART I.
—cont.

said, and to furnish to him all information relating to the order requisite in that behalf.

15 & 16 Geo. 5.
c. 22. (3) The power conferred by subsection (6) of section fifteen of the Land Charges Act, 1925, to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the provisions of this section, and in this section the expression "prescribed" means prescribed by rules made in exercise of that power.

Incorporation
of Lands
Clauses Acts,
etc., with
modifications,
including
modifications
providing for
expedited
completion of
purchases.

18.—(1) The Lands Clauses Acts are hereby incorporated with this Part of this Act, subject to any necessary adaptations and to the provisions of Part I of the Fifth Schedule to this Act.

(2) The Acquisition of Land (Assessment of Compensation) Act, 1919, shall, in its application for the purposes of this Part of this Act have effect subject to any necessary adaptations and subject to the provisions of Part II of the Fifth Schedule to this Act.

9 & 10 Geo. 5.
c. 57. (3) If the Minister having jurisdiction to confirm or make an order authorising a compulsory purchase of land under this Act (including such an order giving an authorisation in accordance with subsection (4) of section thirteen of this Act) is satisfied when he confirms or makes the order that it is requisite that the purchasing authority should have power, as respects the whole or any part of the land, to enter thereon and to secure the vesting thereof in the authority before the expiration of the time that would be needed for service of notices to treat, and the order as submitted or the draft of the order or the application therefor, as the case may be, contained, or included an application for, a direction in that behalf—

(a) the order may direct that the provisions of the Sixth Schedule to this Act shall apply to the order as respects all or any of the land to which the order relates, being land as to which the said Minister is satisfied as aforesaid; and

(b) where such an order applies those provisions the said Schedule shall have effect in relation to the order accordingly, and notices to treat shall be deemed to have been served subject to and in accordance with the provisions thereof.

An order which so directs is in this Act referred to as a "purchase order providing for expedited completion."

8 & 9 Vict.
c. 20. (4) An order authorising a compulsory purchase of land under any enactment in this Part of this Act may provide that section seventy-seven of the Railways Clauses Consolidation Act, 1845 (which relates to the exception of minerals from purchases), and sections seventy-eight to eighty-five of that Act (which relate to

restrictions on the working of minerals) as originally enacted and not as amended for certain purposes by section fifteen of the Mines (Working Facilities and Support) Act, 1923, or the said section seventy-seven only, shall be incorporated with this Part of this Act as respects all or any of the land thereby authorised to be purchased, subject to such modifications of references to the railway or works, or to the company, as may be specified in the order, and for the purposes of any such incorporation this Part of this Act (together, in the case of a purchase under section four of this Act or subsection (4) of section nine of this Act, with the relevant enactment mentioned in section four of this Act), and the order, shall be deemed to be the special Act.

PART I.
—cont.

13 & 14 Geo. 5.
c. 20.

Powers in relation to land acquired or appropriated.

19.—(1) The following provisions of this section shall have effect with respect to the disposal or appropriation by a local planning authority of land which has been acquired or appropriated and is for the time being held by them for the purposes of this Part of this Act.

Disposal or appropriation by local planning authority of land held by them for purposes of this Part.

(2) Subject to the provisions of subsections (4) and (5) of this section, the authority may dispose of any such land to such person, in such manner and subject to such conditions as may appear to them to be expedient in order to secure the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out thereon, whether by themselves or by any other person, or to secure the erection, construction or carrying out thereon of any buildings or works appearing to them to be needed for the proper planning of the area of the authority.

(3) Subject to the provisions of subsection (4) of this section, the authority may appropriate any such land for any purpose for which they are or may be authorised in any capacity to acquire land by virtue of or under any enactment other than this Part of this Act, and, in relation to an appropriation under this subsection, subsections (2) and (3) of section one hundred and sixty-three of the Local Government Act, 1933, and subsections (2) and (3) of section one hundred and six of the London Government Act, 1939 (which relate to the operation of section sixty-eight of the Lands Clauses Consolidation Act, 1845, and to adjustments in accounts, on appropriations under those sections respectively) shall have effect as they have effect in relation to appropriations under those sections respectively.

(4) The consent of the Minister shall be requisite to any disposal or appropriation of land by a local planning authority under this section, and may be given as respects either a particular disposal or appropriation or disposals or appropriations of any class, and either subject to or free from any conditions or limitations.

PART I.
—cont.

(5) The consent of the Minister to a sale by a local planning authority under this section of the freehold in any land, or to a lease by them thereunder of any land for a term of more than ninety-nine years, shall not be given unless he is satisfied that there are exceptional circumstances which render the disposal of the land in that manner expedient as mentioned in subsection (2) of this section.

(6) The powers conferred by this section on a local planning authority in respect of the disposal of land thereunder, and on the Minister in respect of consent to such disposal, shall be so exercised as to secure so far as may be practicable to persons who were living, or carrying on business or other activities, on land which the authority have acquired for the purposes of this Part of this Act, who desire to obtain accommodation on such land, and who are willing to comply with any requirements of the authority as to the development and use of such land, an opportunity to obtain accommodation thereon on terms settled with due regard to the price at which any such land has been acquired from them.

(7) If it appears to the Minister that it is expedient as mentioned in subsection (2) of this section that a local planning authority should dispose of land under this section to any person and the authority have refused to dispose of it to him or are unable to reach agreement with him as to the manner in which or the terms or conditions on or subject to which it is to be disposed of to him, the Minister may, after consultation with the authority and that person, require the authority to offer to dispose of it to him, and give directions as to the manner of the disposal and as to all or any of the terms or conditions on or subject to which it is to be offered to him :

Provided that the authority shall not be required by any such directions (except to such extent as may appear to the Minister to be requisite in any particular case for giving effect to the last preceding subsection) to offer to dispose of land for a money consideration less than the best that can reasonably be obtained, having regard to the other terms and conditions on and subject to which the offer is to be made, so, however, that in estimating the best consideration any amount which only a particular purchaser might be prepared to offer by reason of special needs of his shall be disregarded, and any difference as to what is the best consideration shall be referred to and determined by an arbitrator agreed between the Minister and the authority, or, in default of agreement, by an official arbitrator to be appointed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919.

(8) In the exercise of the powers conferred by this section, a local planning authority shall have regard to the desirability of preserving features of special architectural or historic interest, and

in particular buildings included in any list compiled or approved under the provisions of section forty-two of this Act, and the Minister shall not give his consent to the disposal or appropriation under this section of any land comprising a building included in such a list unless either—

- (a) the consent is given subject to such conditions or limitations as in the opinion of the Minister will secure the preservation of the building ; or
- (b) the Minister is satisfied, after causing such particulars as appear to him requisite of the disposal or appropriation for which his consent is sought to be published by Gazette and local advertisement not less than twenty-eight days before he gives his decision on the application for his consent, that the purpose which the local planning authority seek to achieve by the proposed exercise of their powers under this section is one which ought in the public interest to be carried out, and either that the preservation of the building would prevent the carrying out of that purpose, whether by the use of the land in question or otherwise, or that the effect of preserving the building on the carrying out as aforesaid of the said purpose would be such that notwithstanding the desirability of preserving the building it is inexpedient so to do.

In this subsection the expression “ preservation,” in relation to a building, means the preservation thereof either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

(9) In this section references to disposal of land shall be construed as references to disposal thereof in any manner (otherwise than by appropriation) whether by way of sale, exchange or lease, by the creation of any easement, right or privilege, or in any other manner, except disposal by way of gift, mortgage or charge.

(10) In relation to land which has been acquired or appropriated and is for the time being held by a local planning authority for the purposes of this Part of this Act, this section shall have effect to the exclusion of the provisions of subsection (1) of section one hundred and sixty-three and sections one hundred and sixty-four and one hundred and sixty-five of the Local Government Act, 1933, or of subsection (1) of section one hundred and six and sections one hundred and seven and one hundred and eight of the London Government Act, 1939, as the case may be.

(11) Section one hundred and sixty-six of the Local Government Act, 1933, and section one hundred and nine of the London Government Act, 1939 (which relate to the application of capital money received from the disposal of land) shall have effect as respects capital money received in respect of transactions under

PART I.
—cont.

the provisions of this section relating to the disposal of land as they have effect in relation to capital money received in respect of such transactions as are mentioned in those sections respectively.

Power of
planning
authority to
carry out
development
of land
held by
them for
purposes of
this Part.

20.—(1) The functions of a local planning authority shall include power for the authority, notwithstanding any limitation imposed by law on the capacity of such a body by virtue of its constitution, to erect, construct or carry out on land which has been acquired or appropriated and is for the time being held by them for the purposes of this Part of this Act any building or work not being a building or work for the erection, construction or carrying out of which, whether by them or by any other person, statutory power already exists by virtue of or under an enactment other than this Part of this Act, or could be conferred under an enactment other than this Part of this Act.

(2) The consent of the Minister shall be requisite to any exercise by a local planning authority of the power conferred on them by the preceding subsection, and may be given as respects either a particular operation or operations of any class, and either subject to or free from any conditions or limitations.

(3) The Minister shall not give his consent for the purposes of the last preceding subsection as respects any operation if it appears to him that a person other than the local planning authority is able and willing to carry it out at such time and in such manner as may be requisite for meeting the purpose for which it is needed, on the assumption that the land in question will be made available to him on such terms and subject to such conditions as may be agreed between the authority and him, or, in the event of their disagreeing, on such terms and subject to such conditions as would be applicable under the last preceding section on the authority being required thereunder to offer to dispose of it to him :

Provided that the limitation imposed by this subsection shall not have effect in the case of subsequent operations forming part of a project for the initiation of which the authority have incurred expenditure if those operations ought in the opinion of the Minister to be carried out by them in order to enable them to balance their expenditure in connection with the project as a whole.

(4) Where a local planning authority propose to carry out any operation which they would have power to carry out by virtue only of subsection (1) of this section, they shall notify the Minister of their proposal, and the Minister may direct such advertisement by the authority as appears to him to be requisite for the purposes of the two last preceding subsections.

(5) The functions of a local planning authority shall include power for the authority, notwithstanding any such limitation as is mentioned in subsection (1) of this section, to repair, maintain

and insure any buildings or works on such land as is mentioned in the said subsection (1), and generally to deal therewith in a proper course of management.

(6) Subsection (8) of the last preceding section shall apply to the power conferred on a local planning authority by subsection (1) of this section as it applies to the powers conferred by that section, with the substitution for references to the disposal of land of references to the carrying out of any such operation as is mentioned in subsection (1) of this section.

(7) A local planning authority may, with the consent of the Minister, enter into arrangements with an authorised association, as defined in section thirty-five of the Town and Country Planning Act, 1932, for the carrying out by the association of any operation which, apart from the arrangements, the local planning authority would have power under this section to carry out, on such terms (including terms as to the making of payments or loans by the authority to the association) as may be specified in the arrangements :

Provided that nothing in this subsection shall be construed as authorising such an association to carry out any operation which they would not have power to carry out apart from this subsection.

(8) Nothing in this section shall be construed as authorising any act or omission on the part of a local planning authority which is actionable at the suit of any person on any ground other than such limitation as is mentioned in subsection (1) of this section.

21. The Minister of War Transport may authorise a local highway authority to construct any new road appearing to the said Minister to be needed for any purpose in connection with which such an authority or a local planning authority may be authorised under this Part of this Act to acquire land, and where a local highway authority are authorised under this section to construct a new road the provisions of section ten of the Development and Road Improvement Funds Act, 1909 (which contains provisions as to the construction of new roads in respect of which an advance is made under that Act, as to the expenses of the construction thereof, and as to the maintenance thereof) shall have effect as if the road were a road in respect of the construction of which such an advance were made to them and as if the authorisation were given under that section.

Power of local highway authority to construct new roads for purposes of this Part. 9 Edw. 7. c. 47.

22.—(1) The erection, construction or carrying out, or maintenance, of any building or work on land which has been acquired or appropriated by a local planning or highway authority for the purposes of this Part of this Act, whether done by the authority or by any other person, shall be deemed to be authorised by this

Authorisation of development on land acquired for purposes of

PART I.
—*cont.*
this Part notwithstanding interference with easements, etc.

Part of this Act if it conforms with planning control, notwithstanding that it involves interference with any easement or other servitude or breach of any contract, as to the user of land arising by virtue of any contract, but subject to payment of compensation under section sixty-three or sixty-eight of the Lands Clauses Consolidation Act, 1845, to be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in respect of injurious affection where the compensation is to be estimated in connection with a purchase by such an authority or the injury arises from the execution of works on land acquired by such an authority :

Provided that nothing in this subsection shall authorise interference with any such right as is mentioned in section twenty-five of this Act.

(2) Any liability of a person other than the local planning or highway authority by whom the land in question was acquired or appropriated to pay such compensation as aforesaid which that person fails to discharge shall be enforceable against that authority :

Provided that nothing in this subsection shall be construed as affecting any agreement between the authority and any other person for indemnifying the authority against any liability under this subsection.

(3) For the purposes of subsection (1) of this section, the erection, construction or carrying out, or maintenance, of any building or work shall be treated as conforming with planning control if it is done in accordance with the terms of an interim development order or of permission granted under such an order, or in conformity with the provisions of a planning scheme, and not otherwise :

Provided that for the purpose of this subsection anything done by an interim development authority, or by the authority responsible for the enforcement of any provisions of a planning scheme, shall be treated as conforming with planning control if it is done in accordance with consent granted under the provisions of this Act relating to the control of development by such authorities, or if consent is dispensed with under those provisions.

(4) Nothing in this section shall be construed as authorising any act or omission on the part of a local planning or highway authority, or of any body corporate, in contravention of any limitation imposed by law on the capacity of such a body by virtue of its constitution, or as authorising any act or omission on the part of any person which is actionable at the suit of any person on any ground other than such interference or breach as is mentioned in subsection (1) of this section.

(5) In this section the expression "servitude" means any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, and includes a natural right to support.

PART I.
—cont.

23.—(1) The Minister may by order extinguish any public right of way over land which has been acquired or appropriated and is for the time being held by a local planning or highway authority for the purposes of this Part of this Act, or which has been acquired by a Minister thereunder and is for the time being held for the purposes for which he acquired the land.

Power to extinguish highways over land acquired for purposes of this Part.

(2) The Minister shall cause a notice stating the effect of any order that he proposes to make under this section, and specifying the time (not being less than twenty-eight days from the publication of the notice) within which, and the manner in which, objections to the proposal may be made, to be published in such manner as appears to him to be requisite and shall serve a like notice—

(a) on the local planning authority in whose area the land is situated, except where that authority applied for the making of the order, and

(b) on any authority being the highway authority as respects the right of way proposed to be extinguished, except where that authority applied for the making of the order ;

and the provisions of the First Schedule to this Act shall have effect in relation to the proposal if any objection thereto is duly made.

(3) Where the Minister is satisfied that the construction or improvement of a road is or will be needed in consequence of the extinguishment under this section of a public right of way, the provisions of section three of this Act shall have effect as they have effect where the Minister is satisfied that the construction or improvement of a road is needed as mentioned in subsection (1) of that section.

(4) Where on the application of a local planning or highway authority an order is made under this section extinguishing a public right of way, and at the time of publication of the notice required by subsection (2) of this section there was under, in, upon, over, along or across the land over which the right of way subsisted any telegraphic line belonging to or used by the Postmaster-General,—

(a) the power of the Postmaster-General to remove the line shall be exercisable notwithstanding the making of the order, so however that the said power shall not be exercisable, as respects the whole or any part of the line, after the expiration of a period of three months from the date on which the right of way is extinguished

PART I.
—cont.

unless before the expiration of that period the Postmaster-General has given notice to the local planning or highway authority of his intention to remove the line or that part thereof, as the case may be ;

- (b) the Postmaster-General may by notice to the local planning or highway authority in that behalf abandon the said line or any part thereof, and shall be deemed, as respects the line or any part thereof, to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it ;
- (c) the Postmaster-General shall be entitled to recover from the local planning or highway authority the expense of providing, in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line, a telegraphic line in such other place as the Postmaster-General may require ;
- (d) where under paragraph (b) of this subsection the Postmaster-General has abandoned the whole or any part of a telegraphic line, it shall vest in the local planning or highway authority, and the provisions of the Telegraph Acts, 1863 to 1943, shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

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

41 & 42 Vict.
c. 76.

Extinguishment of private ways, and rights as to apparatus, over or in land purchased for purposes of this Part.

24.—(1) Upon the completion by the purchasing authority of a compulsory purchase under this Part of this Act of any land, all private rights of way and rights of laying down, erecting, continuing or maintaining any apparatus on under or over the land shall be extinguished and any such apparatus shall vest in the purchasing authority :

Provided that this section shall not apply to any right vested in, or any apparatus belonging to, the person carrying on a statutory undertaking for the purpose of the carrying on thereof, and shall have effect as respects other matters subject to any direction given by the purchasing authority before the completion of the purchase that this section shall not apply to any right or apparatus specified in the direction and subject to any agreement which may be made (whether before or after the completion of the purchase) between the purchasing authority and the person in or to whom the right or apparatus in question is vested or belongs.

(2) Any person who suffers loss by the extinguishment of any right or the vesting of any apparatus under this section shall be entitled to be paid by the purchasing authority compensation,

to be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, and section fifty-seven of this Act shall have effect in relation to compensation payable under this section and to loss suffered as therein mentioned, as it has effect in relation to compensation in respect of land injuriously affected by the execution of works on land acquired by a Government department or a local or public authority and to damage sustained by reason thereof.

(3) Expenses incurred by a Minister in the payment of compensation under the last preceding subsection shall be defrayed out of moneys provided by Parliament.

25.—(1) Where there subsists over land which has been acquired or appropriated and is for the time being held by a local planning or highway authority for the purposes of this Part of this Act, or which has been acquired by a Minister thereunder and is for the time being held for the purposes for which he acquired the land, any right of way or any right of laying down, erecting, continuing or maintaining any apparatus on under or over the land, or there is on under or over any such land any apparatus, vested in or belonging to the person carrying on a statutory undertaking for the purpose of the carrying on thereof, the authority or that Minister may serve on the said person a notice that at the expiration of such period as may be specified in the notice the right will be extinguished, or requiring that before the expiration of such period as may be so specified the apparatus shall be removed.

Extinguish-
ment of rights
of way, and
rights as to
apparatus, of
statutory
undertakers.

(2) A person on whom a notice is served under the preceding subsection may before the expiration of twenty-eight days from the service of the notice serve a counter-notice on the authority or Minister stating that he objects to all or any of the provisions of the notice and specifying the grounds of his objection.

(3) If no counter-notice is served under the last preceding subsection, any right to which the notice relates shall be extinguished at the end of the period specified in that behalf in the notice, and if at the end of the period so specified in relation to any apparatus any requirement of the notice as to the removal of the apparatus has not been complied with, the authority or the said Minister may remove the apparatus and dispose thereof in any way they or he may think fit.

(4) If a counter-notice is served under subsection (2) of this section on a local planning or highway authority, the authority may either withdraw the notice (without prejudice, however, to the service of a further notice) or apply to the Minister and the appropriate Minister for an order embodying, either with or without modification, the provisions of the notice, and the Minister and the appropriate Minister may if they think fit, after

PART I.
—cont.

affording to the person carrying on the undertaking an opportunity of objecting to the application and, if any objection is made, after considering the objection and affording to the said person and to the local planning or highway authority an opportunity of appearing before and being heard by a person appointed by the Minister and the appropriate Minister for the purpose, make an order in accordance with the application, either with or without modification.

(5) If a counter-notice is served under subsection (2) of this section on a Minister, either he may withdraw the notice (without prejudice, however, to the service of a further notice) or he and the appropriate Minister may make an order embodying, either with or without modification, the provisions of the notice.

Where a Minister and the appropriate Minister propose to make an order under this subsection, they shall prepare a draft of the order and shall afford to the person carrying on the undertaking an opportunity of objecting to the proposal and, if any objection is made, shall consider the objection and afford to the said person an opportunity of appearing before and being heard by a person appointed by them for the purpose, and may then make an order in accordance with the draft, either with or without modification.

(6) Subsection (3) of this section shall apply to an order made under either of the two last preceding subsections as it applies to a notice in respect of which no counter-notice is served, but with the substitution for references to a notice of references to an order.

(7) Where an objection to an order under subsection (4) or (5) of this section is duly made and is not withdrawn before the making of the order, the order shall be provisional only and shall be of no effect until confirmed by Parliament.

(8) In respect of the extinguishment of any right, or the imposition of any requirement, under this section the person carrying on a statutory undertaking shall be entitled to recover from the authority or Minister at whose instance the right was extinguished or the requirement was imposed compensation in accordance with Part I of the Fourth Schedule to this Act.

(9) Expenses incurred by a Minister in the payment of compensation under the last preceding subsection shall be defrayed out of moneys provided by Parliament.

Extension
and modifica-
tion of powers
and duties of
statutory
undertakers.

26.—(1) Where it appears to the Minister and the appropriate Minister, on a representation made by the person carrying on a statutory undertaking, that—

(a) in order to secure the provision of services which would not otherwise be provided, or satisfactorily provided,

for any purpose in connection with which a local planning authority may be authorised under this Part of this Act to acquire land, or

- (b) in order to facilitate any adjustment of the carrying on of the undertaking necessitated by the acquisition under this Part of this Act of any land an interest in which was held, or which was used, for the purpose of the carrying on of the undertaking, or necessitated by the extinguishment of any right, or the imposition of any requirement, under the last preceding section, or necessitated by a decision on an interim development application made by the person carrying on the undertaking for permission to develop land to which section thirty-four of this Act applies or by the revocation or modification of an interim development permission granted on such an application or by the postponement of the consideration of such an application,

it is expedient that the powers and duties of the said person in relation to the carrying on of the undertaking should be extended or modified, the Minister and the appropriate Minister may by order provide for such extension or modification of the said powers and duties as appears to them to be requisite in order to secure the provision of services as mentioned in paragraph (a) of this subsection, or to facilitate the adjustment of the undertaking as mentioned in paragraph (b) of this subsection, as the case may be.

(2) Without prejudice to the generality of the provisions of the preceding subsection, an order under the preceding subsection may provide—

- (a) for empowering the person carrying on the undertaking to acquire, whether compulsorily or by agreement, any land specified in the order and to erect or construct any buildings or works so specified ;
- (b) for applying in relation to the acquisition of such land and the construction of such works enactments relating to the acquisition of land and the construction of works (including the Acquisition of Land (Assessment of Compensation) Act, 1919, and Part II of this Act) ;
- (c) for giving effect, where it has been represented that the making of the order is expedient for the purposes of paragraph (a) of the preceding subsection, to such financial arrangements between the local planning authority and the person carrying on the undertaking as they may agree or, in default of agreement, as may be determined to be equitable in such manner and by such tribunal as may be specified in the order ;

PART I.
—cont.

and for such incidental and supplemental matters as appear to the Minister and the appropriate Minister to be expedient for the purposes of the order.

(3) As soon as may be after making a representation under subsection (1) of this section, the person carrying on the undertaking in question shall publish, in such form and manner as may be directed by the Minister and the appropriate Minister, a notice giving such particulars as may be so directed of the matters to which the representation relates and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made, and shall also, if it is so directed by the Minister and the appropriate Minister, serve a like notice on such persons, or persons of such classes, as may be so directed.

(4) The provisions of the First Schedule to this Act shall have effect in relation to the making of an order on the representation if any objection thereto is duly made, and, subject to those provisions in a case in which they have effect, the Minister and the appropriate Minister may, if they think fit, make an order.

(5) A local planning authority may represent to the Minister and the appropriate Minister that the making of an order under subsection (1) of this section as respects any statutory undertaking is expedient for the purpose of securing the provision of new services, or the extension of existing services, for any purpose in connection with which the authority may be authorised under this Part of this Act to acquire land, and where such a representation is made the preceding provisions of this section shall have effect as if the representation had been made by the person carrying on the undertaking in question, but with the substitution in subsection (3) for the reference to the person carrying on the undertaking of a reference to the local planning authority.

(6) An order under this section shall be provisional only and shall be of no effect until confirmed by Parliament.

Relief of
statutory
undertakers
from
obligations
rendered
impracticable
by exercise
of powers of
this Part.

27.—(1) Where on a representation in that behalf made by the person carrying on a statutory undertaking the appropriate Minister is satisfied that the compulsory purchase under this Part of this Act of any land an interest in which was held, or which was used, for the purpose of the carrying on of the undertaking, or the extinguishment thereunder of any right, or the imposition of any requirement as to the removal of apparatus, vested in or belonging to the said person, has rendered impracticable the fulfilment of any obligation of the said person incurred in connection with the carrying on of the undertaking, the appropriate Minister may by order direct that the said person shall be relieved of the fulfilment of the obligation either absolutely or to such extent as may be specified in the order.

(2) As soon as may be after making a representation to the appropriate Minister under the preceding subsection, the person carrying on the undertaking in question shall, as may be directed by the appropriate Minister, either publish, in such form and manner as may be so directed, a notice giving such particulars as may be so directed of the matters to which the representation relates and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made, or serve such a notice on such persons, or persons of such classes, as may be so directed, or both publish and serve such notices.

(3) The provisions of the First Schedule to this Act shall have effect in relation to the making of an order on the representation if any objection thereto is duly made, and, subject to those provisions in a case in which they have effect, the appropriate Minister may, if he thinks fit, make an order.

(4) If any objection to the making of an order under this section is made and is not withdrawn before the making of the order, the order shall be provisional only and shall be of no effect until confirmed by Parliament.

(5) The provisions of section sixteen of this Act as to the validity and date of operation of orders shall apply to an order made under this section as they apply to such an order as is mentioned in the said section sixteen.

28.—(1) Any consecrated land, whether or not including any building, which has been acquired or appropriated by a local planning or highway authority for the purposes of this Part of this Act, or which has been acquired by a Minister thereunder, may, subject to the provisions of this section, be used in any manner, whether or not involving the erection, construction or carrying out, or maintenance, of any building or work,—

Authorisation
of use and
development
of consecrated
land, and burial
grounds, not-
withstanding
restrictions.

(a) in the case of land acquired by a local planning or highway authority, by that authority or by any other person, if that use conforms with planning control, or

(b) in the case of land acquired by a Minister, by him or on his behalf for any purpose for which he acquired the land,

notwithstanding any obligation or restriction imposed under ecclesiastical law or otherwise as respects such land :

Provided that the provisions of subsection (4) of this section shall have effect to the exclusion of the provisions of this subsection as respects consecrated land being or forming part of a burial ground.

(2) Any use of consecrated land authorised by the preceding subsection, and the use of any land, not being consecrated land,

PART I.
—*cont.*

acquired or appropriated as therein mentioned which at the time of acquisition or appropriation included any church or other building used or formerly used for religious worship or the site thereof, shall be subject to compliance with the prescribed requirements with respect to the removal and reinterment of any human remains and the disposal of monuments or other memorials, and of fixtures and furnishings, and, in the case of consecrated land, subject to such provisions as may be prescribed for prohibiting or restricting the use of the land, either absolutely or until the prescribed consent has been obtained, so long as any church or other building used or formerly used for religious worship, or any part thereof, remains on the land.

(3) Any regulations made for the purposes of the last preceding subsection—

- (a) shall contain such provisions as appear to the Minister to be requisite for securing that any use of land which is subject to compliance with the regulations shall, as nearly as may be, be subject to the like control as is imposed by law in the case of a similar use authorised by an enactment other than this Act or by a Measure or as it would be proper to impose on a disposal of the land in question otherwise than in pursuance of an enactment or Measure ;
- (b) shall contain requirements relating to the disposal of any such land as is mentioned in the last preceding subsection such as appear to the Minister requisite for securing that the provisions of that subsection shall be complied with in relation to the use of the land ; and
- (c) may contain such incidental and consequential provisions (including provisions as to the closing of registers) as appear to the Minister to be expedient for the purposes of the regulations.

(4) Any land consisting of a burial ground or part of a burial ground which has been acquired or appropriated by a local planning or highway authority for the purposes of this Part of this Act, or which has been acquired by a Minister thereunder, may be used in any manner, whether or not involving the erection, construction or carrying out, or maintenance, of any building or work,—

- (a) in the case of land acquired or appropriated by a local planning or highway authority, by that authority or by any other person, if that use conforms with planning control, or,
- (b) in the case of land acquired by a Minister, by him or on his behalf for any purpose for which he acquired the land,

notwithstanding anything in any enactment relating to burial grounds or any obligation or restriction imposed under ecclesiastical law or otherwise as respects burial grounds :

Provided that this subsection shall not have effect as respects any such land which has been used for the burial of the dead until the prescribed requirements with respect to the removal and reinterment of human remains, and the disposal of monuments, tombstones or other memorials, in or upon the land have been complied with.

(5) Provision shall be made by any regulations made for the purposes of subsection (2) of this section and the proviso to the last preceding subsection—

- (a) for requiring the persons in whom the land is vested to publish notice of their intention to carry out the removal and reinterment of any human remains or the disposal of any tombstones, monuments or other memorials ;
- (b) for enabling the personal representatives or relatives of any deceased person themselves to undertake the removal and reinterment of the remains of the deceased, and the disposal of any tombstone, monument or other memorial commemorating the deceased, and for requiring the persons in whom the land is vested to defray the expenses of such removal, reinterment and disposal, not exceeding such amount as may be prescribed ;
- (c) for requiring compliance with such reasonable conditions, if any, as may be imposed, in the case of consecrated ground, by the Bishop of the diocese, with respect to the manner of removal, and the place and manner of reinterment of any human remains, and the disposal of any tombstones, monuments or other memorials, and with any directions given in any case by the Secretary of State with respect to the removal and reinterment of any human remains.

Any expenses incurred by a government department under paragraph (b) of this subsection shall be defrayed out of moneys provided by Parliament.

(6) Subject to the provisions of any such regulations as aforesaid, no faculty shall be required for the removal and reinterment in accordance with the regulations of any human remains, or for the removal and disposal of any tombstones, monuments or other memorials, and the provisions of section twenty-five of the Burial Act, 1857 (which prohibits the removal of human remains without a licence of the Secretary of State except in certain cases) shall not apply to a removal carried out in accordance with the regulations. 20 & 21 Vict. c. 81.

PART I.
—*cont.*

(7) In this section—

- (a) the expression “burial ground” includes any churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purpose of interment ;
- (b) references to conformity with planning control shall be construed in accordance with subsection (3) of section twenty-two of this Act, with the substitution for references therein to anything done as therein mentioned of references to any use of land, whether or not involving the doing of any such thing.

(8) Nothing in this section shall be construed as authorising any act or omission on the part of a local planning or highway authority, or of any body corporate, in contravention of any limitation imposed by law on the capacity of such a body by virtue of its constitution, or as authorising any act or omission on the part of any person that is actionable at the suit of any person on any ground other than contravention of any such obligation, restriction or enactment as is mentioned in subsection (1) or (4) of this section.

Authorisation
of use and
development
of open spaces,
etc. not-
withstanding
restrictions.

29.—(1) Any land being, or forming part of, a common, open space or fuel or field garden allotment, which has been acquired or appropriated by a local planning or highway authority for the purposes of this Part of this Act, or which has been acquired by a Minister thereunder, may be used in any manner, whether or not involving the erection, construction or carrying out, or maintenance, of any building or work,—

- (a) in the case of land acquired or appropriated by a local planning or highway authority, by that authority or by any other person if that use conforms with planning control, or,
- (b) in the case of land acquired by a Minister, by him or on his behalf for any purpose for which he acquired the land,

notwithstanding anything in any enactment relating to land of that kind, including any enactment, whether public general or local or private, by which any such land is specially regulated.

(2) In this section—

- (a) the expressions “common”, “open space” and “fuel or field garden allotment” have the meanings assigned to them respectively by section fourteen of this Act ;
- (b) the reference to conformity with planning control shall be construed in accordance with subsection (3) of section twenty-two of this Act, with the substitution for references therein to anything done as therein mentioned of references to any use of land, whether or not involving the doing of any such thing.

(3) Nothing in this section shall be construed as authorising any act or omission on the part of a local planning or highway authority, or of any body corporate, in contravention of any limitation imposed by law on the capacity of such a body by virtue of its constitution, or as authorising any act or omission on the part of any person that is actionable at the suit of any person on any ground other than contravention of any such enactment as is mentioned in subsection (1) of this section.

30.—(1) Where the carrying out of redevelopment on land acquired or appropriated by a local planning or highway authority for the purposes of this Part of this Act will involve the displacement of persons residing in premises thereon, it shall be the duty of the authority, in so far as there is not other residential accommodation available on reasonable terms, to secure the provision of such accommodation in advance of the displacements from time to time becoming necessary as the redevelopment proceeds.

Provisions as to displacements from land acquired for purposes of this Part.

(2) Section one hundred and thirty-seven of the Housing Act, 1936 (which imposes obligations as to the provision of housing accommodation where land is acquired under statutory powers) shall not have effect in relation to an acquisition under this Part of this Act.

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

(3) If the Minister certifies that possession of any house which has been acquired or appropriated and is for the time being held by a local planning or highway authority for the purposes of this Part of this Act is immediately required for the purposes for which it was acquired or appropriated, nothing in the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, shall be deemed to prevent the acquiring or appropriating authority from obtaining possession of the house.

(4) Where possession of any building, or any part of a building, which has been acquired or appropriated by a local planning or highway authority for the purposes of this Part of this Act, or which has been acquired by a Minister thereunder, is required by them or him for the purposes for which it was acquired or appropriated, then, whatever may be the value or rent of the building or part of a building, they or he may obtain possession thereof under the Small Tenements Recovery Act, 1838, as in the cases therein provided for, at any time after the tenancy of the occupier has expired or has been determined.

1 & 2 Vict. c. 74.

(5) A local planning or highway authority or a Minister may pay to any person who is displaced in the carrying out of redevelopment on land which has been acquired or appropriated by the authority or Minister for the purposes of or under this Part of this Act, such reasonable allowance as they think fit towards his expenses in removing, and to a person carrying on any business in a building from which he is so displaced they may pay also

PART I.
—cont.

such reasonable allowance as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance to his business consequent on his having to quit the building, and in estimating that loss they shall have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his business and the availability of other premises suitable for that purpose.

Planning provisions.

Duty of local
planning
authority
to furnish
information
to the
Minister.

31.—(1) It shall be the duty of a local planning authority, on a request in that behalf being made to them by the Minister, to furnish to him, in such manner as he may direct, such particulars of their proposals for the time being for the planning of their area as he may consider requisite for enabling him to consider properly the expediency of his confirming or making a compulsory purchase order under this Part of this Act, of his giving his consent to or requiring a disposal or appropriation of land by the authority thereunder, of his giving his consent to the carrying out by them thereunder of building operations or any other authorisation or approval for the purposes of this Part of this Act, or the manner in which any other jurisdiction conferred on the Minister by this Part of this Act ought to be exercised by him.

(2) The power of the Minister under subsection (2) of section six of the Town and Country Planning (Interim Development) Act, 1943 (which enables the Minister to give directions requiring interim development authorities to furnish him with such information with respect to interim development applications received by them as he considers necessary or expedient for the purpose of enabling him to cause an application to be referred to him under subsection (1) of that section) shall include power to require the furnishing of such information with respect to interim development applications (including information as to the manner in which any such application has been dealt with) as he may consider requisite for the purpose of enabling him to consider properly the expediency of his exercising any of his functions under that Act.

Control of
development
carried out
by interim
development
authorities and
responsible
authorities.

32.—(1) Subject to the provisions of this section and of any regulations made thereunder—

- (a) the authority empowered by an interim development order to permit the development of any land shall not, except with the consent of the Minister, carry out on that land any development other than development which is permitted by the interim development order itself;
- (b) the authority responsible for the enforcement of any provisions of a planning scheme shall not, except with the consent of the Minister, carry out any development

to which those provisions apply other than development which, if they were not so responsible, they would be entitled to carry out thereunder without the permission or approval of the responsible authority ;

PART I.
—cont.

and the consent of the Minister under this section may be given either as respects any particular development or as respects development of any description, and either subject to or free from any conditions or limitations.

(2) If any development for which the consent of the Minister is required under this section is carried out by an interim development authority or a responsible authority without such consent, or if any conditions or limitations imposed on the grant of such consent (including conditions or limitations as to the period for which any building or use may be maintained or continued) are not complied with, the Minister may, if he thinks fit, give directions to the authority requiring them to take such steps in respect thereof (whether by the removal or alteration of any building or work, the discontinuance of any use, or the reinstatement of any land) as he considers requisite having regard to the provisions of the scheme, or, as the case may be, to the provisions which ought in his opinion to be included in the proposed scheme ; and any such directions shall be enforceable, on an application made on behalf of the Minister, by mandamus :

Provided that before giving any directions under this subsection the Minister shall give notice to the authority of his intention so to do, and shall, if they so require, afford them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(3) In relation to any development by an interim development authority who carry on a statutory undertaking, being development carried out upon land to which section thirty-four of this Act applies, the reference in paragraph (a) of subsection (1) of this section to the Minister shall be construed as a reference to the Minister and the appropriate Minister ; and paragraph (b) of subsection (1) of section twenty-six of this Act, the proviso to subsection (1) of section thirty-five of this Act, and subsections (2) (3) (6) and (7) of the last-mentioned section, shall apply in relation to any application for consent under this section in respect of any such development as if in the said subsection (7) for the reference to section three of the Town and Country Planning (Interim Development) Act, 1943, there were substituted a reference to subsection (1) of this section.

(4) For the purposes of section forty-one of the Town and Country Planning Act, 1932 (which provides that the provisions of a planning scheme shall not apply to land held or used by statutory undertakers for the purposes of their undertaking except in so far as they consent thereto) a responsible authority

PART I.
—cont.

who carry on a statutory undertaking shall be deemed to consent to the application of the provisions of the scheme to any land belonging to them which is held or used by them for the purposes of that undertaking unless and until they have given to the Minister notice in writing stating that they withhold the consent.

(5) The Minister may make regulations with respect to the manner in which applications for consent may be made under this section, and with respect to the granting of consent thereunder, and in particular provision may be made by any such regulations—

- (a) for dispensing, in relation to any such development as may be determined by or under the regulations, with the necessity for such consent ;
- (b) for securing that, in such cases and subject to such conditions as may be so specified, an application for the sanction of the Minister or of any government department or authority, made in respect of any development under any enactment other than this section, shall be treated as a sufficient application for such consent.

(6) Except as expressly provided by this section, the provisions of the Town and Country Planning Acts, 1932 and 1943, and of this Act relating to interim development applications and the revocation or modification of permission granted thereon shall not apply to an application for consent made under this section by an interim development authority.

Power
to suspend
planning
schemes and
reimpose
interim
development
control.

33.—(1) Where a resolution to prepare or adopt a planning scheme revoking or varying an existing scheme has taken effect (whether before or after the commencement of this Act), or where the Minister proposes, in exercise of his powers under subsection (4) of section eight of the Town and Country Planning Act, 1932, to make a planning scheme revoking or varying an existing scheme, then if it appears to the Minister that it is expedient so to do—

- (a) for securing that any development prohibited by the existing scheme may be carried out notwithstanding the provisions of that scheme, or
- (b) for securing that any development permitted by the existing scheme may be controlled,

he may by order suspend the provisions of the existing scheme pending the coming into operation of the revoking or varying scheme ; and any such order may suspend the provisions of the scheme either as respects the whole of the area to which the revoking or varying scheme is to apply or as respects any part thereof specified in the order, and either as respects all development or as respects development of any class so specified.

(2) The provisions of section fifteen of the Land Charges Act, 1925, as to the registration of local land charges shall apply in

relation to an order under this section as they apply in relation to a resolution to prepare or adopt a planning scheme.

PART I.
—cont.

(3) Where the provisions of an existing scheme are suspended by virtue of an order under this section, then, notwithstanding anything in subsection (9) of section ten of the Town and Country Planning Act, 1932, the provisions of the Town and Country Planning Acts, 1932 and 1943, with respect to the control of interim development shall, as from the date on which the order is registered in accordance with the last foregoing subsection, apply to development to which the order relates, and shall so apply as if the resolution had taken effect on that date; and in relation to any such development the material date for the purposes of the revoking or varying scheme shall be the date on which the order was registered as aforesaid or such later date as may be specified in that scheme, but without prejudice to the proviso to the definition of "the material date" contained in section fifty-three of the Town and Country Planning Act, 1932 (which specifies the material date in relation to any provision of a scheme which is revoked by a scheme containing the same or a similar provision).

(4) Subject to the foregoing provisions of this section, the provisions of section ten of the Town and Country Planning Act, 1932, shall not apply to a resolution to prepare or adopt a planning scheme revoking an existing scheme, and accordingly subsection (9) of that section shall have effect as if after the word "scheme", in the third place where that word occurs, there were inserted the words "revoking or".

34.—(1) The provisions of the three next succeeding sections shall have effect as respects interim development applications for permission for the interim development, by the person carrying on a statutory undertaking, of land to which this section applies, the revocation or modification of such permission, and the postponement of the consideration of applications for such permission. Statutory undertakers :
interim development control.

(2) The land to which this section applies is, in relation to any statutory undertaking, land which is used for the purpose of the carrying on of that undertaking, or in which an interest is held for that purpose, other than any such land which is in respect of its nature or situation comparable rather with the generality of land subject to interim development control than of land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings.

(3) Any question arising under any of the three next succeeding sections whether land is land to which this section applies shall be determined by the Minister and the appropriate Minister.

PART I.
—*cont.*
Statutory
undertakers :
applications
for interim
development
permission.

35.—(1) Where the person carrying on a statutory undertaking appeals to the Minister from a decision on an interim development application for permission to develop land to which the last preceding section applies, or such an application made by the person carrying on a statutory undertaking is referred to the Minister, the decision on the appeal or application, as the case may be, shall be given by the Minister and the appropriate Minister :

Provided that where, under the enactments regulating the carrying on of the statutory undertaking, the sanction of a government department or the Electricity Commissioners is required for the carrying out of the development in question, or for the borrowing or application of moneys to defray the cost thereof, the Minister and the appropriate Minister shall not be required to give a decision on the appeal or application until such sanction has been obtained.

(2) Where the preceding subsection has effect, and the Minister and the appropriate Minister propose to refuse permission or to grant permission subject to conditions, they shall notify to the person carrying on the undertaking in question the decision which they propose to give, and if within twenty-eight days from the date on which he receives the notification that person makes application to the appropriate Minister in that behalf, the decision shall be embodied in an order made by the Minister and the appropriate Minister.

(3) An order under this section shall be provisional only and shall be of no effect until confirmed by Parliament.

(4) The provisions of the Town and Country Planning Acts, 1932 and 1943, shall apply to a decision given under this section as if it were a decision given by the Minister.

(5) In respect of any decision given under this section refusing permission, or granting permission subject to conditions, the person carrying on the statutory undertaking in question shall be entitled to recover compensation from the interim development authority in accordance with Part I of the Fourth Schedule to this Act.

(6) Section twenty-seven of this Act shall apply in relation to obligations of the person carrying on a statutory undertaking the fulfilment of which is rendered impracticable by a decision given under this section as it applies to the obligations referred to in subsection (1) of the said section twenty-seven.

(7) Notwithstanding anything in section three of the Town and Country Planning (Interim Development) Act, 1943, a decision given under this section shall not be such as to grant permission for the erection, construction or carrying out of any building or work, or the use of any building or land, for a limited period only.

PART I.
—cont.
Statutory
undertakers:
revocation
of interim
development
permission.

36.—(1) Section four of the Town and Country Planning (Interim Development) Act, 1943 (which relates to the revocation and modification of interim development permissions) shall have effect subject to the following provisions of this subsection as respects any permission granted, on an interim development application made by the person carrying on a statutory undertaking, for the development of land to which section thirty-four of this Act applies:—

- (a) the consent required for the making of an order revoking or modifying the permission shall be given by the Minister and the appropriate Minister ;
- (b) the power of the Minister to make an order on behalf of an interim development authority shall be exercised by the Minister and the appropriate Minister ;
- (c) where the Minister and the appropriate Minister propose to give such a consent or make such an order, they shall notify to the person carrying on the statutory undertaking the fact that they so propose, and afford him an opportunity of objecting to the proposal ;
- (d) if any objection is made to the giving of such a consent and not withdrawn, the consent shall be embodied in an order which shall be provisional only and shall be of no effect until confirmed by Parliament ;
- (e) if any objection is made to the making of such an order and not withdrawn, the order shall be provisional only and shall be of no effect until confirmed by Parliament ;
- (f) the person carrying on the undertaking shall be entitled to recover compensation from the interim development authority in accordance with Part I of the Fourth Schedule to this Act.

(2) Section twenty-seven of this Act shall apply in relation to obligations of the person carrying on a statutory undertaking the fulfilment of which is rendered impracticable by the revocation or modification of any such permission as is mentioned in the preceding subsection as it applies to the obligations referred to in subsection (1) of the said section twenty-seven.

37.—(1) The power conferred by section two of the Town and Country Planning (Interim Development) Act, 1943 to postpone the consideration of an interim development application shall not be exercisable as respects applications made by the person carrying on a statutory undertaking for permission to develop land to which section thirty-four of this Act applies, in relation to such an application made after the expiration of five years from the commencement of this Act, or in relation to such an application made before the expiration of the said five years so as to postpone the consideration thereof beyond the expiration of the said five years.

Statutory
undertakers:
postponement
of interim
development
applications.

PART I.
—cont.

(2) Without prejudice to the preceding subsection, where the person carrying on a statutory undertaking makes an interim development application for permission to develop land to which section thirty-four of this Act applies, he may at the time of making the application require that the power to postpone consideration of the application shall be exercisable by the Minister and the appropriate Minister; and where such a requirement is made the said power shall be exercisable accordingly, and—

- (a) the references in subsection (2) of section two of the said Act of 1943 to the interim development authority shall be construed as references to the Minister and the appropriate Minister;
- (b) the references in subsections (2) and (3) of the said section two to a notice of postponement, and to the service thereof in the prescribed manner, shall be construed as references to written notification of the decision of the Minister and the appropriate Minister to postpone consideration of the application, and to the giving of the notification to the applicant.

Interim development orders: exclusion of permission in particular areas or particular cases.

38. Any interim development order made under section ten of the Town and Country Planning Act, 1932, being an order which itself permits any development of land, may provide for enabling directions to be given thereunder, either by the Minister or by the interim development authority, excluding the permission so granted either in relation to the carrying out of development in any particular area or in relation to the carrying out of any particular development.

Suspension of byelaws, etc. by interim development order or other planning scheme in force: additional powers.

51 & 52 Vict. c. 52.
15 & 16 Geo. 5. c. 71.
15 & 16 Geo. 5. c. 68.
26 Geo. 5. & 1 Edw. 8. c. 49, c. 50.

39.—(1) The power conferred by subsection (8) of section ten of the Town and Country Planning Act, 1932, to authorise by an interim development order the suspension of enactments contained in local Acts and of orders, byelaws or regulations shall include power to provide for suspending the operation of any enactment contained in the Public Health (Buildings in Streets) Act, 1888, sections thirty-three and thirty-four of the Public Health Act, 1925, section five of the Roads Improvement Act, 1925, section one hundred and seven of the Public Health Act, 1936, or section one hundred and forty of the Public Health (London) Act, 1936.

(2) Where the Minister is satisfied that it is expedient so to do for the purpose of securing the carrying out of any development in conformity with the provisions of a planning scheme, he may, upon application in that behalf made to him by the responsible authority, by order relax in relation to that development any enactment, order, byelaw or regulation for the suspension of which provision may be made under the said subsection (8) as amended by this section.

40.—(1) A joint committee may be appointed under section three of the Town and Country Planning Act, 1932, or constituted by an order under section four of that Act, for any purpose connected with the preparation of a planning scheme, or with any matter preliminary to the preparation of such a scheme, including the keeping under review of planning schemes, whether operative or not, relating to the areas of any of the constituent authorities or any part thereof.

PART I.
—cont.

Establishment of joint committees for planning purposes.

(2) Any such committee may be empowered to prepare a planning scheme varying a planning scheme relating to the area of any of the constituent authorities or any part thereof, or supplementary to any such scheme.

41. Subsection (3) of section twelve of the Town and Country Planning Act, 1932 (which provides that the provisions of a planning scheme with respect to buildings shall not apply in relation to buildings used for the purposes of agriculture except in certain cases) shall cease to have effect :

Application to agricultural buildings of provisions of planning schemes as to buildings.

Provided that—

- (a) for the purposes of any planning scheme which is in operation at the date of the commencement of this Act, any building erected before that date, being a building to which the scheme would not apply but for this section, shall be treated as an existing building ; and
- (b) for the purposes of any planning scheme which comes into operation after the date of the commencement of this Act, any building erected before that date, being a building of any description specified in the said subsection (3), shall be treated as an existing building, and the provisions of section five of the Town and Country Planning (Interim Development) Act, 1943 (which enables interim development authorities to pull down buildings erected after the commencement of that Act otherwise than in accordance with the terms of the interim development order or of permission granted thereunder) shall not apply thereto.

42.—(1) With a view to the guidance of local authorities in the performance of functions under the Town and Country Planning Act, 1932, and this Act in relation to buildings of special architectural or historic interest, the Minister may compile lists of such buildings, or approve, either with or without modifications, such lists compiled by other persons or bodies of persons, and may amend any list compiled or approved under this section.

Designation of buildings of special architectural or historic interest.

(2) As soon as may be after any list has been compiled or approved under this section or any amendments of such a list have been made, a copy of so much of the list as relates to the

PART I.
—cont.

area of any local planning authority (or, if the list is a list approved subject to modifications, a copy of so much of the list as modified as relates to their area) or of so much of the amendments as relate thereto, as the case may be, certified by or on behalf of the Minister to be a true copy thereof, shall be deposited with the clerk of the local planning authority, and also, where that authority is not the council of a county borough, with the clerk of the council of the county in which the area is situated.

(3) As soon as may be after the inclusion of any building in a list under this section, whether on the compilation or approval of the list or by the amendment thereof, or as soon as may be after any such list has been amended by the exclusion of any building therefrom, the Minister shall serve a notice on every owner and occupier of the building stating that the building has been included in, or excluded from, the list, as the case may be.

(4) Before compiling or amending any list under this section, or approving any list thereunder either with or without modifications, the Minister shall consult with such persons or bodies of persons as appear to him appropriate as having special knowledge of or interest in buildings of architectural and historic interest.

Preservation
of buildings
of special
architectural
or historic
interest.

43.—(1) The power of a local authority under section seventeen of the Town and Country Planning Act, 1932, to prohibit the demolition of any building of special architectural or historic interest shall include power to make an order directing that without the consent of the authority the building shall not, in any way prohibited by the order, be altered or extended.

(2) In accordance with the preceding subsection the power of a local authority to vary an order under the said section seventeen shall include power as respects any order made under that section (whether before or after the commencement of this Act) by a subsequent order thereunder to vary the order by adding thereto such a direction as is mentioned in the preceding subsection.

(3) An order giving or adding such a direction as aforesaid shall not be made by the authority or approved by the Minister unless the authority or the Minister, as the case may be, are or is satisfied that the alteration or extension of the building in the way prohibited would seriously affect the character of the building.

(4) Subsection (2) of the said section seventeen (under which an order prohibiting the demolition of a building is of no effect until approved by the Minister, and the Minister is required to consider representations of the owner of the building before approving such an order) shall apply to an order giving or adding such a direction as aforesaid, and subsection (3) of the said section seventeen (which provides for an appeal to the Minister

in certain cases) shall have effect as if the reference to the demolition of a building included a reference to the alteration and to the extension thereof.

(5) No person shall execute, or cause or permit to be executed, any work for the purpose of demolishing a building to which this subsection applies, that is to say, a building included in a list compiled or approved under the provisions of the last preceding section, not being a building as respects which an order under the said section seventeen is for the time being in force or a building falling within subsection (5) of that section (which relates to ancient monuments and certain other buildings), or for the purpose of altering or extending a building to which this subsection applies in any way which would seriously affect the character thereof, unless at least two months before the work is executed notice in writing has been given to the local planning authority of the proposed demolition, alteration or extension :

Provided that nothing in this subsection shall render unlawful the execution of any such work as aforesaid which is urgently necessary in the interests of safety or health, or for the preservation of the building or of neighbouring property, so long as notice is given as aforesaid as soon as may be after the necessity for the work arises.

(6) Where a local planning authority receive a notice under the last preceding subsection they shall as soon as may be send a copy of the notice to the Minister and, except where the authority is the council of a county borough, to the council of the county in which the area of the authority is situated, and in either case to such other persons or bodies of persons as may be specified by the Minister either generally or as respects the building in question.

(7) If any owner of a building executes, or causes or permits to be executed, any work for the purpose of demolishing, altering or extending the building in contravention of an order in force under the said section seventeen, or if any person contravenes the provisions of subsection (5) of this section, the said owner or person, as the case may be, shall be liable on summary conviction to a fine not exceeding fifty pounds, and the court by whom he is convicted may in addition order him to pay such sums as the court think just for the purpose of restoring the building, so far as may be, to its former state.

(8) Where an order under the said section seventeen has come into operation as respects any building, the authority by whom the order was made may at any time serve notice of the order on any person not being an owner of the building, and where such notice has been served the provisions of the last preceding subsection shall apply in relation to the person on whom it was served as if he were an owner of the building.

PART I.
—cont.

(9) A local authority having power to make an order under the said section seventeen as respects any building—

(a) may, with the consent of the Minister, acquire by agreement the building and any land comprising or contiguous or adjacent to it which appears to the authority and the Minister to be required for maintaining it or the amenities thereof, or for affording access thereto, or for the proper control or management thereof;

(b) if an order under the said section seventeen is in force as respects the building and it appears to the authority and the Minister that reasonable steps required for properly maintaining the building will not be taken unless the powers of this paragraph are exercised, may be authorised to purchase the building and any such land as aforesaid compulsorily, by means of an order made by the authority and submitted to the Minister and confirmed by him in accordance with the provisions of Part I of the Second Schedule to this Act.

(10) A local authority shall have power, as respects any land acquired by them under this section, to repair, maintain and insure any buildings or works on the land and generally to deal therewith in a proper course of management, and may with the consent of the Minister dispose of any land so acquired in any manner which appears to the authority and the Minister expedient for, or consistent with, securing the object for which the land was acquired.

Subsections (9) to (11) of section nineteen of this Act shall apply in relation to the disposal of land under this section as they apply in relation to the disposal of land under that section.

(11) Works specified by the Minister as being required for properly maintaining a building as respects which an order under the said section seventeen is in force and which is settled land within the meaning of the Settled Land Act, 1925, shall be added to the classes of works specified in Part II of the Third Schedule to that Act (which specifies improvements in or towards payment of which capital money may be applied, without any scheme being first submitted to the trustees of the settlement or the court, subject to provisions under which repayment of capital money applied may be required to be made out of income).

Appeals in
respect of
design or
external
appearance of
buildings.

44. Where, in accordance with paragraph (c) of subsection (1) of section twelve of the Town and Country Planning Act, 1932, provision is made by a planning scheme for enabling the responsible authority to regulate the design or external appearance of buildings, any appeal under that subsection from a decision of the

responsible authority shall, if the scheme so provides, lie to the Minister instead of to a court of summary jurisdiction or a special tribunal, and accordingly the said subsection shall have effect as if, after the words, "summary jurisdiction" there were inserted the words "or to the Minister".

45.—(1) Any planning scheme, whether coming into operation before or after the commencement of this Act, which makes provision for the purposes set out in paragraph (ii) (c) of subsection (2) of section nineteen of the Town and Country Planning Act, 1932 (that is to say, for securing that new buildings may be erected on the sites of existing and certain other buildings if commenced within two years after the destruction or demolition of the previous buildings or within such longer period as the responsible authority may permit) shall have effect in relation to any building destroyed or demolished (whether before or after the commencement of this Act) during the war period, as if for any reference therein to the period of two years after the destruction or demolition of the previous building there were substituted a reference to the period ending two years after the expiration of the war period, or, in the case of a scheme which comes into operation after the expiration of the war period, to the period ending two years after the date on which the scheme comes into operation.

Extension as respects war period of protection for existing buildings and uses.

(2) The provisions of paragraph (ii) (d) of subsection (2) of the said section nineteen (which relates to the use of buildings permitted in accordance with paragraph (ii) (c) of that subsection) and of subsections (3) and (4) of that section (which enable the responsible authority to control such buildings and uses upon payment of compensation), and any provisions included in the scheme in accordance with those provisions, shall apply in relation to any building the erection of which is permitted by virtue of this section as they apply to buildings permitted in accordance with paragraph (ii) (c) of the said subsection (2).

(3) Where, at any time during the war period (whether before or after the commencement of this Act) the existing use of any building has been discontinued—

- (a) by reason of the occurrence to the building of war damage ;
- (b) by reason of possession of the building having been taken in the exercise or purported exercise of emergency powers, or by an authority by whom, at a time at which, and for a purpose for which, possession of the building could have been so taken ;
- (c) in consequence of any arrangement for the concentration of production approved, or of any order for that purpose made, by the Board of Trade in the exercise or purported exercise of such powers ;

PART I.
—cont.

(d) by reason of the entry of the occupier of the building into whole-time service in the armed forces of the Crown or in the merchant navy or the mercantile marine or in a civil defence force within the meaning of the National Service Acts, 1939 to 1942, or, in the case of a woman, in any of the capacities mentioned in the First Schedule to the Reinstatement in Civil Employment Act, 1944 ; or

7 & 8 Geo. 6.
c. 15.

(e) by reason of such other circumstances as may be prescribed,

no account shall be taken for the purposes of proviso (i) to the definition of "existing use" in section fifty-three of the Town and Country Planning Act, 1932 (which provides that no subsequent use of a building is to be deemed to be an existing use if the existing use has been discontinued for a period of eighteen months) of any time during which the resumption of the existing use of the building is or has been prevented either as mentioned in paragraphs (a) to (e) of this subsection or by reason of the refusal, by the Minister on appeal, of an interim development application for permission to resume that use.

(4) In this section—

(a) the expression "the war period" means the period beginning with the third day of September, nineteen hundred and thirty-nine and ending with the expiration of the Emergency Powers (Defence) Act, 1939 ;

2 & 3 Geo. 6.
c. 62.

(b) the expression "emergency powers" means powers conferred by Defence Regulations, by section fifty-two of the Telegraph Act, 1863, or by section seven of the Air Navigation Act, 1920, or exercisable by virtue of the prerogative of the Crown,

26 & 27 Vict.
c. 112.
10 & 11 Geo. 5.
c. 80.,

and the reference in subsection (3) of this section to the refusal by the Minister on appeal of an interim development application shall be construed as including a reference to the refusal by him of an interim development application referred to him under subsection (1) of section six of the Town and Country Planning (Interim Development) Act, 1943, and to the refusal by the Minister and the appropriate Department of an application made by the person carrying on a statutory undertaking.

46.—(1) Any power conferred by a planning scheme to grant permission for any development shall include power—

(a) where, upon application for such permission made during the continuance in force of the Emergency Powers (Defence) Act, 1939, the responsible authority are satisfied—

(i) that having regard to the purposes for which development is required, and to the circumstances

Power during war period to give under planning schemes consent to development with effect for a limited period.

prevailing at the time, it is desirable to grant the permission, but

PART J.
—cont.

(ii) that it is inexpedient in the interests of the scheme that the development should be permitted without limit of time,

to grant the permission so as to remain in force for such period as may be specified therein ;

(b) where permission has been so granted, and the responsible authority are satisfied, upon application made as aforesaid and before the expiration of the period specified in the permission, that it is desirable to permit the development for a further period, to extend the period so specified.

(2) If, after the expiration of the period for which permission has been granted therefor under this section, any building or use is maintained or continued, the provisions of the Town and Country Planning Act, 1932, and of the scheme shall apply as if the permission had not been granted and as if the building had been erected, or the use begun, at the expiration of the said period by the person then entitled to possession of the land.

(3) Where, in exercise of any such power as aforesaid, the responsible authority have, at any time after the commencement of the Emergency Powers (Defence) Act, 1939, and before the commencement of this Act, purported to grant permission for any development so as to remain in force for a specified period, the provisions of the last preceding subsection shall apply as if the permission had been granted under this section.

(4) Any reference in this section to the responsible authority shall, in a case where an appeal is taken to the Minister under the provisions of the scheme, be construed as a reference to the Minister.

Miscellaneous Provisions relating to Part I

47.—(1) The power of the Public Works Loan Commissioners to make loans under section nine of the Public Works Loans Act, 1875, shall include power to make loans to a local planning or highway authority or a county council for the purpose of the discharge by them of any of their functions under this Part of this Act. Provisions as to borrowing for purposes of this Part. 38 & 39 Vict. c. 89.

(2) Notwithstanding anything in section three of the London County Council (Finance Consolidation) Act, 1912, the manner in which the London County Council may borrow shall include, in the case of money borrowed by them for the purpose aforesaid, borrowing from the said Commissioners in accordance with the Public Works Loans Acts, 1875 to 1882. 2 & 3 Geo. 5. c. cv.

PART I.
—*cont.*

(3) So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Acts, 1939 and 1940, it shall not be lawful to exercise the powers of borrowing conferred by virtue of this Act without such consent.

Subsidy under
1 & 2 Geo. 6.
c. 16 as
respects
housing for
persons
displaced
in exercise of
powers of
this Part.

48.—(1) In paragraph (a) of subsection (5) of section one of the Housing (Financial Provisions) Act, 1938 (which specifies, as the subject matter to which that section applies for the purposes of the government contributions therein mentioned, housing accommodation rendered necessary as mentioned in that subsection) there shall be inserted, at the end of sub-paragraph (ii), the words “or by displacements from houses as to which the Minister is satisfied that they are unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense, being displacements occurring in the carrying out in connection with the purpose mentioned in subsection (1) of section one or in subsection (1) of section nine of the Town and Country Planning Act, 1944, of redevelopment of land which a local planning or highway authority or a Minister have or has acquired under Part I of that Act.”

(2) Any increase attributable to this section in the sums payable out of moneys provided by Parliament under section four of the said Act of 1938 shall be payable out of moneys so provided.

Works below
high-water
mark.

49. Nothing in this Act shall authorise the execution of any works whether of construction, demolition or alteration on, over or under tidal lands below high-water mark of ordinary spring tides, except with the consent of any persons whose consent would have been required if this Act had not been passed, and except in accordance with such plans and sections and subject to such restrictions and conditions as, previous to such works being commenced, have been approved by the Minister of War Transport.

Power of
entry for
purposes of
survey and
valuation.

50.—(1) Where a Minister or a local planning or highway authority is or are authorised to purchase any land compulsorily under this Part of this Act, or has or have under consideration the purchase of any land as aforesaid, an officer of the Valuation Office or any person authorised in writing by the said Minister or authority may at all reasonable times, on producing, if so required, evidence of his authority in that behalf, enter on the land, for the purpose of surveying or estimating the value of the land.

(2) An officer of the Valuation Office or any person authorised in writing by the Minister may at all reasonable times, on producing, if so required, evidence of his authority in that behalf,

enter on land for the purpose of surveying it or estimating its value in connection with any proposals relating to the land submitted or to be submitted under section seven of this Act.

PART I.
—cont.

(3) Notwithstanding anything in the preceding subsections, admission shall not be demanded as of right to any land which is occupied, unless twenty-four hours' notice of the intended entry has been given to the occupier.

(4) If any person obstructs such an officer or other person in the exercise of any power conferred on him by this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

51.—(1) For the purposes of the execution of his powers and duties under this Act, a Minister may cause to be held such local inquiries as are directed by this Act and such other local inquiries as he may think fit. Provisions as to local inquiries.

(2) Subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the giving of evidence on, and defraying the costs of, local inquiries) shall apply to a local inquiry held in pursuance of this Act as they apply to the local inquiries mentioned in subsection (1) of the said section two hundred and ninety.

52.—(1) Where the fee simple in any ecclesiastical property is in abeyance it shall be treated for the purposes of a compulsory purchase of the property authorised under this Part of this Act as being vested in the Ecclesiastical Commissioners, and any notice to treat shall be served, or be deemed to have been served, accordingly. Provisions as to ecclesiastical property.

(2) Where under this Act any notice, other than a notice to treat, is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Ecclesiastical Commissioners.

(3) In this Act the expression "ecclesiastical property" means land belonging to any ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of the bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.

53.—(1) On the date on which notice to treat for the purposes of a purchase under this Part of this Act is served in respect of any interest in land that has sustained war damage any of which has not been made good at that date, or as soon as may be after that date, the purchasing authority shall notify the War Damage Commission that such a notice to treat has been served in respect of an interest therein : Notification of purchases of war damaged land to War Damage Commission.

PART I.
—cont.

Provided that this subsection shall not apply to a notice to treat deemed by virtue of the Sixth Schedule to this Act to have been served, but when the purchasing authority under a purchase order providing for expedited completion notify the fact that the order has become operative to the proper officer of a council mentioned in section seventeen of this Act for the purpose of the registration of the order in the register of local land charges, or, if the purchasing authority are such a council, when the order is so registered by their proper officer, they shall notify the Commission of that action having been taken.

(2) If an authority who are authorised by an order under this Part of this Act to purchase compulsorily land which has sustained war damage enter into an agreement for the purchase of an interest in the land, and at the date on which the agreement is made any of the damage has not been made good, the authority shall, on that date or as soon as may be after that date, notify the War Damage Commission that they have entered into an agreement for the purchase of an interest therein.

Service of
notices.

54. Any notice or other document required or authorised to be served or given under this Act may be served or given either—

- (a) by delivering it to the person on whom it is to be served or to whom it is to be given ; or
- (b) by leaving it at the usual or last known place of abode of that person, or, in a case in which an address for service has been furnished, at that address ; or
- (c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode, or, in a case in which an address for service has been furnished, at that address ; or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it in a prepaid registered letter addressed to the secretary or clerk of the company or body at that office ; or
- (e) in the case of the War Damage Commission, by delivering it to an officer of the Commission at any office of the Commission, or by sending it in a prepaid registered letter addressed to the Commission at any office of the Commission :

Provided that a notice or other document that is required or authorised to be served on or given to a person as having an interest in, or being an occupier of, any premises shall be deemed to be duly served on that person,—

- (i) where he is a person having an interest and his name cannot be ascertained after reasonable inquiry, or where

he is an occupier, if it is addressed to him by the description of " the owner " or " the occupier ", as the case may be, of the premises (describing them), and delivered, left or sent as mentioned in paragraph (a), (b) or (c) of this section ;

- (ii) where he is a person having an interest and his address cannot be ascertained after reasonable inquiry, or where he is an occupier, if the notice or other document (addressed to him either by name or in accordance with paragraph (i) of this proviso, and marked in such manner as may be prescribed for securing that it shall be plainly identifiable as a communication of importance) is sent in a prepaid registered letter to those premises and is not returned to the authority sending it, or is delivered to some person on those premises, or is affixed conspicuously to some object on those premises ;

and where a notice or other document is required to be served on or given to all persons having interests in, or being occupiers of, premises comprised in any land, and any of that land appears to the authority required to serve or give the notice or other document to be unoccupied, it shall be deemed to be duly served on all persons having interests in, and of all occupiers (if any) of, premises comprised in the land so appearing to the authority (other than an owner who in accordance with the provisions of this Act in that behalf has furnished the authority with an address for service of the notice on him) if it is addressed to " the owners and any occupiers " of the land so appearing (describing it) and marked as aforesaid and is affixed conspicuously to some object on that land.

55.—(1) In this Act the expression a " local planning authority " means such a council as is mentioned in subsection (1) of section two of the Town and Country Planning Act, 1932.

Definition of
"local planning
authority";
and delegation
to county
councils and
joint
committees.

(2) Subsection (2) of section two of the said Act (which empowers a county district council to relinquish any of its powers and duties under that Act to the county council) shall apply as if the references therein to the powers and duties of a county district council under that Act included references to their powers and duties under section one of this Act, and—

- (a) in relation to an application under the said section one made by a county council, references in that section to a local planning authority and to the area of a local planning authority shall be construed respectively as references to the county council and to the area of the local planning authority by whom the power of making the application has been relinquished to the county council ;

PART I.
—cont.

- (b) the reference in paragraph (b) of subsection (1) of section two of this Act to an order made on the application of the local planning authority therein referred to shall include a reference to an order made on the application of a county council to whom that authority has relinquished the power of making the application ; and
- (c) the references in subsection (5) of section two of this Act to the authority on whose application an order was made shall, where the order was made on the application of a county council, be construed as a reference to the local planning authority by whom the power of making the application was relinquished to the county council.
- (3) Section three of the said Act (which relates to the appointment and constitution of joint committees for the purpose of joint action in the preparation of a scheme) shall have effect as if the reference therein to the preparation of a scheme included a reference to making an application under section one of this Act, and—

- (a) in relation to such an application made by a joint committee, references in the said section one to a local planning authority and to the area of such an authority shall be construed respectively as references to the joint committee and to an area consisting of the areas of all local planning authorities being constituent authorities taken together,
- (b) the reference in paragraph (b) of subsection (1) of section two of this Act to an order made on the application of the local planning authority therein referred to shall include a reference to an order made on the application of a joint committee of which that authority was a constituent authority, and
- (c) the references in subsection (5) of section two of this Act to the authority on whose application an order was made shall, where the order was made on the application of a joint committee, be construed, in relation to land in an area of extensive war damage, as a reference to the local planning authority in whose area the land is situated, and, in relation to land declared to be subject to compulsory purchase for providing for re-location of population or industry or for replacement of open space, as a reference to all local planning authorities being constituent authorities.

- (4) A local planning authority, county council or joint committee making an application under section one of this Act may include in the land to which the application relates land in the neighbourhood of the area of the authority, of the area of the

authority by whom the power of making the application has been relinquished to the county council, or of the area of any local planning authority being a constituent authority, as the case may be, and, as respects such an application which relates to any such neighbouring land—

- (a) references in section one of this Act to the area of a local planning authority shall be construed as if that land had been in the area of the authority, of the authority by whom the said power has been relinquished as aforesaid or of a local planning authority being of one of the constituent authorities, as the case may be,
- (b) the reference in paragraph (a) of subsection (1) of section two of this Act to land in the area of the local planning authority therein mentioned shall include a reference to any such neighbouring land declared to be subject to compulsory purchase for dealing with war damage by an order in force under section one of this Act and made on the application of that local planning authority, of a county council to whom the power of making such an application has been relinquished by that authority, or of a joint committee of which that authority was a constituent authority.

56.—(1) Where an order has been made, on an application under subsection (1) of section one of this Act, as respects land in a metropolitan borough, or authorisation of the compulsory purchase of any such land has been given under any of the provisions of this Part of this Act, the Minister may, if an application in that behalf is made to him by the London County Council, by order direct that notwithstanding anything in subsection (1) of the last preceding section the council of that metropolitan borough shall, as respects all or any of the land, as may be specified in the application, be the local planning authority for the purposes of such of the provisions of this Part of this Act as may be so specified, and that the said provisions shall apply as if the application under subsection (1) of section one of this Act had been made by the council of the metropolitan borough, or the authorisation had been given to that council, as the case may be.

An order under this subsection may be varied or revoked by a subsequent order of the Minister made in accordance with an application in that behalf by the London County Council.

(2) The Common Council of the City of London—

- (a) may with the consent of the Minister certify as respects any land which they have acquired for the purposes of this Part of this Act and which is for the time being held by them for those purposes that the land will not, as from the giving of the certificate, be so held ;

PART I.
—cont.

- (b) may with the consent of the Minister certify as respects any land for the time being held by them, not being land to which subsection (2) of section fourteen of this Act applies, that the land is appropriated for the purposes of this Part of this Act ;
- (c) may with the consent of the Minister revoke a certificate in force under this subsection as respects any land for the time being held by them ;

and references in this Part of this Act to land acquired or appropriated by a local planning authority for the purposes of this Part of this Act shall be construed, in the case of the said Council, as references to land acquired by them for the said purposes as respects which no certificate under paragraph (a) of this subsection is in force, or land as respects which a certificate under paragraph (b) of this subsection is in force, or land appropriated for the said purposes in accordance with subsection (2) of section fourteen of this Act.

The consent of the Minister for the purposes of this subsection may be given either as respects a particular certificate or as respects certificates relating to land of any class, and either subject to or free from any conditions or limitations.

(3) The powers of disposal conferred on the Common Council of the City of London by section nineteen of this Act shall be exercisable, as respects land to which they apply, to the exclusion of any other power of disposal which apart from this subsection would be exercisable by the said Council.

PART II.

COMPENSATION IN CONNECTION WITH ACQUISITION OF LAND
FOR PUBLIC PURPOSES.

Assessment of compensation in connection with acquisition of land for public purposes by reference to 1939 prices.

57.—(1) Compensation for the compulsory purchase of an interest in land by a government department or a local or public authority within the meaning of the Acquisition of Land (Assessment of Compensation) Act, 1919, compensation to be estimated in connection with such a purchase for damage sustained by reason of the severing of land the subject thereof from other land held therewith or otherwise injuriously affecting such other land, and compensation under section sixty-eight of the Lands Clauses Consolidation Act, 1845, in respect of land injuriously affected by the execution of works on land acquired by such a department or authority, shall, except in the case of compensation assessed on the basis specified in rule (5) of the rules set out in section two of the said Act of 1919, be assessed subject to the rule following, that is to say—

The value of any interest in land purchased pursuant to a notice to treat served at any time within the period of five

years from the commencement of this Act, the amount of any damage sustained by reason of severance or other injurious affection compensation for which is to be estimated in connection with a purchase of an interest in land pursuant to such a notice, and the amount of any damage sustained by reason of other land being injuriously affected by the execution of works which either is sustained or the amount of which falls to be ascertained at any time within that period, shall be ascertained by reference to prices current at the thirty-first day of March, nineteen hundred and thirty-nine, on the assumption that the interest had at that date been subsisting as it was in fact subsisting at the time of service of the notice to treat, and that the land in which the interest subsisted, and any such other land, had been at that date in the state in which it in fact was at the time of service of the notice to treat.

(2) The rule set out in the preceding subsection shall, in its application to tenancies, to land capable of being redeveloped in combination with other land, to dwelling-houses to which the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1925, apply, and to agricultural holdings, have effect subject to the provisions of the Seventh Schedule to this Act.

(3) Compensation for disturbance shall not in any case be assessed at any greater amount than that at which it would have fallen to be assessed if this section had not been enacted.

58.—(1) Where the person entitled to compensation assessed subject to the rule set out in subsection (1) of the last preceding section for the purchase of an interest in land consisting of or comprising a building (not being agricultural property) or consisting of or comprising agricultural property (that is to say, agricultural land or agricultural buildings as defined in section two of the Rating and Valuation (Apportionment) Act, 1928, or a farmhouse) is an owner-occupier, he shall be entitled to receive from the purchasing authority, as a supplement to that compensation, such sum, if any, not exceeding the maximum hereinafter specified, as may be reasonable having regard to the extent to which, in all the circumstances of his occupation, he is affected by the purchase of the interest.

Supplement to compensation in case of owner-occupiers.
18 & 19 Geo. 5. c. 44.

(2) The maximum for the sum which may be paid under this section in respect of an interest in land as consisting of or comprising a building shall be—

- (a) where the interest in question is the fee simple, thirty per cent. of the value of the building ascertained by reference to prices current at the thirty-first day of March, nineteen hundred and thirty-nine ;

PART II.
—cont.

(b) where the interest in question is a tenancy, the amount by which the value of the tenancy in the building ascertained by reference to prices current at the said thirty-first day of March falls short of the value of the tenancy in the building ascertained by reference to prices thirty per cent. greater than those current at that date.

(3) The maximum for the sum which may be paid under this section in respect of an interest in land as consisting of or comprising agricultural property shall be the amount (if any) by which—

(a) the value of the interest in the agricultural property, ascertained by reference to prices current at the said thirty-first day of March, falls short of

(b) the value of the interest in the agricultural property ascertained by reference to prices thirty per cent. greater than those current at that date and on the assumption that that property had been at that date subject to a permanent restriction to use as agricultural property within the meaning of this section.

(4) In making any valuation of a building, of a tenancy in a building or of an interest in agricultural property, which is required for fixing either of the said maxima it shall be assumed that the building or property had been at the thirty-first day of March, nineteen hundred and thirty-nine, in the state in which it in fact was at the time of service of the notice to treat, except that, in a case in which the building or property has sustained war damage any of which has not been made good at that time and in respect of which the appropriate payment under the War Damage Act, 1943, would apart from the compulsory purchase be a payment of cost of works, it shall be assumed that the building or property had been on the said thirty-first day of March in the state in which it was immediately before the occurrence of the damage.

6 & 7 Geo. 6.
c. 21.

(5) The person entitled to compensation for the purchase of an interest in land consisting of or comprising a building or agricultural property shall be deemed for the purposes of this Part of this Act to be an owner-occupier if any of the following conditions are satisfied, and not otherwise, that is to say—

(a) if he is in occupation of the building or property at the time of service of the notice to treat ;

(b) in the case of a building or property so damaged at that time as not to be fit for occupation, if he was in occupation thereof when the damage occurred ;

(c) in the case of a building or property of which possession has been taken without other title by virtue of any enactment, or by an authority by whom, and in circumstances in which, possession thereof could have been

so taken, and has not been given up before that time, if he was in occupation thereof when possession was so taken ; or

PART II.
—cont.

(d) if—

(i) the title under which the building or property is held at that time is such that he then has the right to enter into occupation thereof or will be in a position to obtain that right within five years from that time, and

(ii) it was at that time his intention, subject to its being possible for him so to do, to enter into occupation of the building or property within the said five years, or, if it is so damaged as not to be fit for occupation, to cause it to be restored for his occupation, or to enter into occupation of premises to be substituted therefor, within the said five years.

(6) For the purposes of the last preceding subsection—

(a) references to the person entitled to the compensation shall, where that person holds as trustee or otherwise for the benefit of another or subject to the directions of another, be construed subject to such adaptations as may be prescribed by regulations made by the Lord Chancellor ;

(b) references to occupation of a building or property include references to occupation of a part thereof, so however that a person shall not be treated under this paragraph as in occupation of a building or property by virtue of his occupying a part thereof if he occupies it wholly or mainly in connection with the management, supervision or control of the building or property as a whole ;

(c) a person shall be treated as in occupation of a building or property if it is in the occupation of a person in his employment for the purposes of that employment, so however that a person shall not be treated under this paragraph as in occupation of a building or property by virtue of any occupation thereof by a person employed by him as caretaker of that building or property ;

(d) no regard shall be had to any impediment to a right to enter into occupation arising from the subsistence of a tenancy which, by virtue of the Validation of War-Time Leases Act, 1944, or otherwise, is for a term having more than five years to run at the time of service of the notice to treat but is subject to a right on the part of the landlord to determine the tenancy by notice after the end of the war if it ends before the expiration of that term, or arising from the operation of the Rent and Mortgage

7 & 8 Geo. 6.
c. 34.

PART II.
—cont.

Interest Restrictions Acts, 1920 to 1939 (or of any enactment amending or replacing any enactment in those Acts), or arising from the subsistence by virtue of any enactment of a right to possession of land without other title thereto ;

(e) no regard shall be had to occupation or intended occupation of a building or property entered into, or intended to be entered into, with a view to rendering a sum payable under this section in a case in which it would not otherwise have been payable.

(7) In this section the expression " farmhouse " means a house used as the dwelling-house of a person who is primarily engaged in carrying out or directing agricultural operations on land in the neighbourhood of the house.

Supplement to
compensation
in case of
improvements.

59. Where compensation assessed subject to the rule set out in subsection (1) of section fifty-seven of this Act is for the purchase of an interest in land which, after the thirty-first day of March, nineteen hundred and thirty-nine, and before the time of service of the notice to treat, has been improved by the erection thereon of a building or by improvements made to a building or to agricultural land comprised therein, the person entitled to the compensation shall be entitled to receive from the purchasing authority, as a supplement to that compensation, such sum, if any, by way of addition to the value, ascertained by reference to prices current at the said thirty-first day of March, of the purchased interest in the land so far as attributable to the improvements, as may be reasonable having regard to all the circumstances, including in particular the cost of the improvements, any provision which may have been made for the payment of any of the cost thereof out of public moneys, and any increased returns or increased prices in respect of, or of products of, work done on the improved land in so far as it appears that the increase was intended to make provision for recovery of capital applied in making the improvements apart from provision for depreciation.

Supplemental
provisions
relating to
the two
preceding
sections.

60.—(1) On a claim being made for payment of a sum under either of the two last preceding sections as a supplement to any compensation the purchasing authority may settle the claim in agreement with the person entitled to the compensation, and in default of agreement the claim shall be referred to and determined by an arbitrator to be appointed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919 :

Provided that—

(a) a county court shall have jurisdiction to hear and determine any question arising on such a claim whether the

claimant is a person who is to be deemed for the purposes of this Part of this Act to be an owner-occupier ; and

- (b) in lieu of the provisions of the said Act of 1919 as to the statement of special cases, the arbitrator may at any stage of the proceedings before him, and shall, if so directed by the judge of a county court, 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, and may state his award as to the whole or part thereof in the form of a special case for the opinion of a county court.

(2) The Treasury may make regulations prescribing the manner in which, and matters by reference to which, any valuation required for the purposes of the determination of a claim for payment of a sum under either of the two last preceding sections is to be made.

(3) Provision may be made by an order made by the Treasury and approved by a resolution of each House of Parliament for substituting, in view of any circumstances arising since the passing of this Act, for any reference in section fifty-eight of this Act to thirty per cent. a reference to such higher or lower percentage as may be specified in the order, either generally or as respects any particular provision of that section.

An order or orders may be made under this subsection as respects such period or respective periods as appear to the Treasury to be appropriate, and any such order shall have effect (if approved as aforesaid) in relation to interests in respect of which notices to treat are served during the period as respects which the order is made.

(4) Where the person entitled to any compensation would apart from this provision be entitled to receive a sum as a supplement to that compensation under both of the two last preceding sections, he shall be entitled to receive whichever of those sums is the greater, to the exclusion of the other.

(5) A sum payable under either of the two last preceding sections as a supplement to any compensation shall be held and disposed of in like manner as if it had formed part of the compensation, and, where the compensation carries interest, shall carry interest at the rate and from the date at and from which interest on the compensation is payable.

61.—(1) The provisions of the Eighth Schedule to this Act shall have effect as to the ascertainment of the compensation for the compulsory purchase of an interest in the whole of the land in a hereditament within the meaning of the War Damage Act, 1943, the value of which is required by that Act to be ascertained by reference to its state after war damage.

Ascertainment of compensation for purchase of land valued under the War Damage Act, 1943.

PART II.
—cont.

(2) In this section, and in the Eighth Schedule to this Act, references to the compensation for the compulsory purchase of an interest shall be construed as references to the compensation payable apart from any supplement under section fifty-eight or fifty-nine of this Act.

Power to
prescribe rate
of interest
payable where
entry made
before pay-
ment of
compensation.

62.—(1) The rate of interest for any period after the commencement of this Act on compensation which fell or falls, in default of agreement, to be ascertained in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919 (whether as originally enacted or as amended by this Act), in respect of land compulsorily purchased on which entry has been made before the payment of the compensation shall, in lieu of being the rate of five per cent. specified in section eighty-five of the Lands Clauses Consolidation Act, 1845, be four per cent. per annum or such other rate as may be prescribed by regulations made by the Treasury under this section.

(2) The Treasury may from time to time make regulations prescribing the rate at which such interest as aforesaid for the period after the coming into force of the regulations, and before the coming into force of any subsequent regulations made under this section, is to be payable.

PART III.

GENERAL.

Regulations.

63.—(1) In this Act, except where the context otherwise requires, the expression "prescribed" means prescribed by regulations made by the Minister.

(2) Any 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 period of forty days beginning with the day on which the regulations are laid before that House resolves that the regulations be annulled the regulations 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.

(3) Notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, regulations made under this Act shall be deemed not to be, or to contain, statutory rules to which that section applies.

56 & 57 Vict.
c. 66.

64. An official arbitrator appointed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, to whose determination any matter is referred under this Act shall have the like powers with respect to procedure, costs and the statement of special cases as he has under that Act, except in so far as is otherwise provided by this Act.

PART III.
—*cont.*
Powers of
official arbi-
trator on
references to
him.

65.—(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

Interpretation.

“appropriate Minister,” in relation to a statutory undertaking, has the meaning assigned to it by section thirteen of this Act ;

“clearing” means preparing land to the prescribed extent for development, including the construction of any prescribed works in the course of so preparing it ;

“development” includes re-development ;

“ecclesiastical property” has the meaning assigned to it by section fifty-two of this Act ;

“first local advertisement” means, in relation to the publication of a notice as respects any land, the first publication of the notice in a newspaper circulating in the locality where the land is situated, and includes, in relation to a notice so published once only, the publication thereof ;

“Gazette and local advertisement” means, in relation to an application, order or certificate relating to any land, publication in the London Gazette and, in each of two successive weeks, in one or more newspapers circulating in the locality in which the land is situated ;

“interim development application” and “interim development authority” have the same meanings as in the Town and Country Planning (Interim Development Act, 1943 ;

“loan charges” means the sums required for the payment of interest on borrowed moneys and for the repayment thereof either by instalments or by means of a sinking fund ;

“local highway authority” means a highway authority other than the Minister of War Transport, and includes the London County Council ;

“local planning authority” has the meaning assigned to it by section fifty-five of this Act ;

PART III
—*cont.*

“owner,” in relation to any building or land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the building or land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the building or land under a lease or agreement, the unexpired term whereof exceeds three years ;

15 & 16 Geo. 5.
c. 16.

“planning scheme” means a scheme under the Town and Country Planning Act, 1932, and includes a town planning scheme under the Town Planning Act, 1925 or any enactment repealed by that Act ;

“purchasing authority” includes a Minister purchasing under this Act ;

“purchase order providing for expedited completion” has the meaning assigned to it by subsection (3) of section eighteen of this Act ;

“statutory undertaking” has the meaning assigned to it by section thirteen of this Act ;

“Valuation Office” means the Valuation Office of the Inland Revenue Department ;

“war damage” has the meaning assigned to it by the War Damage Act, 1943.

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

(3) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of the Sixth Schedule to this Act or of any other enactment, is to be deemed to be served.

Short title
and extent.

66.—(1) This Act may be cited as the Town and Country Planning Act, 1944.

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

SCHEDULES.

FIRST SCHEDULE.

Sections 1, 23,
26, 27.

PROCEDURE FOR DEALING WITH OBJECTIONS.

1.—(1) The following provisions of this Schedule shall have effect where an objection is duly made to—

- (a) an application for an order under section one of this Act ;
- (b) a proposal to make an order under section twenty-three thereof ;
- (c) the making of an order under section twenty-six or twenty-seven thereof ;
- (d) an order authorising a compulsory purchase submitted by a local planning or highway authority, or prepared in draft by a Minister, in accordance with the provisions of the Second Schedule to this Act ;

and is not withdrawn.

(2) An objection shall not be deemed for the purposes of any of the said enactments or of this Schedule to be duly made unless—

- (a) it is made within the time and in the manner specified in the notice required by the relevant enactment referred to in the preceding sub-paragraph, and
- (b) the objection comprises, or there is submitted therewith, a statement in writing of the grounds thereof.

(3) In this Schedule, the expression “the Minister” means the Minister or Ministers having jurisdiction to make or confirm the order in question.

2. Unless the Minister decides apart from the objection not to make or confirm the order, or decides to make a modification agreed to by the person making the objection as meeting the objection, the Minister shall, before deciding whether to make or confirm the order, or what modification if any ought to be made, consider the grounds of the objection as set out in the statement, and may, if he thinks fit, require the person making the objection to submit within a specified period a further statement in writing as to any of the matters to which the objection relates.

3. In so far as the Minister is satisfied, after considering the grounds of the objection as set out in the original statement and any such further statement—

- (a) that the objection relates to a matter which can be dealt with by an arbitrator by whom compensation is to be assessed, or
- (b) in the case of an objection to an order authorising a compulsory purchase of land as to which an order under section one of this Act is in force, that the objection is made on the ground that the purchase is unnecessary or inexpedient,

the Minister may treat the objection as irrelevant for the purpose of his deciding as aforesaid.

1ST SCH.
—cont.

4. If after considering the grounds of the objection as set out in the original statement and any such further statement, the Minister is satisfied that he is sufficiently informed, for the purpose of his deciding as aforesaid, as to the matters to which the objection relates, or if where a further statement has been required it is not submitted within the specified period, the Minister may decide as aforesaid without further investigation as to those matters.

5. Subject as mentioned in the two last preceding paragraphs, the Minister shall, before deciding as aforesaid, afford to the person making the objection an opportunity of appearing before and being heard by a person appointed for the purpose by the Minister, and if he avails himself thereof the Minister shall afford an opportunity of appearing and being heard on the same occasion to the authority or other person (if any) making the application or representation or submitting the order in question and to any other persons to whom it appears to the Minister to be expedient to afford it.

6. Notwithstanding anything in paragraphs 2 to 5 of this Schedule, if it appears to the Minister that the matters to which the objection relates are such as to require investigation by public local inquiry before he decides as aforesaid, he shall cause such an inquiry to be held, and where he determines to cause such an inquiry to be held any of the requirements of those paragraphs to which effect has not been given at the time when he so determines shall be dispensed with.

Sections 2, 3, 4,
9, 10, 43.

SECOND SCHEDULE.

PROCEDURE FOR AUTHORISING COMPULSORY PURCHASE.

PART I.

Purchases by local planning or highway authorities.

1.—(1) An order made by a local planning or highway authority authorising a compulsory purchase under this Act shall designate the land to which the order relates by reference to a map or maps annexed thereto either with or without descriptive matter (which, in case of any discrepancy with the map or maps, shall prevail except in so far as may be otherwise provided by the order).

(2) Subject as aforesaid the form of such an order shall be such as may be prescribed.

2.—(1) After submitting such an order to the Minister, the authority shall publish a notice in the prescribed form describing the land, stating that an order authorising the compulsory purchase thereof has been submitted to the Minister, naming a place where a copy of the order and of the map or maps and any descriptive matter annexed thereto may be seen at all reasonable hours, and specifying the time (not being less than twenty-eight days from the first local advertisement) within which, and the manner in which, objections to the order may be made.

(2) In the case of any such order as to which the Minister so directs, the authority shall serve on every owner of any of the land to which the order relates a notice to the like effect as that of the notice required by the preceding sub-paragraph to be published :

Provided that this sub-paragraph shall not have effect in the case of an order which relates only to land as to which an order under section one of this Act is in force.

(3) The notice required as aforesaid to be published shall be published—

(a) in the case of an order which relates only to land as to which an order under section one of this Act is in force, and in any other case in which service on owners is not effected, by Gazette and local advertisement ; or

(b) in a case in which service as aforesaid is effected, in one or more newspapers circulating in the locality in which the land to which the order relates is situated.

(4) Publication as aforesaid, and service as aforesaid if any, shall be effected, in the case of an order which relates only to land as to which an order under section one of this Act is in force, as soon as may be after the order has been submitted, and, in any other case, as soon as may be after the order has been submitted and any direction of the Minister as to service on owners has been given or he has notified the authority that he does not propose to give any such direction.

3. The provisions of the First Schedule to this Act shall have effect in relation to the order if any objection thereto is duly made.

4. Subject to the provisions of the said Schedule in a case in which those provisions have effect, the Minister may confirm the order as submitted, either without modification or with any modification except (unless all persons interested consent) a modification extending the order to any land not designated by the order as submitted.

5. As soon as may be after the order has been confirmed the authority shall publish in one or more newspapers circulating in the locality in which the land thereby designated is situated a notice in the prescribed form describing the land, stating that the order has been confirmed and naming a place where a copy of the order and of the map or maps and any descriptive matter annexed thereto may be seen at all reasonable hours, and shall serve a like notice on—

(a) any owner or occupier of any of the land thereby designated who, at any time after the publication of the notice of the order as submitted, has sent to the authority a request in writing to serve him with the notice required by this paragraph specifying an address for service and giving the prescribed particulars of his interest ;

(b) any person who has duly made an objection to the order and at the time of making it or thereafter has sent to the authority such a request as aforesaid ; and

(c) such other persons, if any, as the Minister may specify, whether individually or as members of a class of persons.

6. The Minister may by regulations make provision for enabling proceedings required for the purposes of paragraphs 1 to 3 of this Schedule to be taken, in the case of an order authorising a compulsory

2ND SCH.
—cont.

purchase of land as to which an application for an order under section one of this Act is pending, contemporaneously with the proceedings on that application, so far as may be practicable.

PART II.

Purchases by Ministers.

7.—(1) An order made by a Minister authorising a compulsory purchase under this Act, other than an order giving an authorisation in accordance with section thirteen of this Act, shall designate the land to which it relates as mentioned in sub-paragraph (1) of paragraph 1 of this Schedule.

(2) Subject as aforesaid the form of such an order shall be such as the Minister making the order may determine.

8. Where a Minister proposes to make such an order he shall prepare a draft thereof and shall as soon as may be thereafter publish in the manner mentioned in paragraph 2 of this Schedule and, in any case in which he thinks it requisite so to do, serve on every owner of any of the land to which the draft relates, a notice, in such form as he may determine, similar, with requisite adaptations, to the notice mentioned in that paragraph.

9. Paragraphs 3, 4 and 5 of this Schedule shall have effect in relation to such an order, with the substitution, for references to the Minister of Town and Country Planning and to the authority, of references to the Minister having jurisdiction to make the order, and, for references to an order as submitted and to the confirmation of an order, of references respectively to an order as prepared in draft and to the making of an order.

10. In the case of an order under section four of this Act relating to land as to which an application for an order under section one of this Act is pending, such of the proceedings required for the purposes of the preceding provisions of this Part of this Schedule as it appears to the Ministers having jurisdiction to make the order under section four of this Act to be practicable to take contemporaneously with the proceedings on that application may be so taken.

THIRD SCHEDULE.

Section 13.

PROCEDURE FOR AUTHORISING COMPULSORY PURCHASE OF STATUTORY UNDERTAKERS' LAND.

PART I.

Purchases by local planning or highway authority.

1. An application by a local planning or highway authority for the purposes of paragraph (a) of subsection (4) of section thirteen of this Act shall be in such form as may be prescribed, and shall describe by reference to a map the land to which the application relates.

2. As soon as may be after submitting the application to the Minister and the appropriate Minister the authority shall serve on every owner, lessee and occupier of any land to which the application relates a notice in the prescribed form describing the land, stating that an application under the said subsection (4) has been submitted in relation

to the land and is about to be considered by the Minister and the appropriate Minister, naming a place where a copy of the application and of the map referred to therein may be seen at all reasonable hours, and specifying the time (not being less than twenty-eight days from the service of the notice) within which, and the manner in which, objections to the application may be made.

3RD SCH.
—cont.

3.—(1) If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections so made are withdrawn, the Minister and the appropriate Minister may, if they think fit, make an order in accordance with the application, either without modification or with any modification except (unless all persons interested consent) a modification extending the order to any land to which the application did not relate.

(2) If any objection is duly made by any of the persons on whom notices are required to be served and is not withdrawn, the Minister and the appropriate Minister shall before making an order on the application consider the objection and shall, if either the person by whom the objection was made or the authority so desire, afford that person and the authority an opportunity of appearing before and being heard by a person appointed by the Minister and the appropriate Minister for the purpose, and may then, if they think fit, make an order as aforesaid.

(3) An objection shall not be deemed for the purposes of the said subsection (4) or of this Schedule to be duly made unless—

- (a) it is made within the time and in the manner specified in the notice in that behalf, and
- (b) the objection comprises, or there is submitted therewith, a statement in writing of the grounds thereof.

4. An order made on such an application shall be in such form as the Minister and the appropriate Minister may determine, and shall describe by reference to a map the land to which the order relates.

5.—(1) As soon as may be after an order has been made on such an application the authority shall serve on every owner, lessee and occupier of any land to which the order relates a notice in the prescribed form stating that the order has been made and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours.

(2) In relation to an order made on such an application references in this Act to notices of the confirmation of an order required to be published shall be construed as references to the notices required by the preceding sub-paragraph to be served, and references to the date of first publication of notices of the confirmation of an order shall be construed as references to the date on which the service of notices required by the preceding sub-paragraph is completed.

PART II.

Purchases by Ministers.

6. An order made by a Minister and the appropriate Minister for the purposes of paragraph (b) of subsection (4) of section thirteen of this Act shall be in such form as they may determine, and shall describe by reference to a map the land to which the order relates.

3RD SCH.
—cont.

7. Where a Minister and the appropriate Minister propose to make such an order, they shall prepare a draft thereof, and shall as soon as may be thereafter serve on every owner, lessee and occupier of any land to which the draft relates a notice in such form as they may determine describing the land, stating that the making of the order is proposed, naming a place where a copy of the draft and of the map referred to therein may be seen at all reasonable hours, and specifying the time (not being less than twenty-eight days from the service of the notice) within which, and the manner in which, objections to the proposal may be made.

8. Paragraphs 3 and 5 of this Schedule shall have effect in relation to such an order, with the substitution for references to the Minister of Town and Country Planning of references to the Minister having, in conjunction with the appropriate Minister, jurisdiction to make the order, and, for references to an application and to the making of an order thereon, of references to an order as prepared in draft and to the making of an order, with the omission of the references in subparagraph (2) of paragraph 3 to the applicant authority, and with the substitution for the references in paragraph 5 to that authority of a reference to the Minister having jurisdiction as aforesaid.

FOURTH SCHEDULE.

ASSESSMENT OF COMPENSATION TO STATUTORY UNDERTAKERS.

PART I.

Amount of Compensation.

I. The compensation to be paid—

- (a) in respect of a compulsory purchase authorised under subsection (4) of section thirteen of this Act, as respects the interest of the person by whom the statutory undertaking in question is carried on,
- (b) in respect of the extinguishment of any right, or the imposition of any requirement, under section twenty-five of this Act,
- (c) in respect of the refusal of permission to develop land, or the granting of such permission subject to conditions, by the Minister and the appropriate Minister under section thirty-five of this Act, or in respect of the revocation or modification of any such permission granted as mentioned in subsection (1) of section thirty-six of this Act,

shall in default of agreement be assessed by the arbitration of the tribunal constituted in accordance with the provisions of Part II of this Schedule, and the amount of the compensation shall be an amount calculated in accordance with the provisions of the next following paragraph :

Provided that, as respects compensation in respect of a compulsory purchase, if, before the expiration of two months from the date on which notice to treat is served in respect of the interest of the person by

Sections 13,
25, 35, 36.

whom the statutory undertaking is carried on, that person gives notice in writing to the purchasing authority that he elects that as respects all or any of the land comprised in the purchase the compensation shall be ascertained in accordance with the enactments, other than rule (5) of the rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, which would be applicable apart from the provisions of this Schedule, the compensation shall be so ascertained.

2.—(1) The amount of the said compensation shall, subject to the provisions of this paragraph, be the aggregate of the following amounts, that is to say,—

- (a) the amount of any expenditure reasonably incurred in acquiring land, providing apparatus, erecting buildings or doing work for the purpose of any adjustment of the carrying on of the undertaking rendered necessary by the proceeding giving rise to compensation; and
- (b) where any such adjustment is made, the estimated amount of any decrease in net receipts from the carrying on of the undertaking pending the adjustment, in so far as the decrease is directly attributable to the said proceeding, together with such amount as appears reasonable compensation for any estimated decrease in net receipts from the carrying on of the undertaking in the period after the adjustment has been completed, in so far as the decrease is directly attributable to the adjustment; or
- (c) where no such adjustment is made, such amount as appears reasonable compensation for any estimated decrease in net receipts from the carrying on of the undertaking which is directly attributable to the proceeding giving rise to compensation; and
- (d) in the case of compensation in respect of the imposition of a requirement under section twenty-five of this Act to remove any apparatus, any expense reasonably incurred by the person carrying on the undertaking in complying with the requirement, reduced by the value after removal of the apparatus removed.

(2) The amount of any compensation assessed in accordance with the preceding sub-paragraph shall be reduced by such amount (if any) as appears to the tribunal to be appropriate to offset—

- (a) the estimated value of any property (whether moveable or immoveable) belonging to the person carrying on the statutory undertaking in question and used for the carrying on thereof which as the result of any such adjustment as is mentioned in the preceding sub-paragraph ceases to be so used, in so far as the value of the property has not been taken into account under head (d) of the preceding sub-paragraph; and
- (b) the estimated amount of any increase in net receipts from the carrying on of the undertaking in the period after any such adjustment has been completed, in so far as that amount has not been taken into account under head (b) of the preceding sub-paragraph and is directly attributable to the adjustment,

4TH SCH.
—cont.

and by any further amount which appears to the tribunal to be appropriate having regard to any increase in the capital value of immovable property belonging to the person carrying on the statutory undertaking in question which is directly attributable to any such adjustment as aforesaid, allowance being made for any reduction made under head (b) of this sub-paragraph.

(3) References in this paragraph to a decrease in net receipts shall be construed as references to the amount by which a balance of receipts over expenditure is decreased, or of expenditure over receipts is increased, or, where a balance of receipts over expenditure is converted into a balance of expenditure over receipts, as references to the aggregate of the two balances; and references to an increase in net receipts shall be construed accordingly.

(4) In this paragraph the expression "proceeding giving rise to compensation" means the particular action (that is to say, purchase, extinguishment of a right, imposition of a requirement, refusal of permission, grant of permission subject to conditions, or revocation or modification of permission) in respect of which compensation falls to be assessed, as distinct from any development or project in connection with which the action in question may have been taken.

PART II.

Tribunal for assessment of compensation to statutory undertakers.

3.—(1) The tribunal for the assessment of compensation referred to in Part I of this Schedule shall consist of four persons, namely—

- (a) a barrister or solicitor of not less than seven years' standing, appointed by the Lord Chancellor to act as chairman;
- (b) two persons appointed by the Minister as persons having special knowledge and experience of the valuation of land and of civil engineering respectively; and
- (c) for each claim coming before the tribunal, a person selected by the appropriate Minister, as a person having special knowledge and experience of statutory undertakings of the kind carried on by the claimant, from the members of a panel appointed by appropriate Ministers of persons appearing to them to have such knowledge and experience of statutory undertakings.

(2) The Treasury may pay out of moneys provided by Parliament to the members of the tribunal such remuneration (whether by way of salaries or by way of fees), and such allowances, as the Treasury may determine.

(3) The provisions of sections three, five and six of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall apply in relation to the tribunal and proceedings before the tribunal as they apply in relation to an official arbitrator and proceedings before an official arbitrator, with the substitution for references in the said section five to the acquiring authority of references to the authority or Minister from whom compensation is claimed and with the modification that rules regulating the procedure before the tribunal shall be made by the Lord Chancellor.

FIFTH SCHEDULE.

Section 18.

MODIFICATIONS OF LANDS CLAUSES ACTS AND ACQUISITION OF LAND (ASSESSMENT OF COMPENSATION) ACT, 1919 FOR PURPOSES OF PART I.

PART I.

The Land Clauses Acts.

1.—(1) In construing the Lands Clauses Acts as incorporated with Part I of this Act—

- (a) Part I of this Act, or, in relation to a compulsory purchase, the said Part I (together, in the case of a purchase authorised by virtue of such an order as is mentioned in section four of this Act, with the relevant enactment mentioned in that section) and the order by which the purchase is authorised, shall be deemed to be the special Act ;
- (b) in relation to a compulsory purchase, references to the promoters of the undertaking shall be construed as references to the purchasing authority ;
- (c) references to the execution of the works shall be construed as including references to any erection, construction or carrying out of buildings or works authorised by Part I of this Act, and in relation to any such erection, construction or carrying out, the reference in section sixty-eight of the Lands Clauses Consolidation Act, 1845, to the promoters of the undertaking shall be construed as references to the person by whom the buildings or works in question are erected, constructed or carried out ; and
- (d) references to the execution of the works shall be construed as including also references to any erection, construction or carrying out of buildings or works on behalf of a Minister, on land purchased by him under Part I of this Act, for the purposes for which the land was purchased.

(2) For the purposes of section one hundred and twenty-three of the Lands Clauses Consolidation Act, 1845 (which provides that powers of compulsory purchase shall not be exercised after the expiration of the prescribed period) the prescribed period shall be, in relation to any purchase, three years from the coming into operation of the order authorising it.

2. The following sections of the Lands Clauses Consolidation Act, 1845, shall be excepted from incorporation with Part I of this Act, that is to say,—

- (a) sections one hundred and twenty-seven to one hundred and thirty-two (which relate to sale of superfluous land) ;
- (b) section one hundred and thirty-three (which relates to promoters making good deficiencies in land tax and rates) ; and
- (c) sections one hundred and fifty and one hundred and fifty-one (which relate to access to the special Act).

3. The purchasing authority shall, without prejudice to any power in that behalf exercisable by them apart from this paragraph, be entitled, notwithstanding anything in section eighteen of the Lands

5TH SCH.
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Clauses Consolidation Act, 1845, or in any other provision of the Lands Clauses Acts, to purchase one or some of two or more interests subsisting therein without purchasing the other or others of them.

4.—(1) When the purchasing authority have served notice to treat on every owner of any land, they may at any time thereafter serve a notice on every occupier of any of the land, and on every other person who having been served with a notice to treat has requested the authority in writing to serve him with any notice under this subparagraph and has furnished them with an address for service thereof, describing the land to which the notice relates and stating their intention to enter on and take possession thereof at the expiration of such period (not being less than fourteen days) from the date on which the notice is served as may be therein specified.

(2) At the expiration of the period specified in such a notice (or, where two or more such notices are required, and the periods specified in the several notices do not expire at the same time, of the last of those periods to expire), or at any time thereafter, the purchasing authority may enter on and take possession of the land without previous consent or compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845, but subject to the payment of the like compensation for the land of which possession is taken, and interest on the compensation agreed or awarded, as they would have been required to pay if those provisions had been complied with.

(3) This paragraph shall not have effect in relation to a purchase authorised by a purchase order providing for expedited completion being a purchase of land as respects which the provisions of the Sixth Schedule to this Act apply to the order.

5.—(1) The following provisions shall have effect in substitution for the provisions of section ninety-two of the Lands Clauses Consolidation Act, 1845, that is to say, no person shall be required to sell a part only of any house, building or manufactory, or of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, manufactory, park or garden, unless the arbitrator determines that, in the case of a house, building, or manufactory, such part as is proposed to be taken can be taken without material detriment to the house, building or manufactory, or, in the case of a park or garden, that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house, and, if he so determines, he shall award compensation in respect of any loss due to the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the party interested shall be required to sell to the purchasing authority that part of the house, building, manufactory, park or garden.

(2) This paragraph shall not have effect in relation to a purchase authorised by a purchase order providing for expedited completion, being a purchase of land as respects which the provisions of the Sixth Schedule to this Act apply to the order.

6. Where land being ecclesiastical property is purchased compulsorily, sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for damage sustained by the owner by reason of severance or injury affecting other such land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the

Ecclesiastical Commissioners to be applied for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising such a sale.

7. Notices required to be served by the purchasing authority may, notwithstanding anything in section nineteen of the Lands Clauses Consolidation Act, 1845, be served and addressed in the manner specified in section fifty-four of this Act in relation to notices required to be served under this Act.

PART II.

The Acquisition of Land (Assessment of Compensation) Act, 1919.

8. The arbitrator shall not take into account any interest in land, or any enhancement of the value of any interest in land by reason of any building erected, work done or improvement or alteration made, whether on the land purchased or on any other land with which the claimant is, or was at the time of the erection, doing or making of the building, works, improvement or alteration, directly or indirectly concerned, if the arbitrator is satisfied that the creation of the interest, the erection of the building, the doing of the work, the making of the improvement or the alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

9.—(1) As respects any house in the area of a local authority for the purposes of the provisions of Part III of the Housing Act, 1936, relating to clearance areas which in their opinion is unfit for human habitation and not capable at reasonable expense of being rendered so fit, and which is comprised—

- (a) in land designated by an order made under section one of this Act, or
- (b) in land for the compulsory purchase of which a local planning or highway authority have resolved to seek authorisation under any enactment in Part I of this Act, or as respects which a Minister proposes to make an order under section three, four or nine thereof,

the local authority for the purposes of the said provisions of the said Part III may make and submit to the Minister of Health an order in such form as may be prescribed by regulations made by the said Minister under section one hundred and seventy-six of the Housing Act, 1936, declaring the house to be in that state, and, if the order is confirmed by him, the compensation to be paid for the house on a compulsory purchase thereof pursuant to any authorisation given by an order under any enactment in Part I of this Act confirmed or made by the Minister having jurisdiction to give such authorisation, either before or within two years after the confirmation by the Minister of Health of the order submitted under this paragraph, shall be assessed in like manner as if it had been land purchased compulsorily under the said Part III as being comprised in a clearance area, and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall accordingly have effect, in its application for the purposes of Part I of this Act, subject to this provision.

(2) Before submitting an order under this paragraph to the Minister of Health, the local authority shall serve on every owner, and, so far

5TH SCH.
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as it is reasonably practicable to ascertain such persons, on every mortgagee, of the house or of any part thereof, a notice in such form as may be prescribed as mentioned in the preceding sub-paragraph, stating the effect of the order and that it is about to be submitted to the said Minister for confirmation, and specifying the time within which, and the manner in which, objection thereto can be made.

(3) If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections so made are withdrawn, the said Minister may, if he thinks fit, confirm the order, but in any other case he shall before confirming the order consider any objection not withdrawn and shall, if either the person by whom the objection was made or the local authority so desire, afford that person and the authority an opportunity of appearing before and being heard by a person appointed by the said Minister for the purpose, and may then, if he thinks fit, confirm the order.

(4) Where the provisions of sub-paragraph (1) of this paragraph have effect as to the compensation to be paid for a house on a compulsory purchase thereof under any enactment in Part I of this Act, the provisions of section forty-two of the Housing Act, 1936 (which relate to payments in respect of well-maintained houses) shall have effect, as they have effect where a house is made the subject of a compulsory purchase order under the said Part III as being unfit for human habitation, if the Minister of Health is satisfied as mentioned in that section on a representation made to him by a person who would be entitled to any payment under that section or to a share thereof within three months from his first becoming aware that a notice to treat for the purchase of any interest in the house has been served :

Provided that, in the application of that section for the purposes of this sub-paragraph, there shall be substituted, for references therein to the local authority therein mentioned and to the order therein mentioned, references respectively to the purchasing authority and to the order by which the purchase of the house is authorised.

(5) In this paragraph the expression " house " has the same meaning as in the Housing Act, 1936, and in determining for the purposes of this paragraph whether a house is fit for human habitation regard shall be had to the matters to which regard is required by that Act to be had in determining that question for the purposes of that Act, and sections one hundred and fifty-seven and one hundred and fifty-eight of that Act (which relate to the surveying and examination of land) shall have effect as if the powers conferred by this paragraph were powers under that Act.

10. The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of section eleven of this Act.

SIXTH SCHEDULE.

Sections 18, 53,
65.PROCEDURE FOR COMPLETION OF COMPULSORY
PURCHASE UNDER ORDERS PROVIDING FOR
EXPEDITED COMPLETION.

PART I.

Procedure for expedited completion.

1.—(1) Except as provided by sub-paragraph (3) of this paragraph, when a purchase order providing for expedited completion has come into operation the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall have effect as if a notice to treat (that is to say, such a notice as is mentioned in section eighteen of the Lands Clauses Consolidation Act, 1845) had been served on every person on whom the purchasing authority could under the terms of that section (and on the assumption of their requiring to purchase or take all the land as respects which this Schedule applies by virtue of the order, and of their having knowledge of all parties referred to in that section) have served such a notice.

(2) The date on which a notice to treat is to be deemed by virtue of the preceding sub-paragraph to have been served on any party in respect of any interest in land shall be the date on which the order is registered in the register of local land charges by the proper officer of the council mentioned in section seventeen of this Act in whose area that land is situated.

(3) Notwithstanding anything in sub-paragraph (1) of this paragraph, no notice to treat shall be deemed to be served on any person in respect of an interest being either—

- (a) a minor tenancy (that is to say a tenancy for a year or from year to year or any less interest) ; or
- (b) a long tenancy which is about to expire (that is to say, a tenancy granted for an interest greater than a minor tenancy but having, at the date when apart from this provision notice to treat would be deemed by virtue of the said sub-paragraph (1) to be served on the owner of the tenancy, still to run only such period longer than a year as may be specified in the order for the purposes of the operation of this provision in relation to the land in which the tenancy subsists, the period which the tenancy has then still to run being ascertained on the assumption that the tenant will exercise any option to renew the tenancy, and will not exercise any option to determine the tenancy, then or thereafter available to him, and that the landlord will exercise any option to determine the tenancy then or thereafter available to him).

(4) The reference in sub-paragraph (1) of this paragraph to the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, is to those enactments as modified by the Fifth Schedule to this Act and by paragraph 3 and Part II of this Schedule (and as amended by Part II of this Act).

6TH SCH.
—cont.

2. The notice of the confirmation of an order authorising compulsory purchase required by this Act to be published shall, in the case of a purchase order providing for expedited completion, include a notification to the effect that every person entitled to claim compensation in respect of any of the land as respects which this Schedule applies by virtue of the order, or in respect of any interest in any such land, is invited to give information to the purchasing authority in such form as may be prescribed of his name and address and of the land and interest in question.

3.—(1) At any time or from time to time after the coming into operation of a purchase order providing for expedited completion, but not earlier than such time as is mentioned in sub-paragraph (2) of this paragraph, the purchasing authority may execute, as respects an area consisting either of the whole or a part of the land as respects which this Schedule applies by virtue of the order, a declaration designating that area and stating—

- (a) their intention to enter on the land in the designated area and take possession thereof at the expiration of such period (not being less than fourteen days) as may be specified therein from the date on which the service of notices on occupiers required by sub-paragraph (3) of this paragraph is completed; and
- (b) that the land in the designated area is to vest in the authority at the expiration of that period.

(2) The earliest time at which such a declaration may be executed shall be the expiration of two months from the date of first publication of the notice of confirmation of the order required by this Act to be published :

Provided that the order may provide for the substitution of a period longer or shorter than two months for the purposes of the operation of this sub-paragraph as respects any land, so however, that provision for the substitution of a shorter period shall not be so made in relation to any land unless the order as submitted or the draft of the order or the application therefor, as the case may be, made such provision in relation thereto.

(3) As soon as may be after executing such a declaration the purchasing authority shall serve upon every occupier of any of the land in the area designated thereby (other than any of the land therein in which a minor tenancy, or a long tenancy which is about to expire, is subsisting), and on every other person who has given information to the authority in relation to any of the land therein pursuant to such invitation as is mentioned in paragraph 2 of this Schedule, a notice describing that area and stating the effect of the declaration.

(4) At the expiration of the period specified in such a declaration from the date on which the service of notices on occupiers required by the last preceding sub-paragraph is completed (as to which date a certificate given by the purchasing authority shall be conclusive)—

- (a) there shall vest in the purchasing authority the right to enter on and take possession of the land in the area designated by the declaration or any of it without previous consent or compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845; and

- (b) the land in the area designated by the declaration shall vest in the purchasing authority as if the circumstances in which under that Act the promoters of an undertaking have powers to execute a deed poll for vesting in them lands or any estate or interest in lands, or for the extinguishment of, or of a portion of, any rent service, rentcharge, chief or other rent, payment or incumbrance, had arisen as regards all the said land and, subject to the next succeeding sub-paragraph, as regards all interests therein, and the authority had duly exercised those powers accordingly at the expiration of the said period ;

6TH SCH.
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but the purchasing authority shall be liable to pay the like compensation for the said land, and interest on the compensation agreed or awarded, as they would have been required to pay if the provisions of sections eighty-four to ninety of the said Act, and the provisions thereof compliance with which would have been requisite in order to render the said powers exercisable by them, had been complied with.

(5) Notwithstanding anything in sub-paragraph (1) or (4) of this paragraph, the following provisions shall have effect as respects land in an area designated by a declaration made under sub-paragraph (1) of this paragraph in which a minor tenancy, or a long tenancy which is about to expire, is subsisting, that is to say—

- (a) in the case of a minor tenancy, the right of entry conferred by sub-paragraph (4) of this paragraph shall not be exercisable, and the vesting of the land in the authority shall be subject to the tenancy during its subsistence, but without prejudice to any power to require a tenant to give up possession exercisable by the purchasing authority by virtue of the Lands Clauses Acts ;
- (b) in the case of a long tenancy which is about to expire, the right of entry conferred by sub-paragraph (4) of this paragraph shall not be exercisable unless or until the purchasing authority have served notice to treat in respect of the tenancy and they have thereafter served a notice upon every occupier of any of the land in which the tenancy subsists describing the land to which the notice relates and stating their intention to enter on and to take possession thereof at the expiration of such period (not being less than fourteen days) from the date on which the notice is served as may be therein specified, and that period has expired, and the vesting of the land in the authority shall be subject to the tenancy until the expiration of that period or the cesser of the tenancy, whichever first occurs.

(6) Every notice of the confirmation of a purchase order providing for expedited completion required by this Act to be published shall refer to the provisions as to entry and vesting contained in sub-paragraph (4) of this paragraph.

4. Where the land as respects which this Schedule applies by virtue of a purchase order providing for expedited completion comprises part only of any house, building or manufactory, or of a park or garden belonging to a house, then if at any time after the coming into operation of the order and before the making of a declaration under the last

6TH SCH.
—cont.

preceding paragraph as respects the said part any person having an interest therein in respect of which a notice to treat would otherwise be deemed by virtue of this Schedule to have been served gives notice to the purchasing authority in that behalf, no notice to treat shall be deemed by virtue of this Schedule to have been served in respect of any interest in the said part, and as from the giving of the notice the order shall have effect in relation to the said part as if this Schedule had not been applied thereto.

58 & 59 Vict.
c. 16.

5.—(1) Where the compensation payable in respect of an interest which becomes vested in a purchasing authority by virtue of paragraph 3 of this Schedule, or the amount of any sum payable as a supplement thereto, is not finally ascertained at the time of such vesting, section twelve of the Finance Act, 1895 (which provides for the collection of stamp duty, where property is vested by way of sale by virtue of an Act, within three months from the date of vesting) shall have effect, as respects the vesting of that interest, with the substitution for the reference therein to the date of vesting of a reference to the date on which the compensation, together, if any sum is payable as a supplement thereto, with the amount of that sum, has become finally ascertained.

15 & 16 Geo. 5.
c. 20.

(2) Where after the vesting in a purchasing authority under paragraph 3 of this Schedule of any land a person retains possession of any document relating to the title to the land, he shall be deemed to have given to the authority an acknowledgment in writing of the right of the authority to production of that document and to delivery of copies thereof, and (except where he retains possession of the document as mortgagee or as trustee or otherwise in a fiduciary capacity) an undertaking for safe custody thereof, and section sixty-four of the Law of Property Act, 1925, shall have effect accordingly, and on the basis that the acknowledgment and undertaking did not contain any such expression of contrary intention as is mentioned in that section.

PART II.

Adjustments where provision for expedited completion made.

6.—(1) The time within which a question of disputed compensation arising out of an acquisition of an interest in land in respect of which a notice to treat is deemed to have been served by virtue of this Schedule may be referred to arbitration shall be the expiration of six years from the date at which the person claiming compensation or a person under whom he derives title first knew, or could reasonably be expected to have known, of the vesting of the interest by virtue of paragraph 3 of this Schedule.

2 & 3 Geo. 6.
c. 21.

(2) This paragraph shall be construed as one with Part I of the Limitation Act, 1939.

7. The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, or that subsection as applied by paragraph 3 of the Fourth Schedule to this Act, to withdraw a notice to treat shall, in the case of a notice to treat which is deemed to have been served by virtue of this Schedule,

not be exercisable at any time after the vesting by virtue of paragraph 3 of this Schedule of the interest in respect of which the notice is deemed to have been served.

6TH SCH.
—cont.

8. In relation to a compulsory purchase authorised by a purchase order providing for expedited completion, being a purchase of an interest in respect of which a notice to treat is deemed to have been served by virtue of this Schedule, the following sections of the Lands Clauses Consolidation Act, 1845, shall be excepted from the incorporation of that Act with Part I of this Act, that is to say, sections fifty-eight to sixty-two and sixty-four to sixty-seven (which relate to the mode of ascertaining compensation to absent parties), section ninety-two (which relates to sales of parts of buildings) and sections one hundred and twenty-four to one hundred and twenty-six (which relate to interests which have by mistake been omitted to be purchased).

9.—(1) Where any of the land as respects which this Schedule applies by virtue of a purchase order providing for expedited completion constitutes a part only of land charged with a rentcharge, the following provisions of this paragraph shall have effect.

(2) Any question as to the apportionment mentioned in section one hundred and sixteen of the Lands Clauses Consolidation Act, 1845, shall be referred and determined as mentioned in section one of the Acquisition of Land (Assessment of Compensation) Act, 1919.

(3) Such portion of the rentcharge as may be apportioned under the said section one hundred and sixteen to the land as respects which this Schedule applies by virtue of the order shall be treated as having been extinguished by virtue of paragraph 3 of this Schedule on the vesting of that land in the purchasing authority under that paragraph, and sections one hundred and fifteen to one hundred and eighteen of the Lands Clauses Consolidation Act, 1845, shall have effect as if the extinguishment had taken place under section one hundred and seventeen thereof :

Provided that if the person entitled to the rentcharge and the owner of the land subject thereto enter into an agreement to that effect, the said sections one hundred and fifteen to one hundred and eighteen shall have effect as if the person entitled to the rentcharge had released therefrom the land as respects which this Schedule applies by virtue of the order, on the condition mentioned in the said section one hundred and sixteen, at the time of the vesting of that land in the purchasing authority under paragraph 3 of this Schedule, and in that case none of the rentcharge shall be treated as having been extinguished by virtue of that paragraph so far as regards the remaining part of the land charged therewith.

(4) In this paragraph references to a rentcharge include references to any such rent service, chief or other rent, or other payment or incumbrance as is mentioned in the words introductory to the said sections one hundred and fifteen to one hundred and eighteen.

10. Where any of the land as respects which this Schedule applies by virtue of a purchase order providing for expedited completion constitutes a part only of land comprised in a lease for a term of years unexpired, section one hundred and nineteen of the Lands Clauses Consolidation Act, 1845, shall have effect subject to the modification

6TH SCH.
—cont.

that for references therein to the time of the apportionment of rent therein mentioned there shall be substituted references to the time of the vesting in the purchasing authority of the leasehold interest in the first-mentioned land under paragraph 3 of this Schedule.

11. Any person who in consequence of the vesting of any land in the authority by virtue of paragraph 3 of this Schedule is relieved from any liability, whether in respect of a rentcharge, rent under a lease, mortgage interest or any other matter, and who makes any payment as in satisfaction or part satisfaction of that liability shall, if he shows that when he made the payment he did not know of the facts which constitute the cause of his being so relieved or of some one or more of them, be entitled to recover the sum paid as money had and received to his use by the person to whom it was paid.

PART III.

Interpretation.

12. In this Schedule references to the confirmation of an order shall be construed, in relation to an order made by a Minister or by a Minister and the appropriate Minister, as references to the making of the order.

Section 57.

SEVENTH SCHEDULE.

PROVISIONS AS TO OPERATION IN CERTAIN SPECIAL CASES OF RULE IN S. 57 (1) AS TO ASSESSMENT OF COMPENSATION.

1. Where in ascertaining the value of any such interest, or the amount of any such damage, as is mentioned in subsection (1) of section fifty-seven of this Act regard is to be had to rent payable in respect of a tenancy created after the thirty-first day of March, nineteen hundred and thirty-nine (whether the tenancy is vested in the person claiming the compensation or not) the said rent shall be taken to be the lesser of the two following amounts, that is to say,—

- (a) the rent in fact payable in respect of the tenancy ; or
- (b) the maximum rent which would have been obtainable from a willing tenant if the tenancy had been created on the thirty-first day of March, nineteen hundred and thirty-nine, for the like term and subject to the like covenants and conditions.

2. Where the value of any such interest, or the amount of any such damage, as aforesaid is increased by reason of the possibility of redeveloping the land in which the interest subsists, or the land affected by severance or injuriously affected, as the case may be, in combination with other land, the amount of the increase shall be disregarded in so far as that possibility is attributable to circumstances, other than the effluxion of time, occurring since the thirty-first day of March, nineteen hundred and thirty-nine.

3. In ascertaining the value of any such interest as aforesaid, or the amount of any such damage as aforesaid, a dwelling-house to which the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1925, applied

at the time of service of the notice to treat shall not be treated as a dwelling-house to which those enactments then applied unless they applied thereto at the thirty-first day of March, nineteen hundred and thirty-nine.

7TH SCH.
—cont.

4. Where a person is in possession of a holding as defined for the purposes of the Agricultural Holdings Act, 1923, having an interest therein greater than as tenant for a year or from year to year, then so far as the value of the interest is attributable to crops it shall be ascertained in like manner as in the case of the interest of a tenant from year to year, that is to say, without regard to the rule set out in subsection (1) of section fifty-seven of this Act. 13 & 14 Geo. 5.
c. 9.

EIGHTH SCHEDULE.

Section 61.

ASCERTAINMENT OF COMPENSATION FOR PURCHASE OF LAND VALUED UNDER THE WAR DAMAGE ACT, 1943.

*Certified after-damage value of land to be taken in certain circumstances
as its value for compensation on compulsory purchase.*

1.—(1) Where the subject of a compulsory purchase, the compensation for which is by virtue of section fifty-seven of this Act to be assessed subject to the rule set out in subsection (1) of that section, is or comprises an interest in the whole of the land in a hereditament within the meaning of the War Damage Act, 1943, the value of which is required by that Act to be ascertained by reference to its state after war damage and to an assumed sale thereof, the value of the said land for the purposes of the ascertainment of the compensation for the purchase shall be taken to be such amount as may be certified by the War Damage Commission to be the value of the hereditament as ascertained as aforesaid (in this Schedule referred to as the "certified after-damage value" of that land), subject however to the two next succeeding sub-paragraphs.

(2) The preceding sub-paragraph shall not have effect if between the occurrence of the war damage and the time when the notice to treat is served the land in the hereditament has been brought into a state such as to make it capable of being as beneficially used while remaining in that state as it was immediately before the occurrence of the war damage.

(3) If the land in the hereditament has not been brought into such a state as aforesaid, but there is any material difference either—

- (a) between the state of the land in the hereditament after damage by reference to which the value thereof falls to be ascertained under the War Damage Act, 1943, and its state at the time when the notice to treat is served; or
- (b) between the incumbrances, if any, to which the said land was subject immediately after the occurrence of the war damage and the incumbrances, if any, to which it is subject at the time when the notice to treat is served, being incumbrances of a kind required by the said Act to be taken into account in ascertaining the value of the hereditament,

8TH SCH.
—cont.

the value of the said land for the purposes of the ascertainment of the compensation for the purchase shall be taken to be the certified after-damage value thereof adjusted by adding, or by subtracting, as the case may require, the amount by which the value of the hereditament as required to be ascertained under the said Act would have been greater or less if that value had fallen to be ascertained by reference to the state of the hereditament at the time when the notice to treat is served, and if it had been subject immediately after the occurrence of the war damage to all incumbrances of any such kind as aforesaid to which it is subject at the time when the notice to treat is served and to no other incumbrances of any such kind.

(4) Where this paragraph has effect as respects a purchase the subject of which comprises, but does not consist solely of, the interest in question in the land in the hereditament, the compensation for the purchase shall be ascertained, and all statutory provisions relating to the ascertainment thereof or to the carrying out of the purchase or to matters connected therewith shall have effect, subject to any agreement between the purchasing authority and other parties concerned, as if the interest in question in that land had been purchased separately and separate notices to treat had been served accordingly, and had been served simultaneously.

Compensation for compulsory purchase of several interests in land to be ascertained in certain circumstances by apportionment of certified after-damage value thereof.

2.—(1) Where by virtue of paragraph 1 of this Schedule the value of the land comprised in a hereditament is to be taken for the purposes of the ascertainment of compensation to be its certified after-damage value (or that value as adjusted), and notices to treat have been served in respect of two or more interests in the whole of that land on the same date or within such period as may be fixed as respects that land under rules, the compensation to be paid for the purchase of each of those interests shall be ascertained in accordance with the following provisions of this paragraph.

(2) The amount representing the value of each of those interests as it would have fallen to be ascertained if this paragraph had not had effect in relation thereto shall be agreed, assessed or determined in accordance with the provisions of sub-paragraphs (3) to (7) of this paragraph, and the compensation to be paid for the purchase of each interest shall be the proportion of the certified after-damage value of the land, or of that value as adjusted, as the case may be, which the amount agreed, assessed or determined in respect of that interest bears to the aggregate of the amounts agreed, assessed or determined in respect of the several interests :

Provided that if the interests in question do not include all interests subsisting in the land at the date or at the expiration of the period aforesaid, an amount representing the value of any excluded interest, as it would have fallen to be ascertained if that interest had been purchased and this paragraph had not had effect in relation thereto, shall be agreed, assessed or determined in accordance with the said provisions and added to the said aggregate.

(3) If the values of the several interests in question and of any excluded interest are not otherwise agreed, the claimant in respect of each of the interests in question, and the purchasing authority as respects any excluded interest, shall cause an estimate of the value of that interest to be made and transmitted to an officer of the Valuation Office appointed by the Commissioners of Inland Revenue, and that officer shall, after considering the estimates, take steps in accordance with rules for securing if possible agreement between the claimants, and, if there is any excluded interest, the purchasing authority, as to the value of each interest.

(4) In default of agreement as to the value of any interest the said officer shall make an assessment of the value of that interest.

(5) The costs of the employment by a claimant of a person skilled in valuation to advise or act for him for the purposes of either of the two last preceding sub-paragraphs on a purchase by a local or public authority within the meaning of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be paid by the authority.

(6) If any claimant, or, if there is any excluded interest, the purchasing authority, is aggrieved by an assessment made by the said officer, the claimant or the authority may in accordance with rules require the value of the interest dealt with by the assessment to be determined by one of the panel of arbitrators appointed under section one of the said Act of 1919.

(7) If in respect of any of the interests in question no claim is duly made within the time prescribed by rules, an independent person skilled in valuation may be appointed in accordance with rules to act for the purposes of sub-paragraphs (3) to (6) of this paragraph in respect of that interest, and those sub-paragraphs shall have effect as if all things done thereunder by the person so appointed had been duly authorised, by all persons concerned in respect of the interest in question, to be done by that person as agent for them.

(8) Where the last preceding sub-paragraph has had effect as respects any interest and the value thereof has been agreed or assessed under sub-paragraph (3) or (4) of this paragraph, if any person who would have been entitled but for this paragraph to have any question of disputed compensation in relation to that interest referred to arbitration in accordance with the said Act of 1919 shows in accordance with rules that the fact that no claim was made as aforesaid was not attributable to any default on his part, he may in accordance with rules require the value of that interest to be determined by one of the panel of arbitrators appointed under section one of the said Act of 1919, and if the compensation on the basis of the value of the interest as so determined is greater or less than the compensation on the basis of the value thereof as agreed or assessed as aforesaid, the difference shall be recoverable by the person entitled to the compensation from the purchasing authority or by the authority from him, as the case may be.

(9) The costs of any arbitration under sub-paragraph (6) or (8) of this paragraph, including any fees charges and expenses of the arbitration or award, shall be in the discretion of the official arbitrator, who may direct to and by whom and in what manner those costs or any part thereof shall be paid, and the official arbitrator may in any case disallow the costs of counsel.

8TH SCH.
—cont.

(10) The amount of any costs that an authority are liable to pay by virtue of sub-paragraph (5) of this paragraph, or of any arbitration under sub-paragraph (6) or (8) thereof, shall be determined by reference to scales to be prescribed by the Treasury, and in case of difference as to the amount of any such costs they shall, if payable under sub-paragraph (5) of this paragraph, be taxed in such manner as the Treasury may direct, or, if payable under direction of an official arbitrator, be taxed by him or in such manner as he may direct.

Rules for giving effect to preceding provisions of this Schedule.

3. Provision may be made by rules made by the Lord Chancellor, after consultation with the Reference Committee referred to in the Acquisition of Land (Assessment of Compensation) Act, 1919, for giving effect to the provisions of the two preceding paragraphs, for prescribing anything thereby required to be determined by rules, and in particular, but without prejudice to the generality of the power conferred by this paragraph,—

- (a) for the determination of any question whether land has been brought into a state such as is mentioned in sub-paragraph (2) of paragraph 1 of this Schedule, of any question whether there is any such material difference as is mentioned in sub-paragraph (3) of that paragraph, and, in a case in which there is any such difference, how the certified after-damage value ought to be adjusted ;
- (b) for regulating the proceedings for the ascertainment of compensation, where the value of any land for the purposes of the ascertainment thereof is to be taken to be the certified after-damage value of the land (or that value as adjusted), so as to secure that the requisite certificate and particulars of any requisite adjustment may be rendered available for those purposes ;
- (c) for fixing the period referred to in sub-paragraph (1) of paragraph 2 of this Schedule within which, where a notice to treat has been served as respects an interest in the whole of the land in a hereditament, such a notice in respect of any other interest therein must be or have been served in order to render the provisions of that paragraph applicable to the ascertainment of the compensation to be paid for the purchase of those interests, and for securing, so far as may be practicable, that all such notices intended to be given as respects interests in the whole of the land in a hereditament shall be given within the period fixed ;
- (d) for specifying limits of time within which things required or authorised by paragraph 2 of this Schedule must be done, with or without power to persons designated by the rules to extend such limits ;

and references in paragraph 2 of this Schedule to rules shall be construed as references to rules made under this paragraph.

8 & 9 GEO. 6.

CHAPTER 1.

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

[21st December 1944.]

Most Gracious Sovereign,

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

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

Issue of
£709,750 out of the
Consolidated Fund
for the service of
the year ending
31st March 1945.

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 seven hundred and nine thousand, seven hundred and fifty pounds.

Power for
the Treasury
to borrow.

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

40 & 41 Vict.
c. 2

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

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

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

Short title.

3. This Act may be cited as the Consolidated Fund (No. 1) Act, 1944 (Session 2).

CHAPTER 2.

An Act to continue certain expiring laws

[21st December 1944.]

WHEREAS the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire—

- (a) as respects those mentioned in Part I of the said Schedule, on the thirty-first day of December, nineteen hundred and forty-four, and
- (b) as respects that mentioned in Part II of the said Schedule, on the thirty-first day of March, nineteen hundred and forty-five :

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

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

Continuance
of Acts in
Schedule.

1.—(1) The Acts mentioned in Part I of the Schedule to this Act shall, to the extent specified in column three of that Part of that Schedule, be continued until the thirty-first day of December, nineteen hundred and forty-five.

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

(3) Any unrepealed enactments which are temporary in their duration shall, in so far as they amend or affect any enactment continued by the foregoing provisions of this Act, be continued in

like manner as that enactment whether they are mentioned in the Schedule to this Act or not.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act, 1944. Short title and application to Northern Ireland.

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

SCHEDULE.

PART I.

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) 20 & 21 Geo. 5. c. 34.	The Coal Mines Act, 1930.	Part I	1 & 2 Geo. 6. c. 52.

1.	2.	3.	4.
Session and Chapter.	Short Title.	How far Continued.	Amending Acts.
(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.	—
(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) 2 & 3 Geo. 6. c. 50.	The Prevention of Violence (Temporary Provisions) Act, 1939.	The whole Act	—

PART II.

(11) 1 Edw. 8. & 1 Geo. 6. c. 31.	The Special Areas (Amendment) Act, 1937.	The whole Act	—
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CHAPTER 3.

An Act to continue in force the Local Elections and Register of Electors (Temporary Provisions) Act, 1939. [21st December 1944.]

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 Local Elections and Register of Electors (Temporary Provisions) Act, 1939, as amended by the Acts of 1940, 1941, 1942 and 1943, shall continue in force until the thirty-first day of March, nineteen hundred and forty-five, unless sooner repealed.

(2) A reference in the foregoing subsection to an Act of any year shall be construed as a reference to the Local Elections and Register of Electors (Temporary Provisions) Act of that year.

2. This Act may be cited as the Local Elections and Register of Electors (Temporary Provisions) Act, 1944.

Continuance of principal Act.
2 & 3 Geo. 6.
c. 115.
4 & 5 Geo. 6.
c. 3.
4 & 5 Geo. 6.
c. 49.
5 & 6 Geo. 6.
c. 38.
7 & 8 Geo. 6.
c. 2.

Short title.

TABLE II.

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
1944.

7 & 8 Geo. 6.

No. 1. The Reorganisation Areas Measure, 1944, p. ii.

8 & 9 Geo. 6.

No. 1. The Emergency Legislation Measure, 1944, p. xlii.

7 & 8 GEO 6.

No. 1.

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

To authorise the making of new arrangements for the pastoral supervision of areas which have suffered war damage, or in which, by reason of causes attributable to the war or as a result of planning schemes, material changes in the number or situation of the population have occurred, or are likely to occur, and to amend in certain respects the Diocesan Reorganisation Committees Measure, 1941. [21st March 1944.]

PART I.

REORGANISATION AREAS.

Proposals for formation of ecclesiastical reorganisation areas.

1.—(1) Subject to the provisions of this section, where it appears to the diocesan reorganisation committee of any diocese that any area within that diocese, whether consisting of a single parish or of a group of parishes, is an area in respect of which, by reason of war damage or other circumstances arising out of the war, or by reason of action by a planning authority, it may be expedient to make new arrangements for pastoral supervision, the bishop of the diocese may, with the approval of the committee, apply to the Ecclesiastical Commissioners (hereafter in this Measure referred to as "the Commissioners") for an order declaring that area to be an ecclesiastical reorganisation area for the purposes of this Measure.

(2) A parish shall not be included in an ecclesiastical reorganisation area unless it is either—

(a) a parish in respect of which one at least of the following conditions is satisfied, namely:—

(i) a church has suffered war damage, either amounting to destruction, or so extensive that, regard being had to all the circumstances, it appears to the committee to be impracticable or inexpedient to restore it for use as a church; or

(ii) it appears to the committee that, by reason of causes attributable to the war, or as the result of planning or replanning schemes, the number or

situation of the population has so changed, or is likely so to change, as materially to affect pastoral supervision; or

- (b) a parish contiguous or adjacent to such a parish as aforesaid.

2.—(1) When an application has been made to them for an order under the preceding section, the Commissioners shall send to the patron and incumbent of every benefice and parochial church council of every parish to which the proposed order relates and to the rural dean of the deanery in which such parish is situate, a notice stating the general effect of the proposed order and specifying a period (which shall not be less than four weeks from the date of the sending of the notice) before the expiration of which written representations with respect to the proposed order may be made to the Commissioners.

Power of Ecclesiastical Commissioners to approve or reject proposals.

(2) After the expiration of the period specified in the notices, or of such further period as they may for special reasons allow, the Commissioners shall consider any representations received by them and shall either—

- (a) make under their seal an order giving effect to the application, either without amendment or with such amendments as appear to them to be desirable and are approved by the bishop and the diocesan reorganisation committee; or
(b) refuse to make such an order.

(3) The Commissioners by a subsequent order, made on the application of the bishop of the diocese with the approval of the diocesan reorganisation committee and in accordance with the foregoing provisions of this section, may vary an order previously made by them under this section by excluding from, or (subject to the provisions of subsection (2) of the preceding section) including within, the operation thereof any parish or parishes, or may revoke any such order.

(4) The Commissioners shall send any order made by them under this section to the registrar of the diocese, and the registrar shall register it in the diocesan registry.

They shall send copies of any order so made by them, or, as the case may be, notice of their refusal to make an order, to the diocesan reorganisation committee and to the persons to whom notices were required by subsection (1) of this section to be sent.

(5) A refusal to make an order under this section, or the revocation of an order so made, shall be without prejudice to the making of a fresh application for an order in respect of a differently constituted area.

Publication of order forming ecclesiastical reorganisation area.

3. So soon as may be after making an order under the last preceding section, the Commissioners shall publish, by advertisement in a newspaper circulating within the reorganisation area a notice stating that they have made the order, naming the parishes affected and (except in the case of a revoking order) stating also that, upon application by any local authority or planning authority having jurisdiction within the area, the Commissioners will register that authority for the purposes of the provisions of Part II of this Measure relating to the preparation of, and objections to, reorganisation schemes.

PART II.

PREPARATION AND CONFIRMATION OF REORGANISATION SCHEMES.

Proposals for preparation of reorganisation schemes.

4.—(1) Where, after such consultations as are hereinafter mentioned, the diocesan reorganisation committee of any diocese are satisfied in respect of any area therein which has been declared to be an ecclesiastical reorganisation area that it is expedient to initiate proposals for the rearrangement of the pastoral supervision of the area, or of some part thereof, in any one or more of the following ways, that is to say—

- (a) the formation, whether by union or otherwise, of new benefices or parishes;
- (b) the dissolution or alteration of existing benefices or parishes;
- (c) the endowment and staffing of benefices within the area;
- (d) the demolition or disposal of churches, parsonage houses, and other buildings belonging to benefices or parishes;
- (e) the restoration or provision of churches, parsonage houses, schools or other buildings,

the committee may submit to the bishop of the diocese proposals for giving effect to such rearrangement and, in framing their proposals, shall have regard to the provisions of Part III of this Measure.

(2) When considering in respect of any reorganisation area, or any part of such an area, what proposals shall be submitted by them to the bishop under this section, the committee shall, so far as possible, consult with the patron and incumbent of every benefice and parochial church council of every parish which will be affected by those proposals and with the rural dean of the deanery in which such parish is situate.

5.—(1) When a diocesan reorganisation committee have, under the last preceding section, submitted proposals to the bishop, the bishop may transmit those proposals, with such modifications, if any, as may be agreed between him and the committee, to the Commissioners, with a request that the Commissioners will cause a draft reorganisation scheme to be prepared to give effect to the proposals.

Procedure as
to preparation
of Schemes.

(2) Upon receipt of such a request as aforesaid, the Commissioners shall consult with the bishop and the diocesan reorganisation committee as to any amendments to the proposals which appear to the Commissioners to be necessary or desirable and, thereafter, may cause a draft scheme to be prepared.

(3) When a draft scheme has been approved by the bishop and the diocesan reorganisation committee and by the Commissioners, the Commissioners shall send a copy of it to the patron and incumbent of every benefice and parochial church council of every parish which will be affected by the scheme, to the rural dean of the deanery in which such parish is situate, and to every local or planning authority who are registered in respect of the reorganisation area in accordance with the provisions of section three of this Measure.

Every such copy of the scheme shall be accompanied by a notice stating that the scheme will not become operative unless and until confirmed by the Commissioners and that consideration will be given to any written objections received by them before such date (which shall not be less than six weeks from the date of the sending of the notice) as may be specified in the notice.

6.—(1) If the patron or incumbent of any benefice or parochial church council of any parish which will be affected by a reorganisation scheme, or any such rural dean or local or planning authority as aforesaid, is or are dissatisfied with any of the provisions of the scheme, he or they may transmit a written statement of objections and reasons therefor to the Commissioners at any time before the date specified for the purpose in the notices, or within such further period as the Commissioners may for special reasons allow.

Procedure as
to objections
to schemes
and
confirmation
of schemes.

(2) The Commissioners shall send copies of all objections which are duly lodged to the bishop with a request that any replies thereto, which he and the diocesan reorganisation committee may desire to submit, may be transmitted to the Commissioners within a specified period, and the Commissioners shall send to every objector a copy of so much of any reply as relates to any objection lodged by him.

(3) Subject to the following provisions of this section, objections to a draft reorganisation scheme shall be considered and determined by a Special Committee constituted in accordance with the provisions of the next succeeding section.

(4) If no objections are duly lodged, or if all objections so lodged are withdrawn, the Commissioners shall by order under their seal confirm the draft scheme without amendment.

(5) If any objections are duly lodged, but it appears to the Commissioners that the bishop and the diocesan reorganisation committee are prepared to accede to all which are not withdrawn, the Commissioners may make such amendments in the scheme as they deem necessary for giving effect to the objections, and shall return the scheme as so amended to the bishop in accordance with the provisions of subsection (7) of this section.

(6) Save as is mentioned in the last preceding subsection, if any objections are duly lodged and not withdrawn, the Commissioners shall transmit the draft scheme with all objections not withdrawn, the reasons advanced in support thereof and any replies thereto to the Special Committee, who shall, upon the documents so transmitted to them, and after hearing any objector and the diocesan reorganisation committee (if either so desires) and making such other investigations, if any, as they deem necessary, determine whether the objections ought to be allowed or not, and shall report their decisions thereon to the Commissioners.

So soon as may be after the Special Committee have reported their decisions, the Commissioners shall deal with the draft scheme as follows, that is to say—

- (a) where no objection has been allowed by the Special Committee, the Commissioners shall by order under their seal confirm the draft scheme without amendment; and
- (b) where any objection has been allowed by the Special Committee, the Commissioners shall make in the draft scheme such amendments as they deem necessary for meeting any objection so allowed:

Provided that, in lieu of making amendments, they may, if they think fit, reject the draft scheme, but without prejudice to the subsequent submission of a different scheme for the same reorganisation area, or, as the case may be, for the same part of that area.

(7) Where under either of the two last preceding subsections the Commissioners make any amendment in a draft reorganisation scheme, they shall return the scheme as so amended to the bishop who may, with the approval of the diocesan reorganisation committee, again submit it to the Commissioners, either with or without further amendments, as proposals for a draft scheme and, if they do so, the provisions of the last preceding section and of this section shall apply in relation to it accordingly:

Provided that no objection shall be entertained unless, in the opinion of the Commissioners, it relates to, or arises out of, an amendment made in the original scheme.

(8) The Commissioners shall inform every objector whether the bishop and the diocesan reorganisation committee accede to his objection, or whether it has been allowed or disallowed by the Special Committee, and, where the Commissioners reject a draft reorganisation scheme, they shall so inform—

- (a) the bishop,
- (b) the diocesan reorganisation committee, and
- (c) every person to whom they were required by subsection (3) of the last preceding section to send a copy of the draft scheme;

and, where they make any amendment in such a scheme and return it to the bishop, they shall send notice of their decision to the persons referred to in paragraph (c) of this subsection.

7.—(1) For the purposes of this Measure there shall be for each province a Special Committee consisting of a chairman and a vice-chairman, both of whom shall be nominated by the archbishop of the province, and eight other members, of whom four shall be clerks in holy orders nominated by the standing committee of the House of Clergy and four shall be laymen nominated by the standing committee of the House of Laity.

Constitution
of Special
Committees.

- (2) At any meeting of the Special Committee—
 - (a) if the chairman is absent, the vice-chairman shall preside;
 - (b) either the chairman or the vice-chairman together with two representatives of the House of Clergy and two representatives of the House of Laity shall constitute a quorum;
 - (c) the decision of a majority of the members present shall be the decision of the Committee and, in the event of an equality of votes, the presiding member shall have a second or casting vote.

(3) When a meeting of the Special Committee is required, the Commissioners shall consult with the chairman as to the date and place to be fixed and shall convene a meeting accordingly.

(4) The Special Committee may cause a local inquiry to be held in any parish concerned, or in any other convenient place, by a sub-committee consisting of persons chosen by the Special Committee (whether members of that Committee or not) who shall inquire into and report to the Special Committee about any question which the Special Committee may refer to them.

(5) Nominations under this section shall be for a term of three years, but, at the expiration of any term for which he has been nominated, a person may be nominated for a further term.

(6) If a person nominated under this section dies, or resigns, or has, in the opinion of the archbishop or body by whom he was nominated, become permanently incapacitated, the archbishop or that body, as the case may be, shall fill the vacancy by a fresh nomination.

A person so nominated to fill a casual vacancy shall be nominated for the remainder of the term for which his predecessor was nominated.

(7) There shall be paid out of the general reorganisation fund the cost of such secretarial assistance as the Special Committee may need, the amount of any expenses reasonably incurred by a member in attending a meeting of the Committee, and such allowances, if any, in respect of expenses as the Committee may determine to an objector who attends before them for the purpose of giving evidence.

8.—(1) Subject as hereinafter provided, a reorganisation scheme confirmed by the Commissioners shall have the force of law :

Provided that every scheme shall be laid as soon as may be before Parliament and, if either House of Parliament within twenty-eight days after the day on which the scheme is laid before it resolves that the scheme be disapproved, the scheme shall be thereby annulled, without prejudice, however, to the making and confirmation of a new scheme.

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

Effect,
commence-
ment and
publication
of confirmed
schemes.

(2) Subject to the provisions of the preceding subsection with respect to the annulment of schemes, a confirmed scheme shall come into operation on such date as the Commissioners may by the confirming order or a further order appoint:

Provided that the Commissioners may, either by the same order or by separate orders, appoint different dates for different purposes and different provisions of the scheme.

(3) The Commissioners shall send every confirmed scheme and the confirming order and any such further order as aforesaid to the registrar of the diocese, and the registrar shall register them in the diocesan registry.

The Commissioners shall send copies of the scheme and of the order to—

- (a) the bishop,
- (b) the diocesan reorganisation committee;
- (c) every person to whom they were required by subsection (3) of section five of this Measure to send a copy of the draft scheme, and
- (d) the Registrar-General;

and shall publish in the London Gazette a notice stating that they have made the order, naming the benefices and parishes affected by the scheme and specifying a place where copies of the order and of the scheme may be obtained.

9.—(1) Supplementary reorganisation schemes may from time to time be prepared and confirmed for the purpose of making additions to, and otherwise amending, an original reorganisation scheme, and in particular (but without prejudice to the generality of the foregoing words) for dealing with any subordinate or consequential matters appearing in, or arising out of, the proposals of the diocesan reorganisation committee, including matters with which it was, in the opinion of the Commissioners, premature or impracticable to deal in the original scheme. Supplementary schemes.

(2) When a diocesan reorganisation committee have submitted to the bishop of the diocese proposals for a supplementary reorganisation scheme, the provisions of the four last preceding sections shall apply as they apply in relation to an original reorganisation scheme.

(3) Any reference in the subsequent provisions of this Measure to a reorganisation scheme shall (in the absence of express provision to the contrary) be construed as including a reference to a supplementary reorganisation scheme.

PART III.

CONTENTS AND EFFECT OF SCHEMES.

New benefices and patronage.

Effect of
formation
of new
benefices.

10.—(1) Where by a reorganisation scheme the area of a previously existing benefice—

(a) is included as a whole in the area of a new benefice; or

(b) is divided into parts, every one of which becomes either the area of a new benefice, or a part of the area of another benefice, whether new or old,

the previously existing benefice shall be vacated and cease to exist.

(2) The incumbent of a benefice so ceasing to exist shall, if he is not under the provisions of the next succeeding section designated to be the first incumbent of the new benefice, be entitled to receive a general licence to officiate in the diocese so long as he resides therein, and any fee payable in respect of the licence shall be paid as part of the expenses of the reorganisation scheme.

Provisions
as to first
incumbents
of new
benefices

11.—(1) Where a new benefice formed by a reorganisation scheme includes the whole, or a part, of the area of a previously existing benefice which under the scheme ceases to exist, the scheme may with the consent of the incumbent of the previously existing benefice designate him to be the first incumbent of the new benefice.

(2) The admission to the new benefice of any person so designated shall be without presentation, and he shall not be required to pay any fees in respect of his admission except such fees, if any, as the Commissioners may determine.

Provisions
as to
patronage
of new
benefices.

12.—(1) Where a reorganisation scheme provides for the formation of a new benefice, the scheme shall, subject to the provisions of the last preceding section with respect to the designation of first incumbents, contain provisions for vesting the patronage of the new benefice in a patron or patrons and, where necessary, for settling the future exercise of the rights of patronage of the benefice, whether by regulation of the course and succession in which two or more patrons thereof shall present thereto, or otherwise.

(2) In the framing of such provisions as aforesaid in a case where the new benefice includes the whole, or a part, of a previously existing benefice which under the reorganisation scheme ceases to exist regard shall be had to the interests of the patron or patrons of the previously existing benefice.

(3) Where, by reason of such a settlement with respect to the future exercise of rights of patronage as is mentioned in subsection (1) of this section, the patronage of a new benefice is exercisable by different persons by way of alternate, or other successive, rights of presentation, a person shall not be presented to that benefice until consent to his presentation has been given by the body of advisers established under the Benefices (Exercise of Rights of Presentation) Measure, 1931, ^{21 & 22 Geo. 5.} for the diocese, or (as the case may be) the archdeaconry, ^{No. 3.} which includes the new benefice.

(4) A right of patronage of a new benefice formed by a reorganisation scheme shall be incapable of sale, and any transfer for valuable consideration of such a right shall, whether that consideration is mentioned in the transfer or not, be invalid.

13. With a view to facilitating any rearrangement of pastoral supervision to be effected by a reorganisation scheme, the scheme may, with the consent of the patron or patrons interested, make provision for any one or more of the following purposes, that is to say—

- (a) the exchange of rights of patronage in respect of one benefice for rights of patronage in respect of another benefice;
- (b) the surrender of rights of patronage, either absolutely or in favour of other persons having rights of patronage in respect of the same benefice;
- (c) the assignment to any person or persons of rights of patronage in respect of any new benefice.

In paragraphs (a) and (b) of this section, references to a benefice shall be construed as including references to a benefice outside the area covered by the scheme.

14.—(1) For the purposes of the Benefices (Transfer of Rights of Patronage) Measure, 1930, a vesting of rights of patronage by virtue of subsection (1) of section twelve of this Measure, and an exchange, surrender or assignment of rights of patronage by virtue of the last preceding section, shall not be regarded as transfers of those rights.

(2) The provisions of the Benefices (Exercise of Rights of Presentation) Measure, 1931, and of subsection (2) of section two of the Benefices Act, 1898, shall not apply where a person is, by virtue of subsection (1) of section eleven of this Measure, designated by a reorganisation scheme to be the first incumbent of a new benefice.

Compensation to certain Incumbents.

Compensation to incumbent of a benefice ceasing to exist, or incumbent or curate displaced from his residence.

15.—(1) Subject to the provisions of this section, if the incumbent of a benefice which by reason of a reorganisation scheme ceases to exist—

- (a) does not become the first incumbent of a new benefice formed by the scheme; or
- (b) becomes the first incumbent of such a benefice, but suffers a reduction in income by reason of his change of benefice,

he shall be entitled to receive an annuity by way of compensation.

(2) The amount of any such annuity as aforesaid, and the period for which it is to continue, shall be stated in the scheme and shall be such as the diocesan reorganisation committee, or, upon an objection lodged by the incumbent against the draft scheme, the Special Committee, may determine to be fair and equitable, regard being had to the income which the incumbent will lose, the amount of any expenses which will fall upon him or of which he will be relieved, the stipend or remuneration of any other benefice or post which has been accepted by him, the considerations mentioned in the next succeeding subsection and all other circumstances of the case.

With a view to enabling them, if possible, to agree with the incumbent upon an amount and period which will be fair and equitable, the diocesan reorganisation committee (and, if necessary, the Special Committee) shall, in addition to hearing the incumbent himself, hear any person whom the incumbent may invite to accompany him for the purpose of explaining to the Committee his financial position and prospects.

(3) In the case of any such incumbent as aforesaid, regard shall be had, both in framing the reorganisation scheme and in determining the amount and duration of any annuity, to his rights, expectations and obligations under the Clergy Pensions Measures, 1926 to 1936, or (as the case may be) the Clergy Pensions (Older Incumbents) Measure, 1930, so as to secure that—

- (a) the incumbent shall receive on his retirement a pension not less than that which he might have received if he had continued to hold the benefice ceasing to exist; and
- (b) no extra charge shall be imposed on the funds of the pensions authority, or on the revenues of any other benefice afterwards held by the incumbent, in excess

of the charge which would have fallen thereon if this Measure had not been passed, any excess of the annuity over such charge being borne by the diocesan stipends fund.

(4) For the purpose of enabling effect to be given to the provisions of the last preceding subsection—

- (a) where the incumbent in question is an older incumbent within the meaning of the said Measure of 1930, he may at any time elect to retire and claim a pension under that Measure, notwithstanding that he is not incapacitated from the due performance of an incumbent's duties;
- (b) where the incumbent in question is a compulsory contributor under the said Measures of 1926 to 1936, then, for the purposes of those Measures, the period during which he receives an annuity shall be reckoned as qualifying pensionable service and during that period he shall continue to be a compulsory contributor, the amount of his annuity being deemed to be, or (as the case may be) to be part of, his assessable clerical income;
- (c) in the case of any such incumbent who for the time being holds no benefice, his decision to accept no offer of further preferment shall be deemed to be retirement; and
- (d) the annual value of a benefice which by reason of a reorganisation scheme ceases to exist shall be determined by the pensions authority instead of by a commission.

(5) If, after the amount of the annuity payable to a person under this section has been agreed or determined, the bishop of the diocese is satisfied that the annuitant—

- (a) has accepted another benefice, or some other remunerative post or work; or
- (b) has executed a deed of relinquishment under the Clerical Disabilities Act, 1870; or
- (c) has become a member of a religious body which is not in communion with the Church of England; or
- (d) is under ecclesiastical law, or the provisions of some Act or Measure for the time being in force, incapable of holding preferment in the Church of England,

33 & 34 Vict.
c. 91.

or, if either the bishop or the annuitant is of opinion that other circumstances justify reconsideration of the amount of the annuity or its continuance, either the bishop or the annuitant

may represent the facts to the Commissioners who, after giving to each party an opportunity of presenting his case to them, either in writing or in person, shall by order under their seal determine whether any and, if so, what variation shall be made in the amount of the annuity, or whether it shall be continued or discontinued, without prejudice, however, to the making at any time of a further application under this subsection to the Commissioners.

(6) If a person entitled to an annuity under this section is requested by the diocesan board of finance or the pensions authority to furnish information in respect of any stipend or other remuneration received by him, and fails to do so within four weeks, the bishop may direct that payment of his annuity, or of some part thereof, shall be suspended.

(7) Where an incumbent is compelled as a consequence of a reorganisation scheme to change his residence, he shall be entitled, whether he receives an annuity or not, to such lump sum, to be stated in the scheme, in respect of expenses incurred by him as, in default of agreement, the diocesan reorganisation committee, or, upon an objection, the Special Committee, may determine to be fair and reasonable, regard being had to all the circumstances of the case.

(8) The provisions of the last preceding subsection (except the words referring to an annuity) shall apply also in relation to an assistant curate as they apply in relation to an incumbent.

(9) An annuity or a lump sum payable under this section shall be paid out of, and charged on, the diocesan stipends fund next after payments to be made thereout in respect of pensions and stipends payable to incumbents and, if at any time the fund is not sufficient for the payment of any such annuity or sum, the Commissioners may, if they think fit, advance money to make good the deficiency and may, so soon as it is practicable so to do, claim repayment from the capital or income of the fund of any sums so advanced by them.

Endowments and Property.

16.—(1) A reorganisation scheme may make provision—

- (a) for some or all of the endowments of benefices within the area covered by the scheme to be vested in the Commissioners; and
- (b) for the Commissioners to make out of their common fund such periodical or other payments to the diocesan stipends fund of the diocese as they, with the approval of the diocesan board of finance, from time to time determine to be equitable having regard to the value of the endowments becoming vested in them.

Vesting of
endowments
of benefices
in Com-
missioners.

(2) In this section the expression "endowments," in relation to any benefice, includes, subject as hereinafter provided, all charges in favour of, and all moneys, securities and other property belonging to, or held in trust for, or appropriated to the use of, the benefice or the incumbent for the time being thereof as such, or held or appropriated for the augmentation of the benefice:

Provided that—

- (a) the expression does not include a church, churchyard or right of patronage; and
- (b) in the case of property held in trust by persons other than the Commissioners, Queen Anne's Bounty or the diocesan board of finance, provision shall not be made under this section for vesting that property in the Commissioners unless the trustees have consented to the making of such provision.

(3) The endowments to be vested in the Commissioners by virtue of this section shall be specified in the scheme and, upon the relevant provisions of the scheme coming into operation, shall, without any conveyance or other assurance, vest in the Commissioners, freed and discharged from all previously existing trusts and charges in favour of, or of the incumbent of, any benefice to which any of the endowments so specified belong, but, save as aforesaid, subject to all previously existing trusts, charges and tenancies.

17.—(1) A reorganisation scheme which makes such provision with respect to endowments as is mentioned in the last preceding section may direct that there shall be paid out of the diocesan stipends fund—

Allocation
of income
to benefices.

- (a) the amount of any existing pension so far as previously chargeable on any of those endowments;
- (b) to the incumbent of any benefice within the area covered by the scheme, such stipend as may be determined by the scheme, regard being had to the income likely to be received by him from other sources and to all the circumstances of the case:

Provided that the endowment of no benefice shall be reduced except with the incumbent's consent or upon an avoidance of the benefice; and

- (c) in the case of any benefice within that area, to such person or body as the bishop may from time to time appoint, such periodical sums, not in any one year exceeding in the aggregate an amount to be specified in the scheme, as may from time to time be approved by the bishop in respect of stipends or salaries of assistants, whether clerical or lay.

(2) If at any time it appears to the bishop, or to the incumbent of any benefice, that circumstances have altered materially, he may represent the facts to the Commissioners and, thereupon, the Commissioners may by order under their seal make such increase or reduction in any amounts payable in respect of that benefice under the preceding subsection as the bishop may approve:

Provided that a stipend shall not be reduced except with the incumbent's consent or upon an avoidance of the benefice, and the sums payable under paragraph (c) of the said subsection shall not be reduced before the expiration of such period as the bishop deems reasonable, having regard to the tenure of office, rights and interests of any person to be affected.

Vesting of
curacy
endowments.

18.—(1) A reorganisation scheme may make provision for any house or other endowment which is held in trust for the use or remuneration of a curate serving in any benefice or parish within the area covered by the scheme, and with respect to which provision for vesting is not made by the scheme under section sixteen of this Measure, to be vested in the Commissioners, and to be dealt with by them in accordance with the provisions of this section:

Provided that, in the case of property held in trust by persons other than the Commissioners, Queen Anne's Bounty or the diocesan board of finance, provision shall not be made under this section for vesting that property in the Commissioners unless the trustees have consented to the making of such provision.

(2) Where a house becomes vested in the Commissioners under this section, they may make it available for use as the parsonage house of any benefice within the area covered by the scheme, or for the use of any assistants, whether clerical or lay, employed in aid of the incumbent of any such benefice, or may, if they think fit, sell, let or otherwise dispose of it.

(3) The Commissioners shall apply the proceeds of any such sale, lease or disposal as aforesaid and any other endowments which become vested in them under this section in making such provision as they think fit for the remuneration of such assistants as aforesaid within the said area and, if it appears desirable, in providing accommodation for them, or for some of them.

(4) Any property to be vested in the Commissioners by virtue of this section shall be specified in the scheme and, upon the relevant provisions of the scheme coming into operation, shall, without any conveyance or other assurance.

vest in the Commissioners freed and discharged from all previously existing trusts and charges in favour of the benefice or parish, but, save as aforesaid, subject to all previously existing trusts, charges and tenancies.

19.—(1) Any church, parsonage house or other property which previously was vested, in right of his incumbency or benefice, in the incumbent of some benefice within the area covered by a reorganisation scheme, but is by the scheme assigned to some other benefice within that area, being property, for the vesting of which other provision is not made by this Measure or by the scheme, shall, upon the relevant provisions of the scheme coming into operation and without any conveyance or other assurance, vest in the incumbent for the time being of that other benefice.

General provisions as to vesting of churches, parsonage houses, etc.

(2) Where under a reorganisation scheme a benefice ceases to exist, any church, parsonage house or other property which previously was vested, in right of his incumbency or benefice, in the incumbent of that benefice, being property for the vesting of which other provision is not made by this Measure or by the scheme, shall without any conveyance or other assurance, vest in the diocesan board of finance.

(3) A vesting of property by virtue of this section shall not affect any previously existing mortgage or other charge thereon, or any previously existing tenancy thereof.

Churches, parsonage houses, etc.

20.—(1) A reorganisation scheme may in the case of churches include provisions for any of the following purposes—

Schemes dealing with churches.

- (a) the restoration or rebuilding of a church on the same site, or partly on the same site;
- (b) the substitution of a church to be built on another site;
- (c) the appropriation of—
 - (i) a church, or any part thereof; or
 - (ii) the site of a church, or of any part thereof, (together, in either case, with any land annexed or belonging to the church) to such other uses as may be specified in the scheme, subject, however, to any conditions so specified;
- (d) the replacement of a church by the erection, on the same site or elsewhere, of a building to be devoted to purposes connected with pastoral work;
- (e) the complete or partial demolition of a church;

(f) the sale, letting, or exchange of any land which forms the site, or a part of the site, of a church, but which under the scheme will no longer be required as such, subject, however to any conditions specified in the scheme;

(g) the closing of a church, or of a part thereof.

(2) Where a parish within the area covered by a reorganisation scheme would, but for the provisions of this subsection, have no parish church, the scheme shall designate a church, whether an existing church or a church to be provided in the future, as the parish church of that parish.

(3) A reorganisation scheme which provides for a church or a part thereof, or the site of a church or of a part thereof, being appropriated to other uses shall direct that the church, or part of a church, or site in question and any land to be included in the appropriation shall, on it becoming vested under the provisions of Part IV of this Measure in the diocesan board of finance, be held by them on trust to allow it to be used for the purposes specified in the scheme, but subject to any conditions so specified.

(4) When under a reorganisation scheme a church will cease to be used as such, or consecrated ground will be appropriated to other uses, then, subject to any regulations made by the Convocation of the province, such formalities (if any) as the bishop of the diocese may direct shall be observed with respect to the closing of the church or the proposed alteration of the use of the ground.

Removal of human remains from site of church, and disposal of urns, monuments, etc.

21. Where a reorganisation scheme directs the demolition of a church, or a part of a church, and the sale, letting, exchange or appropriation of the site of that church or of that part, or directs the appropriation of a church, or a part of a church, to other uses, the provisions of the First Schedule to this Measure shall have effect with respect to the removal of human remains, the disposal of urns and other receptacles containing cremated ashes and the disposal of monuments and memorials.

Protection of churchyards and burial grounds.

22. A reorganisation scheme may provide for the transfer of any churchyard or burial ground to the council of any borough, district or parish who are willing to accept it for use as an open space subject to such restrictions and conditions, if any, as may be specified in the scheme, or, if it has not been closed for burials, for its transfer to any such council or any burial board for use as a cemetery or burial ground; but, save as aforesaid and save in so far as for purposes of the scheme it may be necessary to make provision for access,

nothing in this Measure or any reorganisation scheme shall render legal the sale, letting, exchange, or appropriation to any other use of any churchyard or burial ground which has been used for burials.

23. Where a church has been wholly or in part demolished in accordance with the provisions of a reorganisation scheme by the Commissioners or by the diocesan board of finance, the Commissioners or that board, as the case may be, shall also, until a sale, lease, exchange, or appropriation to other uses takes effect, cause the site thereof and any churchyard belonging thereto to be properly fenced and preserved.

Protection of
site of
demolished
church and
its churchyard.

24. Where under a reorganisation scheme a church is demolished or otherwise ceases to be used for divine service, the marriage registers and other registers of that church shall be transferred to the church which is, or becomes, the parish church of the parish in which the site of the demolished church, or, as the case may be, the disused church, is, or will be situate:

Transfer of
registers.

Provided that, before being so transferred, the current volumes of the marriage registers shall, unless they are or will be the only marriage registers in use for the parish to the parish church of which they are to be transferred, be forwarded to the Registrar-General in order that they may be formally closed.

25. A reorganisation scheme may make provision—

- (a) for the sale, letting or exchange of any parsonage house or other building belonging to a benefice within the area covered by the scheme;
- (b) for the transfer thereof to the diocesan board of finance for diocesan or parochial purposes;
- (c) for the complete or partial demolition thereof and the sale or letting of the whole or a part of the site;
- (d) for the conversion of part thereof into a parsonage house and, if and so far as the remainder is not demolished, its utilisation for other purposes;
- (e) for the rebuilding thereof, or for the provision elsewhere of a new house or other building;

Schemes
dealing with
parsonage
houses, etc.

and may designate a house, whether an existing house or a house to be provided in the future, as the parsonage house of a benefice.

26. If, when a draft reorganisation scheme is being prepared, it appears to the Commissioners, or is represented to them by the Central Council of Diocesan Advisory Committees for the Care of Churches or any other body concerned

Protection
for buildings
of historical,
architectural

or artistic
interest or
value.

with the care of ancient buildings, that any exercise of any power conferred by this Measure might affect prejudicially any building of archæological, historical or artistic interest, they shall consider what provisions, if any, should be inserted in the scheme for the protection of that building, and shall seek the advice of the Royal Fine Art Commission.

Church and Parochial Trusts and Funds, and Rights of Parishioners.

Church and
parochial
trusts and
funds, and
lectureships
attached to
churches.

27. The provisions of the Second Schedule to this Measure shall have effect with respect to the trusteeship and administration of certain church and parochial trusts, funds and property, and with respect to lectureships attached to certain churches.

Rights of
parishioners
in respect of
marriages,
burials, etc.

28.—(1) Where by a reorganisation scheme any church has been constituted the parish church of a parish, or the boundaries of a parish having a parish church have been altered, persons residing in that parish or altered parish, as the case may be, shall have the same rights and privileges in respect of marriages, baptisms, burials and otherwise, and be subject to the same obligations in relation to the said church, as they would have enjoyed, or been subject to, if that church had always existed as the parish church for the area constituting the said parish or altered parish:

Provided that, so long as any churchyard within a parish remains open for interments, no person shall by reason of the coming into operation of a reorganisation scheme lose any right of burial in that churchyard, being a right to which he was entitled immediately before the scheme came into operation.

(2) When banns of marriage have been duly and regularly published for the first or second time in any building which ceases to be a parish church or, as the case may be, ceases to be licensed for marriages, publication of those banns may be completed in such other building, being either a parish church or a building licensed for marriages, as may be directed by the bishop to take the place of the original building for the purpose of the publication of banns.

Subsidiary provisions.

Incidental,
supplementary
and
consequential
provisions.

29. A reorganisation scheme may—

- (a) provide, where for the purposes of the scheme it seems desirable so to do, for an alteration of the boundaries of an existing archdeaconry or rural deanery, or for the formation of a new rural deanery;

- (b) make in any particular case any special provision with respect to the appointment of churchwardens which may seem to the diocesan reorganisation committee to be desirable;
- (c) provide for the utilisation or disposal of any font, communion table, plate, vestments, organ and other furnishings and articles belonging to, or held in trust for, a church which is to be demolished or appropriated to other uses, so however, that the scheme shall not authorise the sale of any font, communion table or article of communion plate;
- (d) provide for the disposal of moneys or other property in the hands of incumbents, churchwardens and other officers of a church or parish in any case where, if no provision were made under this section, such moneys or other property could not legally be dealt with;
- (e) make, where a church is to be demolished or appropriated to other uses, provision with respect to fees, for the adjustment of private rights and for the payment of compensation to any officers and servants who under the scheme may suffer pecuniary loss; and
- (f) contain such other incidental, supplementary and consequential provisions as appear to the Commissioners to be necessary or desirable for giving effect to the purposes of the scheme.

PART IV.

ADMINISTRATIVE, MISCELLANEOUS AND GENERAL PROVISIONS.

Administration and finance.

30.—(1) For every diocese within which a reorganisation scheme has come into force the Commissioners shall open and hold a diocesan stipends fund, into which shall be paid all moneys which may be directed by any reorganisation scheme to be so paid and any donations, legacies and other contributions which may from time to time be received for the credit of, or be allocated by the bishop or the diocesan board of finance to, that fund.

(2) Subject to any charges imposed upon it by this Measure or by a reorganisation scheme, and to repayment of any moneys advanced by the Commissioners in respect of compensation payable to incumbents, the said fund shall be applicable for such purposes connected with the cure of souls within the diocese as the bishop after consultation with the diocesan board of finance may from time to time direct.

In giving any such direction regard shall be had, amongst other considerations, to the sources from which the fund has been derived.

(3) The Commissioners shall furnish annually to the diocesan board of finance an account of the income and expenditure of the diocesan stipends fund.

Execution
of works.

31.—(1) The Commissioners or the diocesan board of finance, according as the scheme may direct, shall be responsible for the demolition of any church, house or other building which is directed by a reorganisation scheme to be demolished, for the sale or utilisation of the materials and the disposal of the site thereof, and for the disposal of any house or other building or land which is directed by the scheme to be sold, let or otherwise disposed of.

A diocesan board of finance upon whom duties are imposed by virtue of this subsection shall pay to the Commissioners the net proceeds resulting from the discharge of those duties.

(2) The restoration of any churches, houses and other buildings and the provision of any churches, houses and other buildings, the restoration or provision of which is directed by a reorganisation scheme, and, subject to the provisions of the preceding subsection and any other provisions of this Measure or the scheme which specifically impose obligations on the Commissioners, all other work necessary to give full effect to the provisions of the scheme, shall be carried out by, or with the approval of, the diocesan board of finance:

Provided that, before undertaking any work of restoration or construction under this subsection, the board

(a) shall consult with the incumbent of the benefice and the parochial church council of the parish in which the church, house or other building is situate, or for which it is to be provided, and also in the case of a church, with the advisory committee of the diocese appointed under the Faculty Jurisdiction Measure, 1938; and

(b) in the case of a new church shall submit the plans to the Commissioners for their approval.

1 & 2 Geo. 6.
No. 6.

Vesting in
of property
directed to be
demolished or
disposed of.

32.—(1) Upon a reorganisation scheme coming into operation any church, house, land or other property which under the provisions of the scheme and of this Measure falls to be demolished, sold, let, appropriated to other uses or otherwise dealt with by the Commissioners or by the diocesan board of finance, and is not already vested in the body by which it is to be so dealt with, shall, without any conveyance or other

assurance, become vested in the Commissioners or in the diocesan board of finance, as the case may be, for the purpose of being dealt with by them in accordance with the said provisions:

Provided that a vesting of property by virtue of this subsection shall not affect any previously existing mortgage or other charge thereon, or any previously existing tenancy thereof.

(2) If the Commissioners or the diocesan board of finance, as the case may be, are of opinion that a sale of any property so vested in them cannot be effected advantageously, they may grant a lease thereof for such term and on such conditions as they think fit.

(3) Where under this section the site of a demolished church, house or other building has become vested in the Commissioners or the diocesan board of finance and either no provision for the ultimate disposal thereof is made by the reorganisation scheme, or it appears to the Commissioners or, as the case may be, to the board to be impossible to dispose of it in accordance with any provision so made, the Commissioners or, as the case may be, the board may, with the approval of the bishop of the diocese, dispose of it in such manner as they deem appropriate.

Provided that, in the case of property vested in the Commissioners, the approval of the diocesan board of finance shall also be necessary.

(4) The Commissioners shall have full power to determine so as to bind all persons interested in the property of any benefice any question which may arise as to the extent or limits of any property which by virtue of this section becomes vested in the Commissioners or in the diocesan board of finance.

(5) If the Commissioners are of opinion that a sale of any property vested in them under this section cannot be effected advantageously, they may, if they think fit, appropriate out of capital funds held by them, the income from which forms part of their common fund, such capital sum as, in their opinion, represents the fair value of the property, regard being had to any lease thereof granted or proposed to be granted by them, and, upon such an appropriation being made—

- (a) the capital sum so appropriated shall be treated and dealt with as if it were the proceeds of a sale of the property; and

- (b) the property shall remain vested in the Commissioners and be, in all respects, in the same position as respects the income derived therefrom, the powers exercisable in respect thereof and otherwise, as other property the income from which is carried to the common fund of the Commissioners.

General and
diocesan
reorganisation
funds.

33.—(1) Moneys received by the Commissioners under either of the two last preceding sections in respect of sales or leases of property within any diocese (including any such capital sum as is mentioned in subsection (5) of the last preceding section) shall be dealt with by the Commissioners in accordance with the following provisions of this section.

In this subsection the expression 'moneys' means the net proceeds resulting from any sale or lease after the expenses thereof have been defrayed either by the Commissioners or by the diocesan board of finance.

(2) The Commissioners shall carry fifteen per cent. of those moneys to a fund to be opened and held by them as a general reorganisation fund and shall carry the rest of those moneys to a diocesan reorganisation fund to be opened and held by them for the benefit of the diocese in question.

(3) The Commissioners may out of the general reorganisation fund—

- (a) pay any expenses incurred by them under this Measure or any reorganisation scheme;
- (b) make any such payments as are authorised by the provisions of this Measure relating to Special Committees; and
- (c) pay, or contribute to the payment of, any administrative expenses incurred under this Measure or any reorganisation scheme by the bishop, diocesan reorganisation committee or diocesan board of finance of any diocese.

The Commissioners may from time to time distribute any balance, or a portion of any balance, standing to the credit of the said fund between the various diocesan reorganisation funds in the proportions in which contributions to the general reorganisation fund have been derived from property within the dioceses concerned.

(4) The Commissioners may make any moneys standing to the credit of the diocesan reorganisation fund of any diocese available—

- (a) for payment of (or of any balance of) any administrative expenses incurred under this Measure or any

reorganisation scheme by the bishop, diocesan reorganisation committee or diocesan board of finance of the diocese, or approved by the Commissioners as reasonably incurred by the bishop, committee or board under the Diocesan Reorganisation Committees Measure, 1941; and

4 & 5 Geo 6.
No. 1.

- (b) subject to provision being made for the payment of such expenses, for the provision, restoration, improvement and maintenance of, churches, parsonage houses, schools, church halls and other buildings within the diocese.

They may also from time to time, if the bishop after consultation with the diocesan board of finance so requests, transfer any balance, or a portion of any balance, standing to the credit of the said fund to either the capital account or the revenue account of the diocesan stipends fund of the diocese.

34.—(1) Paragraph (i) of section two of the Diocesan Reorganisation Committees Measure, 1941, and, in paragraph (ii) of subsection (3) of section three of that Measure, the words from “ who shall repay ” to the end of the paragraph shall be repealed, and the following provisions of this section shall have effect in relation to war damage payments, that is to say payments made by the War Damage Commission under the War Damage Act, 1943, or made under a policy issued under either of the schemes operated under Part II of that Act, or made by the Board of Trade under section ninety-five of that Act.

Provisions
as to war
damage
payments.

6 & 7 Geo. 6
c. 21.

(2) Where any church lands have suffered war damage, the diocesan reorganisation committee of the diocese shall, by virtue of this section and without any further or other authority, represent and act as agents of the owners of those lands with regard to the presentation and settlement by negotiation of claims for compensation in respect of the damage and with regard to the receipt by the diocesan board of finance of any payments made by the War Damage Commission in respect thereof.

(3) A diocesan board of finance who receive any war damage payment in respect of damage to church lands shall, subject to any conditions determined by the War Damage Commission, repay thereout any moneys borrowed for the repair of war damage to the lands in respect of which the payment was made, and apply the balance to such purposes, whether purposes connected with those lands or not, as the diocesan reorganisation committee, after consultation (so far as such consultation appears to them to be practicable)

with the owners of those lands, may determine, having regard to the needs of the diocese as a whole, and the desirability of re-arranging and strengthening the pastoral supervision thereof:

6 & 7 Geo. 6.
No. 3.

Provided that, as respects payments so received in respect of church schools, as defined for the purposes of the Diocesan Education Committees Measure, 1943, the provisions of this subsection shall have effect subject to the provisions of section three of that Measure.

For the purposes of this subsection, money applied in accordance with the provisions of subsection (1) of section seventy-six of the War Damage Act, 1943, and the value of any securities so applied, shall be deemed to be moneys borrowed for the repair of war damage.

(4) A diocesan board of finance who receive any war damage payment in respect of damage to goods, shall, on application, repay thereout the amount of any premiums paid in respect of the insurance of the goods and, subject thereto, shall apply the money for the benefit of the church to which the goods pertained, or, if that church, having suffered damage, is not restored, or otherwise ceases to be used as a church, then for the benefit of such other church or churches as the diocesan reorganisation committee may determine after consultation with the incumbent and parochial church council to whose church the goods pertained.

Variation
of existing
dilapidation
assessments,
etc.

35. Where by virtue of this Measure and of a reorganisation scheme any buildings belonging to a benefice become vested in the Commissioners or in the diocesan board of finance, or in the incumbent of some other benefice, Queen Anne's Bounty and the diocesan dilapidations board shall make such consequential variations in any existing assessments or orders under the Ecclesiastical Dilapidation Measures, 1923 to 1929, which affect the benefice or benefices concerned and give such directions as to the disposal of any unexpended moneys paid under those Measures as they deem necessary.

Transfer of
stocks, bank
credits, etc.

36.—(1) Where by virtue of this Measure and of a reorganisation scheme any stock is transferred to, or becomes vested in, the Commissioners, the production of a copy of the scheme sealed with the seal of the Commissioners shall be a sufficient authority to any company in whose books any stock so transferred is standing to register or inscribe the stock in the name of the Commissioners and to pay to them any dividends accrued on the stock and not yet paid.

(2) Where, in the case of a benefice which under a reorganisation scheme ceases to exist, any money or stock is standing in the books of a bank or company as being the property of—

- (a) the incumbent for the time being of the benefice; or
- (b) the churchwardens for the time being of the parish, or a parish, of the benefice; or
- (c) the parochial church council of the parish, or a parish, of the benefice;

or as being the joint property of any two or more of them, and that money or stock is specifically assigned by the scheme to representatives of another benefice or parish, a copy of the scheme sealed with the seal of the Commissioners shall be a sufficient authority to the bank or company to transfer the money or stock in question to the persons to whom it is assigned by the scheme and to pay to them any dividends accrued on such stock and not yet paid.

(3) In this section the word " stock " includes any share, annuity or other security, and the word " company " includes the Bank of England and any company or person keeping books in which any stock is registered or inscribed.

37. There shall be payable to a diocesan registrar for registering any order, scheme or other document which he is directed by this Measure to register, for permitting searches for, and giving inspection of, any such document and for furnishing copies of any such document or of a portion thereof, such fees as may from time to time be authorised under the Ecclesiastical Officers Remuneration Measure, 1939, or, if fees have not been so authorised, such fees as may be fixed by the Commissioners.

Fees payable to diocesan registrars.

2 & 3 Geo. 6. No. 2.

Miscellaneous.

38.—(1) If a benefice is vacant at, or becomes vacant after, the date when the patron receives notice that the Commissioners have made an order declaring the area in which the benefice is situate to be an ecclesiastical reorganisation area, the bishop may refuse to admit any person who may be presented to the benefice without the bishop's previous consent:

Temporary restriction on exercise of patronage.

Provided that—

- (a) a restriction imposed by this section shall cease to be operative upon the expiration of three years from the receipt by the patron of the notice;
- (b) the period between the receipt by the patron of the notice and the giving of consent by the bishop, or the expiration of the said term of three years, whichever first occurs, shall not be reckoned for the purpose of lapse; and

- (c) the bishop shall make such provision for the cure of souls during any vacancy as he deems necessary after consultation with the patron and with the parochial church council of the parish, or each of the parishes, concerned.

In the case of a benefice the patron of which has received such notice as aforesaid, the provisions of section five of the *Diocesan Reorganisation Committees Measure, 1941*, shall cease to apply, but, for the purpose of lapse, any period during which the benefice has remained vacant by reason of an order made under section three of the said *Measure* shall be disregarded.

(2) At any time while a benefice in an ecclesiastical reorganisation area is vacant, the Commissioners may, at the request of the bishop of the diocese, exercise in relation to any property of the benefice, other than a right of patronage, any powers which an incoming incumbent would have upon his institution to the benefice.

Provisions
as to orders
and schemes
affecting two
dioceses.

39.—(1) With the consent of the bishop and diocesan reorganisation committee of an adjoining diocese, a parish or parishes belonging to that diocese may be included in any area in respect of which application is made to the Commissioners for an order declaring it to be an ecclesiastical reorganisation area.

(2) When an ecclesiastical reorganisation area includes any parish belonging to an adjoining diocese—

- (a) the diocesan reorganisation committee who are preparing proposals for a reorganisation scheme for, or for a part of, that area, shall not, without the consent of the bishop and diocesan reorganisation committee of that adjoining diocese, include in their proposals any provision which will affect that parish or diocese;
- (b) if the draft reorganisation scheme contains any provision which will affect that parish or diocese, it shall not, without such consents as aforesaid, be approved by the Commissioners; and
- (c) with such consents as aforesaid, the scheme may alter the boundaries of the dioceses concerned.

(3) When an order which affects more than one diocese has been made under section two of this *Measure*, or when a reorganisation scheme which affects more than one diocese has been confirmed, the Commissioners shall send a copy of the order, or (as the case may be) of the scheme and of the confirming order, and of any further order appointing a date for

the coming into operation of any provision of the scheme, to the diocesan reorganisation committee of each diocese concerned.

They shall also send a certified copy of every such document to the registrar of each diocese concerned (not being the registrar to whom the original document is sent) and the registrar shall register it in the diocesan registry.

40.—(1) Where at the material time a benefice has no incumbent, or a parish has no parochial church council, the provisions of this Measure with respect to notices to be sent to, with respect to other acts and things to be done to or by, and with respect to consultations with and obtaining the consents of, incumbents or such councils—

Provisions as to benefices having no incumbent and parishes having no parochial church council.

- (a) as regards that benefice, shall have effect as if the rural dean of the deanery concerned were the incumbent of the benefice; and
- (b) as regards that parish, shall, if there are churchwardens, have effect as if they were the parochial church council, and shall, if there are no churchwardens, be of no effect.

(2) For the purposes of this section, a certificate by the bishop of a diocese stating that at any time specified in the certificate a particular benefice or parish in the diocese had no incumbent, or, as the case may be, had no parochial church council or no churchwardens, shall be conclusive.

41. Where a conventional district, or a part of such a district, is within the area proposed to be covered by a reorganisation scheme, the minister in charge of that district and the parochial church council, if any, thereof shall be entitled to receive the like notices, and shall have the like rights with respect to objections to the scheme, as they would be entitled to receive, and would have, if the district were a parish.

Provisions as to conventional districts.

42. An extra-parochial place, or a part of such a place, may by a reorganisation scheme be included in a parish, or itself constituted a parish.

Provisions as to extra-parochial places.

43.—(1) If, in any case where it is necessary for the purposes of this Measure or a reorganisation scheme to determine who is the patron of a benefice, it appears to the Commissioners that—

Provisions for cases where patronage is in doubt, or patron cannot be found, etc.

- (a) it is doubtful which of two or more persons is entitled to the patronage, or to some share therein; or
- (b) it is not possible to find the person admitted, or determined under this section, to be so entitled, or to ascertain what person is so entitled.

the Commissioners may in the first-mentioned case determine the question and in the second-mentioned case—

- (i) if the person who cannot be found, or cannot be ascertained, is or would be entitled to a share only in the patronage, may direct that the person or persons entitled to the other share or shares therein shall represent him for all purposes of this Measure or the scheme; and
- (ii) if he is or would be solely entitled to the patronage, may direct that the diocesan board of patronage shall so represent him.

A determination or direction of the Commissioners under this section shall, for the purposes of this Measure and the scheme, be final and conclusive.

(2) The provisions of the preceding subsection with respect to a patron who cannot be found, shall apply also with respect to a patron as to whom the Commissioners are satisfied—

- (a) that he is outside the United Kingdom and has not within the United Kingdom any representative authorised to act for him; and
- (b) either that no address at which letters are likely to be delivered to him is known, or that a letter asking him to nominate such a representative has been written to him at his last known address, but no reply has been received within a reasonable period.

Provisions as
to patrons
who are
minors, etc.

44. Where the patron of a benefice is a minor, or a person of unsound mind (whether so found by inquisition or not), or is otherwise subject to legal disability, he shall be represented for all purposes of this Measure and any reorganisation scheme by the guardian, trustee, committee, receiver or other person having the management of his property, and, if any question arises as to who is so to represent him, the Commissioners may decide the point and, for the purposes of this Measure and any reorganisation scheme, their decision shall be final and conclusive.

Amendments
of Diocesan
Reorganisation
Committees
Measure, 1941.

45.—(1) The Diocesan Reorganisation Committees Measure, 1941, shall have effect as if for the definitions of "patron" and "church lands" therein contained there were substituted the definitions of those words contained in this Measure.

(2) If in any diocese the diocesan conference so resolves, the first ordinary members of the diocesan reorganisation committee, instead of holding office until the year nineteen hundred and forty-five, shall hold office only until such earlier date as may be specified in the resolution.

46.—(1) Where a benefice within the area covered by a reorganisation scheme has no church, an incumbent of that benefice shall be deemed to have been sufficiently inducted thereto, if he has been inducted at such place and with such formalities as the bishop has directed.

Inductions,
etc., in
certain special
cases.

(2) Where any such benefice as aforesaid has more than one parish church, an incumbent of that benefice shall be deemed to have complied sufficiently with the provisions of the Clerical Subscription Act, 1865, if he has complied therewith in one of those churches.

28 & 29 Vict.
c. 122.

47.—(1) If, at the date when an area is declared to be an ecclesiastical reorganisation area, any church or parsonage house within that area is subject to an order made by the Commissioners under section three of the Diocesan Reorganisation Committees Measure, 1941, or by Queen Anne's Bounty under section four of that Measure, the order shall, notwithstanding any limit of time specified therein for its duration, continue in force until the Commissioners otherwise direct.

Temporary
continuance
of emergency
provisions
in certain
areas.

(2) If, at the date aforesaid, the Clergy (National Emergency Precautions) Regulations, 1939, have not expired, then, notwithstanding any limit of time mentioned therein, the provisions thereof and any directions in force thereunder shall, as regards any church, parish or place within the reorganisation area, continue in force until the Commissioners otherwise direct.

Savings.

48. Nothing in this Measure or any reorganisation scheme, or in the Diocesan Reorganisation Committees Measure, 1941, shall affect any power or jurisdiction of the Board of Charity Commissioners for England and Wales, or of the Board of Education, or enable the Ecclesiastical Commissioners to deal with any endowment subject to the jurisdiction of either of those Boards without the consent of the Board concerned.

Saving in
respect of
Charity
Commissioners
and Board
of Education.

49.—(1) Nothing in this Measure or any reorganisation scheme shall, without the consent of His Majesty, or, as the case may be, of the Duke of Cornwall, signified (either generally or as respects a particular benefice) in the manner mentioned in the next succeeding subsection, apply in relation to any benefice the patronage of which is vested in or exercisable by His Majesty, whether in right of his Crown or of his Duchy of Lancaster, or is vested in or exercisable by the possessor for the time being of the Duchy of Cornwall, whether His Majesty or a Duke of Cornwall.

Savings in
respect of,
and other
provisions as
to, benefices
in the
patronage of
the Crown.

(2) Where by the preceding subsection or any other provision of this Measure, or by a reorganisation scheme, the consent or concurrence of the patron of a benefice is required, or a notice is required to be sent to, or any other act or thing is required to be done by or to, the patron of a benefice, then—

(a) if the patronage of the benefice is in the Crown, or is part of the possessions of the Duchy of Lancaster, such consent or concurrence may be signified, such notice may be sent, and such other act or thing may be done by or to, the person or persons by or to whom under section one hundred and twenty-six of the Pluralities Act, 1838, any consent may be testified, or any notice may be given, for the purposes of that Act; and

(b) if the patronage of the benefice is part of the possessions of the Duchy of Cornwall, such consent or concurrence may be signified and, save as regards notices, such act or thing may be done by or to the Duke of Cornwall, or any person authorised to act on his behalf under the Duchy of Cornwall Management Act, 1863 (including any persons having authority under section thirty-eight or section thirty-nine of that Act to act in the name and on behalf of the Duke of Cornwall), and such notice may be sent to the Keeper of the Records of the Duchy.

1 & 2 Vict.
c. 106.

26 & 27 Vict.
c. 49.

Saving for
civil parishes
and civil
rights.

50. Nothing in this Measure or any reorganisation scheme shall affect the continuance, status or boundaries of any parish or extra-parochial place as existing for civil purposes, or any civil rights, privileges or obligations.

General.

Provisions as
to notices and
consents.

51.—(1) All notices and consents required by this Measure or by a reorganisation scheme to be sent or obtained shall be in writing.

(2) Where, in accordance with this Measure or a reorganisation scheme, a notice or other document is sent to a parochial church council, a copy shall be sent therewith with a view to enabling that council to exhibit or deposit the copy at such place as they may think fit for inspection by persons interested.

Service of
documents.

52.—(1) Any notice or other document which is required or authorised by this Measure or by a reorganisation scheme to be sent to any person or body of persons may be sent—

(a) in the case of any diocesan committee or board, by sending it by post in a prepaid letter addressed to the

secretary of the committee or board, either at their office, or at his usual, or last known, residence;

- (b) in the case of a parochial church council, by sending it by post in a prepaid letter addressed to the secretary of the council by his name at his usual, or last known, residence, or, if his name or residence is unknown, then in such a letter addressed to him by the title of secretary of the council in question at the usual, or last known, residence of the incumbent of the benefice;
- (c) in the case of the churchwardens of a parish, by sending it by post in prepaid letters addressed to any two of them at their usual, or last known, residences, or, if there is only one churchwarden, by sending it by post in such a letter addressed to him at his usual, or last known, residence;
- (d) in the case of the patron of a benefice, by sending it by post to each of the persons falling within the definition of patron contained in this Measure in a prepaid letter addressed to him at his usual, or last known, residence:

Provided that—

(i) where a benefice is in the patronage of a parochial church council, the notice may be sent in accordance with paragraph (b) of this subsection; and

(ii) where a benefice is in the patronage of a corporation aggregate, or any public body, or body of trustees (other than trustees for private individuals), the notice may be sent by post in a prepaid letter addressed to the clerk or secretary of that corporation or body at his usual, or last known, residence or place of business, or, if that corporation or body has no clerk or secretary, then in such letters addressed to any two members thereof at their usual, or last known, residences;

- (e) in the case of any other person, by sending it by post in a prepaid letter addressed to him at his usual, or last known, residence.

(2) Any notice or other document which under the preceding subsection may be sent by post to any person may be delivered to him in person or, if properly addressed to him, may be left at the residence or place of business to which it might have been sent by post.

(3) If any question arises as to the person to whom, or the manner in which, a notice or other document is to be sent, the Commissioners may decide the point and their decision shall be final and conclusive.

Interpretation. 53.—(1) In this Measure, unless the context otherwise requires and subject to any express provision to the contrary, the following expressions have the meanings hereby respectively assigned to them—

“admission” includes institution and induction, collation, licence, and any other process by which the cure of souls of a benefice and the right to its profits are given to an incumbent, and “admit” shall be construed accordingly;

“benefice” means a benefice with cure of souls, and includes perpetual curacies, endowed public chapels, parochial chapelries, chapelries and districts belonging or annexed, or reputed to belong or to be annexed, to any church and districts formed for ecclesiastical purposes by virtue of statutory authority;

“church lands” includes all land as defined by section one hundred and three of the War Damage Act, 1943, within the provinces of Canterbury and York which is held and used for ecclesiastical purposes of the Church of England or for the advancement of religion or religious education in accordance with the principles of the Church of England, except land belonging beneficially to cathedral or collegiate bodies, or to central or diocesan organisations, or to religious societies;

“churchyard” includes graveyard;

“demolition,” in relation to a building which has been destroyed or damaged, includes non-restoration, and “demolished” shall be construed accordingly;

“diocesan board of patronage” and “diocesan dilapidations board” have respectively the same meanings as in the Benefices (Diocesan Boards of Patronage) Measure, 1932, and the Ecclesiastical Dilapidations Measure, 1923;

“diocesan reorganisation committee” means such a committee constituted under the Diocesan Reorganisation Committees Measure, 1941;

“diocesan reorganisation fund,” “diocesan stipends fund” and “general reorganisation fund” mean respectively the fund to be opened under that title by the Commissioners in accordance with the provisions of Part IV of this Measure;

- “ functions ” includes powers and duties;
- “ local authority ” means the council of a county, a metropolitan or other borough, or an urban or rural district, and the common council of the city of London;
- “ parish ” means an ecclesiastical parish or district, whether ancient or new, the minister of which has the cure of souls therein, and includes any district formed for ecclesiastical purposes by virtue of statutory authority, but not a conventional district;
- “ patron ” in relation to any benefice means the person or persons who would for the time being be entitled, otherwise than by lapse, to present or collate to that benefice, if it were then vacant, including—
- (a) in any case where the right to present or collate is vested in different persons jointly, every person whose concurrence would be required for the exercise of the joint right; and
- (b) in any case where the patronage is vested in different persons by way of alternate or successive rights of presentation or collation, every person who is for the time being the person who would be entitled to present or collate on the next, or any subsequent, turn:
- Provided that, in the application of this definition, the fact that any person is a Roman Catholic shall be disregarded;
- “ pensions authority ” means the Church of England Pensions Board constituted under the Clergy Pensions Measure, 1926;
- “ planning authority ” includes any civil authority having power to make or confirm a planning scheme or re-planning scheme;
- “ planning scheme ” and “ re-planning scheme ” mean a scheme made under—
- (a) the Town Planning Act, 1925, or the Town and Country Planning Act, 1932, or any enactment repealed by either of those Acts; or
- (b) any subsequent enactment authorising the making of schemes for planning or re-planning areas in any part of England ;
- “ presentation ” includes nomination and any other manner of filling vacant benefices except collation, and “ present ” shall be construed accordingly;
- “ property ” includes both real and personal property;

15 & 16 Geo. 5.
c. 16.
22 & 23 Geo 5.
c. 48.

- “ provision,” in relation to a building, includes, in addition to construction, the acquisition of a site and the provision of necessary fittings and installations, and “ provide ” shall be construed accordingly;
- “ reorganisation area ” and “ reorganisation scheme ” mean respectively an ecclesiastical reorganisation area and a reorganisation scheme under this Measure;
- “ restoration ” includes rebuilding or partial rebuilding;
- “ united benefice ” means a benefice formed by the union of two or more benefices, either with or without the addition thereto of a parish, or part of a parish, of any other benefice, and “ union of benefices ” shall be construed accordingly;
- “ war damage ” and “ War Damage Commission ” have respectively the same meanings as in the War Damage Act, 1943.

(2) In this Measure any reference, whether direct or indirect, to the area of a benefice shall be construed as a reference to the area within which the incumbent of that benefice has, or had, as such, the cure of souls.

(3) During any vacancy of a see, or while the bishop of a diocese is, in the opinion of the archbishop of the province in which the diocese is situate, unable to discharge in person the functions of his office, the archbishop may, if and so far as he thinks fit, exercise and perform any powers and duties assigned by this Measure to the bishop.

Provisions as to diocesan boards of finance not regularly constituted.

54.—(1) Where in any diocese there is a board of finance which, though not duly constituted in accordance with the provisions of the Diocesan Boards of Finance Measure, 1925, is recognised for the purposes of this Measure as being the diocesan board of finance, the provisions of this Measure shall apply in relation to that diocese as if the said Board had been duly constituted:

Provided that, if some diocesan body other than that board is recognised as the appropriate body to hold property on trust for diocesan or parochial purposes, property which, but for this proviso, would under this Measure or a reorganisation scheme have vested in the board of finance shall vest in that other body to be dealt with by them in accordance with the directions of that board.

(2) In this section the expression “ recognised ” means recognised by a certificate signed by the bishop of the diocese and registered in the diocesan registry.

55. No proceedings shall be taken under the Union of Benefices Measures, 1923 to 1936, for effecting in relation to a reorganisation area anything which might at the date in question be effected by a reorganisation scheme under this Measure.

Suspension in reorganisa-
tion areas of
Union of
Benefices
Measures,
1923 to 1936.
Repeals.

56. The Measures mentioned in the Third Schedule to this Measure are hereby repealed to the extent specified in the third column of that Schedule.

57.—(1) This Measure shall extend to the whole of the Provinces of Canterbury and York except the Channel Islands and the Isle of Man, but may be applied to the Channel Islands, as defined in the Channel Islands (Church Legislation) Measure, 1931, or either of them in accordance with that Measure.

Extent,
duration and
short title.

21 & 22 Geo. 5.
No. 4.

(2) The Commissioners shall not entertain proposals for the formation of a reorganisation area unless those proposals are received by them before the expiration of seven years from the passing of this Measure, and they shall not entertain proposals for a reorganisation scheme unless those proposals are received by them before the expiration of ten years from the passing of this Measure:

Provided that in this subsection the expression " reorganisa-
tion scheme " does not include a supplementary scheme.

(3) This Measure may be cited as the Reorganisation Areas Measure, 1944.

SCHEDULE I

PROVISIONS,

With respect to the removal of human remains and the disposal of urns, monuments and memorials. Section 21.

1. In this Schedule the expression " responsible authority " means, in relation to any church, the authority, whether the Commissioners or the diocesan board of finance, which by the terms of a reorganisa-
tion scheme is responsible for the demolition of that church, or a part thereof, or for the appropriation of that church or a part thereof, or of the site of that church or a part thereof, to other uses.

Meaning of
" responsible
authority."

2.—(1) The following provisions of this paragraph shall have effect where a reorganisation scheme directs the demolition of a church, or a part of a church, and the sale, letting, exchange or appropriation of the site thereof, or directs the appropriation of a church, or a part of a church, to other uses.

Removal of
human remains
from site of
church.

(2) If it is known, or is discovered, that there are human remains interred or deposited beneath or within the church, or part of a church, in question, the responsible authority, shall, as soon as may be, cause all such remains to be removed, in accordance with such directions, if any, as may be given by the bishop of the diocese and subject to any directions given by the Secretary of State, into some consecrated churchyard or burial ground approved by the bishop, or, if directions so given permit, into such part or parts of the vaults in, or beneath, the church as may have been separated and set apart for a burial place:

Provided that this subparagraph shall not require the removal of remains lying in vaults or graves which, in accordance with any such directions as aforesaid, are left undisturbed and are finally closed.

(3) Where it is intended to remove any human remains in accordance with the provisions of the preceding subparagraph, the responsible authority shall publish by advertisement in one London newspaper, and in one local newspaper circulating within the reorganisation area, a notice stating that, after the expiration of one month from the appearance of the advertisement, they intend to remove all human remains interred or deposited beneath or within the church, or part of a church, in question, and directing attention to the provisions of the next succeeding subparagraph.

(4) At any time before the expiration of the said period of one month the representatives, relations or friends of any persons whose remains are interred or deposited beneath or within the church, or part of a church, in question may apply to the consistory court of the diocese for a faculty authorising the removal and reinterment of those remains.

Disposal of
urns
containing
cremated ashes.

3. The provisions of the preceding paragraph shall apply in relation to urns and other receptacles containing the cremated ashes of deceased persons as they apply in relation to human remains subject, however, in the case of urns and other receptacles not interred in a place of burial within the church, or part of a church, in question, to the following modifications, namely that—

- (a) at any time before the expiration of the said period of one month, the representatives, relations or friends of a deceased person may remove the receptacle containing his ashes and may dispose of it as they think proper; and
- (b) if any such receptacle is not so removed, the responsible authority may remove it into any consecrated building or ground approved by the bishop of the diocese.

Disposal of
monuments
and
memorials.

4. Where a reorganisation scheme directs the demolition, or appropriation to other uses, of a church or part of a church, any tablets, monuments or other memorials erected or fixed in the church in memory of deceased persons (except such as, being erected or fixed in a part of the church which is to be left standing for use as a church, can conveniently be allowed to remain) shall, as the responsible authority may determine, be transferred by them to a part of the church so to be left standing, or be removed by them and dealt with in accordance with directions to be given by a faculty.

The responsible authority shall cause a record to be prepared showing as respects every tablet, monument or other memorial so transferred or removed the manner in which it has been dealt with and shall transmit such record to the Registrar-General for deposit with the miscellaneous records in his custody.

SCHEDULE II

PROVISIONS

With respect to the trusteeship and administration of certain church and parochial trusts, funds and property, and with respect to lectureships attached to certain churches. Section 27.

1.—(1) Where, in the case of a union of benefices, any property held on special trusts is vested in, or under the management or control of, the incumbent for the time being of any of the constituent benefices to be comprised in the union, either solely, or jointly with the churchwardens of the parish, or one of the parishes, of that benefice, or with any other person or persons, then, upon the union taking effect, the incumbent for the time being of the united benefice shall, for the purposes of the trust, be substituted for the incumbent of the constituent benefice, and, if the original parish has been united with another parish, the churchwardens of the united parish shall be substituted for the churchwardens of the original parish, and the trust property shall vest in, or be under the management or control of, the incumbent of the united benefice, either solely, or jointly with the churchwardens of the original or of the united parish, or with the other person or persons, as the case may be. Provisions as to trusteeships.

(2) Where, in the case of the division of a benefice, any property held on special trusts is vested in, or under the management or control of, the incumbent for the time being of the benefice to be divided, either solely, or jointly with the churchwardens of the parish, or one of the parishes, of that benefice, or with any other person or persons, then, upon the division taking effect, the incumbent for the time being of that one of the new benefices which is specified in that behalf in the prescribed manner shall, for the purposes of the trust, be substituted for the incumbent of the divided benefice and, if the original parish has been united with another parish, the churchwardens of the united parish shall be substituted for the churchwardens of the original parish, and the trust property shall vest in, or be under the management or control of, the incumbent of the specified benefice, either solely, or jointly with the churchwardens of the original or of the united parish, or with the other person or persons, as the case may be.

(3) Where, in any case not falling within either of the two last preceding sub-paragraphs, the incumbent for the time being of a benefice, either solely or jointly with churchwardens or other persons, is a trustee of, or has the management or control of, any school, mission room or other building or institution, then, if under a reorganisation scheme the area in which the premises are situate becomes a parish or part of a parish of another benefice, provision for the future trusteeship, management or control of the premises may be made in the prescribed manner.

(4) Where any trust property is vested in a corporation of which the incumbent for the time being of any constituent benefice which is to be comprised in a union of benefices, or the incumbent of any benefice which is to be divided into two or more benefices, is a member, then, upon the union or division taking effect, the incumbent for the time being of the united benefice, or, as the case may be, the incumbent of such one of the new benefices as may be specified in that behalf in the prescribed manner shall be a member of the corporation in the place of the incumbent of the constituent benefice, or, as the case may be, of the divided benefice.

(5) Where the churchwardens for the time being of a parish are as such the trustees of any property, or have as such the management or control of any school, mission room or other building or institution, then if by a reorganisation scheme the parish is divided or is united with, or with a part of, another parish, provision for the future trusteeship, management or control of the property, building or institution may be made in the prescribed manner.

(6) Anything which under this paragraph may be specified or made in the prescribed manner may be specified or made, in the case of a trust held for charitable purposes, by an order of the Charity Commissioners or the Board of Education (as the case may be) and, in any other case, by the reorganisation scheme.

Repair funds and other funds held in connection with churches no longer used as such.

2. Where a reorganisation scheme directs a church to be demolished, or directs a church, or such part of a church as is left standing, to be appropriated to other uses, and any real or personal property is held, or has been subscribed, or is otherwise applicable, as a repair fund or a rebuilding fund, or for any other purpose in relation to the fabric of the church or the ornaments thereof, or for payment of the expenses of maintaining the services therein, or for the remuneration of the clergyman officiating therein, or for any other ecclesiastical purpose in connection with the said church, the scheme may, if and so far as no trust deed makes other provision for the application of the property, provide that it shall be applied for the like purposes or objects for the benefit of, or in connection with, some other church or churches within the diocese.

Property held by parochial church councils ceasing to exist.

3. Where by reason of the dissolution of a parish by a reorganisation scheme, the parochial church council of that parish ceases to exist, then, if and so far as any property vested in, or held by or on behalf of, that council for its own benefit, is not dealt with or applied in accordance with any other provision of this Measure, it shall, without any conveyance or other assurance, become vested in, or be held by or on behalf of the parochial church council of the parish in which the church of the former parish, or the site of that church, is situate for the like purposes, as nearly as may be, as those for which it was previously applicable in the hands of the council ceasing to exist.

Any question arising as to the application of any such property or the income thereof shall be referred to the bishop, whose decision shall be final and conclusive.

Provisions as to lectureships where churches demolished, etc.

4.—(1) Where in the case of a lectureship (whether an endowed lectureship or not) the church in which the lectures have customarily been given is directed by a reorganisation scheme to be demolished

or appropriated to other uses, or, by reason of such a scheme, is no longer used for Divine Service, the lectures shall, subject to the provisions of any scheme which may be made by the Charity Commissioners, or which may be approved by them under the next succeeding sub-paragraph, be given in the church which is for the time being the parish church of the same parish.

(2) The bishop of the diocese in which the first-mentioned church was or is situate may from time to time prepare and submit to the Charity Commissioners a scheme providing for the lectures being given in such church and at such times as the bishop deems convenient, and any such scheme when approved by the Charity Commissioners, either as submitted to them or with such alterations as may be agreed upon between them and the bishop, shall, if assented to by the incumbent of the church to which the lectureship is to be transferred, be valid for effecting the purposes specified therein and shall be registered in the diocesan registry.

(3) Nothing in this paragraph shall authorise the bishop to license a lecturer without the consent of the incumbent of the church in which the lectures are to be given.

(4) In this paragraph the expression "lectureship" includes readership and "lecture" shall be construed accordingly.

SCHEDULE III

Section 56.

REPEALS

Session and Chapter.	Short Title.	Extent of repeal.
4 & 5 Geo. 6. No. 1.	The Diocesan Reorganisation Committees Measure, 1941.	In section two, paragraph (i). In section three, in paragraph (ii) of subsection (3) the words from "who shall repay" to the end of the paragraph. In section six, the words from "and shall hold" to the end of the section.



8 & 9 GEO. 6.

No. I.

A MEASURE passed by the National Assembly of the
Church of England.To make further provision with respect to the present
national emergency. [21st December 1944.]Expiration
of Clergy
(National
Emergency
Precautions)
Measure
1939, and
Regulations.
2 & 3 Geo. 6.
No. 3.

1. The Clergy (National Emergency Precautions) Measure, 1939, and the Clergy (National Emergency Precautions) Regulations, 1939, (hereafter in this Measure referred to as the "Principal Measure" and the "Emergency Regulations"), instead of expiring on the dates therein mentioned, shall expire at the expiration of six months from such date as the National Assembly of the Church of England may by resolution declare to be the date on which the emergency that was the occasion of the passing of the said Measure came to an end.

Temporary
continuance
of certain
directions.

2.—(1) Where, in consequence of a church having been closed or damaged, or being for other reasons not available for the publication of banns or the solemnisation of marriages, directions authorising the publication of banns and the solemnisation of marriages in some other place of public worship have been given, either under paragraph two of the Emergency Regulations, or under section three of the Diocesan Reorganisation Committees Measure, 1941, the directions shall, notwithstanding the expiration of the said Regulations or, as the case may be, of the order deferring the restoration of the church in question, continue in force until they are revoked by an order of the bishop.

4 & 5 Geo. 6.
No. 1.

(2) Before making any order under this section the bishop shall, if possible, consult with the rural dean of the deanery and the archdeacon of the archdeaconry concerned.

(3) An order under this section shall be in writing and a copy thereof signed by the bishop shall be filed in the diocesan registry and a copy shall be posted on, or near to, the principal door of each of the places of worship to which the order relates.

Power of
bishop to
extend leave
of absence
granted to
incumbent.

3. Where at the date declared under section one of this Measure an incumbent is absent from his parish by virtue of leave of absence granted under paragraph three of the Emergency Regulations, the bishop may from time to time grant him further leave of absence.

Powers of
E.C. and
Q.A.B.
under s. 3 of
the Clergy
(National
Emergency

4.—(1) Where at the date declared under section one of this Measure, the Ecclesiastical Commissioners or Queen Anne's Bounty are, under section three of the principal Measure, making a variation in the disposal of the income of any funds held or administered by them so as to accord with a varied arrangement for the cure of souls, the Ecclesiastical Commissioners or Queen

Anne's Bounty as the case may be, may, after the expiration of the said Measure, continue to make the same variation, or such other variation as they may think fit, so long as the varied arrangement for the cure of souls continues. Precautions) Measure, 1939.

(2) Payment of the whole, or a part, of the income of any such fund as aforesaid to, or to the nominee of, a bishop to be expended as directed by the bishop in providing for the cure of souls within his diocese in accordance with any varied arrangements from time to time in force therein shall be deemed to be such a variation in the disposal of that income as is authorised by the said section three.

A bishop shall annually, at such time and in such form as the Ecclesiastical Commissioners may require; send to them an account of the expenditure of any moneys so entrusted to him, or to his nominee.

5. The Ecclesiastical Commissioners may at any time within five years of the expiration of the principal Measure make grants out of their common fund to any clerk in Holy Orders whose financial position shall appear to them to have been prejudiced directly or indirectly by the operation of the said Measure or of any Regulations made thereunder or of this Measure. Power of Ecclesiastical Commissioners to make special grants to clergymen in certain cases.

6. Subject to the provisions of this section, where an order made by the Ecclesiastical Commissioners under section three of the Diocesan Reorganisation Committees Measure, 1941, for deferring the restoration of a church ceases to be in force, the provisions of paragraph (i) of subsection (3) of the said section (which relate to the suspension of liabilities in respect of maintenance and insurance) shall continue to apply in relation to that church until the Commissioners declare that they shall no longer so apply. Further suspension in certain cases of liabilities in respect of maintenance and insurance.

This section does not apply in relation to an order which has ceased to be in force before the passing of this Measure, but save as aforesaid, applies in relation to orders made either before or after the passing of this Measure.

7. The Benefice Buildings (Postponement of Inspections and Repayment of Loans) Measure, 1940, instead of expiring at the expiration of the present period of emergency, shall continue in force until the first day of January, 1951, and shall then expire and, accordingly, section three of that Measure (and the definition of "period of emergency") shall cease to have effect and in section two thereof for the words "During the present period of emergency" there shall be substituted the words "While this Measure continues in force." Continuance of 3 & 4 Geo. 6. No. 2.

8.—(1) Where the glebe of a benefice has suffered any war damage, as defined for the purposes of the War Damage Act, 1943, it shall be the duty of the incumbent of the benefice to report the facts to the Ecclesiastical Commissioners. Provisions as to war damage to glebe. 6 & 7 Geo. 6. c. 21.

(2) Where it has come to the notice of the Ecclesiastical Commissioners either from a report by the incumbent or from other sources, that the glebe of a benefice has suffered war damage, they may, after consultation with the incumbent, take in his name such steps, if any, with respect to the presentation and settlement by negotiation of claims for compensation and otherwise, as they deem expedient for safeguarding the permanent interests of the benefice.

Basis of representation to House of Laity at next election.

19 & 20 Geo. 5.
No. 2.

3 & 4 Geo. 6.
No. 1.

9. Notwithstanding anything in the Representation of the Laity Measure, 1929, or the House of Laity Representation Regulation, 1923, the number of electors on the revised electoral rolls of the several dioceses in the Provinces of Canterbury and York, as certified to the Secretary of the Church Assembly for the purposes of the election due to be held in the year nineteen hundred and forty shall be the basis of representation to the House of Laity for the purposes of the postponed election to be held under the House of Laity (Postponement of Election) Measure, 1939.

In paragraph 3 of the said Regulation the expression "the same year" shall be construed as meaning the year preceding that in which the postponed election is to be held.

Application of Measures to the Channel Islands.

21 & 22 Geo. 5.
No. 4.

10. The Measures mentioned in the Schedule to this Measure and this Measure, so far as it amends any of these Measures, may at any time before the expiration of two years, from the date declared under section one of this Measure be applied to the Channel Islands, or either of them as defined in the Channel Islands (Church Legislation) Measure, 1931, in accordance with the procedure set out in the Schedule to that Measure.

Interpretation.

11.—(1) In this Measure references to a bishop shall be construed as references to the bishop for the time being of the diocese in question.

(2) If a bishopric is vacant, or a bishop is incapacitated by illness or otherwise, the powers exercisable by a bishop under this Measure may be exercised by such other ecclesiastical person as the Archbishops of Canterbury and York, or either of them, may appoint for the purpose.

Short title.

12. This Measure may be cited as the Emergency Legislation Measure, 1944.

SCHEDULE.

The Diocesan Reorganisation Committees Measure, 1941.

The New Parishes Measure, 1943.

The Reorganisation Areas Measure, 1944.

TABLE III.

SHOWING THE EFFECT OF THE LEGISLATION OF 1944.

ACTS (IN CHRONOLOGICAL ORDER) REPEALED, AMENDED OR OTHERWISE AFFECTED BY ENACTMENTS OF 7 & 8 AND (IN PART) 8 & 9 GEO. 6.

[NOTE.—References in the fourth column are to chapters of 7 & 8 Geo. 6 unless otherwise stated. A table of the effect of Defence Regulations upon statutes is printed in the volumes of Defence Regulations prepared in the Office of the Parliamentary Counsel and periodically published by H.M. Stationery Office.]

Session and Chapter.	Short title or Subject.	How affected.	Chapter of 1944 Act or number of Measure.
1 Geo. 1, st. 2 : c. 38 ...	Septennial Act, 1715 ...	Amended (<i>temp.</i>) ...	45, s. 1.
13 Geo. 3. : c. 83 ...	Richmond Bridge ...	Ss. 9, 11, 16-8, 20-1, 30 saved from repeal.	xxi, s. 16, sch. 1.
14 Geo. 3 : c. 13 ...	Calder Canal ...	In part repealed and amended.	[8 & 9 Geo. 6] ii, ss. 2, 39, 40, sch. 2 Part I.
32 Geo. 3 : c. 100 ...	Nottingham Canal ...	S. 10 repealed ...	[8 & 9 Geo. 6] ii, s. 26.
34 Geo. 3 : c. 53 ...	Huddersfield to Ashton-under-Lyne Canal.	In part restricted, s. 15 amended.	[8 & 9 Geo. 6] ii, ss. 2, 29 (2) (4) 40, sch. 2 Part II.
c. 92 ...	Wisbech Canal ...	Restricted ...	xv, s. 5.
4 Geo. 4 : c. 76 ...	Marriage Act, 1823 ...	S. 23 amended ...	25, s. 1.
7 & 8 Geo. 4 : c. 53 ...	Excise Management Act, 1827.	S. 76 extended (purchase tax).	23, s. 17 (4).
10 Geo. 4 : c. 7 ...	Roman Catholic Relief Act, 1829.	S. 38 amended ...	25.
4 & 5 Will. 4 : c. 24 ...	Superannuation Act, 1834.	Pensions increased (<i>temp.</i>)	21, ss. 1-3, 10, schs. 1, 2.
6 & 7 Will. 4 : c. 85 ...	Marriage Act, 1836 ...	S. 10 amended (<i>temp.</i>) ...	8, ss. 1 (8), 3.
1 & 2 Vict. : c. 74 ...	Small Tenements Recovery Act, 1838.	Extended ...	47, s. 30 (4).
c. 106 ...	Pluralities Act, 1838 ...	S. 126 applied ...	C.A.M. No. 1, s. 49 (2) (a).
4 & 5 Vict. : c. 38 ...	School Sites Act, 1841...	S. 2 modified ...	31, ss. 86 (2), 119.
7 & 8 Vict. : c. 81 ...	Marriages (Ireland) Act, 1844.	S. 19 amended (N.I.) ...	8, s. 1 (9) (d).

Session and Chapter.	Short title or Subject.	How affected.	Chapter of 1944 Act or number of Measure.
7 & 8 Vict. : c. 97 ...	Charitable Donations and Bequests (Ireland) Act, 1844.	S. 12 amended (N.I.) ...	25, s. 3.
8 & 9 Vict. : c. 18 ...	Lands Clauses Consolidation Act, 1845.	Ss. 18 applied, 84-90 excluded (housing). Ss. 68 modified (open spaces, assessment of compensation), 85 amended, 63, 68 applied, 92 substituted, 18-9, 58-62, 64-7, 84-90, 92, 124-33, 150-1 excluded, 119 applied as modified, 123 (prescribed period) as applied explained.	36, s. 6 (4) (5). 47, ss. 14 (8), 18, 22 (1), 57 (1), 62 (1), schs. 5, 6.
c. 19 ...	Lands Clauses Consolidation (Scotland) Act, 1845.	Ss. 17 applied, 83-8 excluded (housing).	36, ss. 6 (4) (5), 7.
c. 20 ...	Railways Clauses Consolidation Act, 1845.	Ss. 77-85 applicable by order.	47, s. 18 (4).
10 & 11 Vict. : c. 90 ...	Poor Relief (Ireland) (No. 2) Act, 1847.	Ss. 19, 20 applied (N.I.) ...	41, s. 1, sch. 1 Part III, para. 5 (3).
c. 100 ...	Irish Constabulary Act, 1847.	Ss. 3-6, pensions increased (<i>temp.</i>)	21, ss. 1-3, 10, schs. 1, 2.
15 & 16 Vict. : c. 28 ...	Commissioners of Works Act, 1852.	S. 2 modified (compulsory purchase).	47, s. 4 (1), sch. 2 Part II.
16 & 17 Vict. : c. 69 ...	Naval Enlistment Act, 1853.	S. 9 modified (extension of service).	13.
c. 137 ...	Charitable Trusts Act, 1853.	Ss. 18, 20, 28, 32, 39, 43 amended.	25, s. 1.
19 & 20 Vict. : c. 56 ...	Exchequer Court (Scotland) Act, 1856.	Ss. 22-3, 44 amended ...	25, s. 2.
20 & 21 Vict. : c. 44 ...	Crown Suits (Scotland) Act, 1857.	Ss. 1-3, 5 amended ...	25, s. 2.
c. 81 ...	Burial Act, 1857 ...	S. 25 restricted ...	47, s. 28 (6).
22 Vict. : c. 26 ...	Superannuation Act, 1859.	Pensions increased (<i>temp.</i>)	21, ss. 1-3, 10, schs. 1, 2.
22 & 23 Vict. : c. 40 ...	Royal Naval Reserve (Volunteer) Act, 1859.	Modified (extension of service), ss. 2, 5 excluded.	13.
23 & 24 Vict. : c. 34 ...	Petitions of Right Act, 1860.	Ss. 4, 6, 11 amended ...	25, ss. 1, 3.
c. 105 ...	Prisons (Scotland) Act, 1860.	S. 74 amended ...	25, s. 2.
c. 125 ...	Metropolis Gas Act, 1860.	S. 45 amended ...	25, s. 1.
c. 136 ...	Charitable Trusts Act, 1860.	Ss. 8, 9 amended ...	25, s. 1.
24 & 25 Vict. : c. 86 ...	Conjugal Rights (Scotland) Amendment Act, 1861.	S. 8 amended ...	25, s. 2.
c. 100 ...	Offences against the Person Act, 1861.	S. 53 amended ...	25, ss. 1, 3.

Session and Chapter.	Short title or Subject.	How affected.	Chapter of 1944 Act or number of Measure.
26 & 27 Vict.: c. 49 ...	Duchy of Cornwall Management Act, 1863.	Ss. 38-9 applied	C.A.M. No. 1, s. 49 (2) (b).
27 & 28 Vict.: c. 55 ...	Metropolitan Police Act, 1864.	S. 1 restricted (Middlesex County).	xxi, s. 438.
29 & 30 Vict.: c. 68 ...	Superannuation Act, 1866.	Pensions increased (<i>temp.</i>)	21, ss. 1-3, 10, schs. 1, 2.
c. 103 ...	Constabulary (Ireland) Act, 1866.	Ss. 6, 7 modified (increase of pensions) (<i>temp.</i>).	21, ss. 1-3, 10, schs. 1, 2.
30 & 31 Vict.: c. 5 ...	Dog Licences Act, 1867	S. 7 repealed	23, ss. 7, 49, sch. 5, Part I.
c. 54 ...	Charitable Donations and Bequests (Ireland) Act, 1867.	Ss. 4, 5 amended (N.I.) ...	25, s. 3.
31 & 32 Vict.: c. 37 ...	Documentary Evidence Act, 1868.	Extended (Min. of Education), sch. amended.	31, s. 3 (4).
		Extended (Min. of National Insurance), sch. amended.	46, s. 5 (4).
c. 72 ...	Promissory Oaths Act, 1868.	Sch. Part I extended : Min. of Education ... Min. of National Insurance.	31, s. 1 (4).
c. 95 ...	Justiciary Court (Scotland) Act, 1868.	S. 11 amended	46, s. 2.
c. 100 ...	Court of Session Act, 1868.	S. 17 amended	25, s. 2.
32 & 33 Vict.: c. 14 ...	Revenue Act, 1869 ...	Part V (ss. 18-33), sch. F repealed (Jan. 1, 1945).	23, ss. 6, 7, 49, sch. 5.
c. 41 ...	Poor Rate Assessment and Collection Act, 1869.	S. 12 (effect of protection order) : <i>see</i>	40, s. 9 (a).
c. 44 ...	Greenwich Hospital Act, 1869.	Pensions increased (<i>temp.</i>)	21, ss. 7, 10.
c. 56 ...	Endowed Schools Act, 1869.	Power to make schemes extended, ss. 34-6, 39 amended.	31, ss. 86, 119.
c. 110 ...	Charitable Trusts Act, 1869.	S. 11 amended	25, s. 1.
33 & 34 Vict.: c. 65 ...	Larceny (Advertisements) Act, 1870.	S. 3 amended	25, s. 3.
c. 75 ...	Elementary Education Act, 1870.	S. 83 repealed (August 10, 1944, <i>see</i> S.R. & O. 1944, No. 937).	31, s. 121.
35 & 36 Vict.: c. 20 ...	Customs and Inland Revenue Act, 1872.	S. 6 repealed (Jan. 1, 1945)	23, s. 49, sch. 5, Part II.
36 & 37 Vict.: c. 87 ...	Endowed Schools Act, 1873.	Power to make schemes extended, s. 13 amended.	31, ss. 86, 119.
37 & 38 Vict.: c. 80 ...	Constabulary (Ireland) Act, 1874.	S. 3 modified (increase of pensions) (<i>temp.</i>).	21, ss. 1-3, 10, schs. 1, 2.
c. 87 ...	Endowed Schools Act, 1874.	Power to make schemes extended.	31, ss. 86, 119.
38 & 39 Vict.: c. 23 ...	Customs and Inland Revenue Act, 1875 ...	Repealed (Jan. 1, 1945) ...	23, s. 49, sch. 5, Part II.

Session and Chapter.	Short title or Subject.	How affected.	Chapter of 1944 Act or number of Measure.
38 & 39 Vict. :			
c. 55 ...	Public Health Act, 1875	Ss. 69, 253 amended ...	25, s. 1.
c. 89 ...	Public Works Loans Act, 1875.	S. 9 extended ...	47, s. 47 (1).
39 & 40 Vict. :			
c. 35 ...	Customs Tariff Act, 1876	Sch. excluded ...	23, s. 11 (6).
c. 36 ...	Customs Consolidation Act, 1876.	Applied to imported chargeable goods, ss. 6, 30-1, 95, 156 excluded. S. 255 amended ...	23, ss. 4 (1), 11 (1) (2) (4) (6). 25, ss. 2, 3.
c. 53 ...	Superannuation Act, 1876.	Pensions increased (<i>temp.</i>)	21, ss. 1-3, 10, schs. 1, 2.
40 & 41 Vict. :			
c. 2 ...	Treasury Bills Act, 1877	S. 6 excluded ...	4, s. 3 (2); 17, s. 3 (2); 20, s. 2 (2); 30, s. 3 (2); 37, s. 2 (2). [8 & 9 Geo. 6] 1, s. 2 (2).
c. 56 ...	County Officers and Courts (Ireland) Act, 1877.	S. 57 saved (N.I.) ...	5, s. 2 (4).
42 & 43 Vict. :			
c. 22 ...	Prosecution of Offences Act, 1879.	Ss. 8, 9 amended ...	25, s. 1.
c. 31 ...	Public Health (Interments) Act, 1879.	S. 2 (3) extended ...	xxi, s. 307.
44 & 45 Vict. :			
c. 58 (as amended).	Army Act ...	S. 176A amended ...	18, s. 3 (1).
45 & 46 Vict. :			
c. 63 ...	Constabulary (Ireland) Amendment Act, 1882.	Ss. 3, 4 modified (increase of pensions) (<i>temp.</i>).	21, ss. 1-3, 10, schs. 1, 2.
c. 74 ...	Post Office (Parcels) Act, 1882.	Ss. 14 (2), 15 extended ...	23, s. 11 (7).
46 & 47 Vict. :			
c. 3 ...	Explosive Substances Act, 1883.	S. 9 meaning of "Attorney General" amended.	25, ss. 1-3.
c. 14 ...	Constabulary and Police (Ireland) Act, 1883.	Part I modified (increase of pensions) (<i>temp.</i>).	21, ss. 1-3, 10, schs. 1, 2.
c. 51 ...	Corrupt and Illegal Practices Prevention Act, 1883.	Ss. 60, 68 (14), 69 (8) amended.	25.
47 & 48 Vict. :			
c. 54 ...	Yorkshire Registries Act, 1884.	S. 37 amended ...	i, s. 3.
c. 64 ...	Criminal Lunatics Act, 1884.	Saved (persons detained by order of court).	31, s. 116.
49 & 50 Vict. :			
c. 27 ...	Guardianship of Infants Act, 1886.	Amended ...	8, s. 1 (9) (d).
50 & 51 Vict. :			
c. 16 ...	National Debt and Local Loans Act, 1887.	Applied, s. 15 applied as applicable.	16, ss. 1, 2, sch.
c. 20 ...	Criminal Law and Procedure (Ireland) Act, 1887.	Ss. 3, 19 amended (N.I.) ...	25, s. 3.
c. 21 ...	Water Companies (Regulation of Powers) Act, 1887.	S. 4 (effect of protection order): <i>see</i> .	40, s. 9 (c).
c. 35 ...	Criminal Procedure (Scotland) Act, 1887.	Ss. 2, 3, 22, 50 amended, 3 saved.	25, s. 2.

Session and Chapter.	Short title or Subject.	How affected.	Chapter of 1944 Act or number of Measure.
50 & 51 Vict. : c. 67 ...	Superannuation Act, 1887.	Pensions increased (<i>temp.</i>)	21, ss. 1-3, 10, schs. 1, 2.
c. 71 ...	Coroners Act, 1887 ...	S. 6 (1) amended ...	25, s. 1.
51 & 52 Vict. : c. 8 ...	Customs and Inland Revenue Act, 1888.	S. 4 repealed except definition of "hackney carriage" (Jan. 1, 1945).	23, ss. 6, 49, sch. 5 Part II.
c. 36 ...	Bail (Scotland) Act, 1888.	S. 8 amended ...	25, s. 2.
c. 41 ...	Local Government Act, 1888.	Sch. 1 amended (Jan. 1, 1945).	23, s. 49, sch. 5 Part II.
c. 42 ...	Mortmain and Charitable Uses, Act, 1888.	Excluded (property for Educational purposes).	31, ss. 87, 119.
52 & 53 Vict. : c. 40 ...	Welsh Intermediate Education Act, 1889.	Power to make schemes extended, s. 9 repealed.	31, ss. 86, 101, 119, 121, sch. 9 Part I.
c. 49 ...	Arbitration Act, 1889...	Restricted (Independent Schools Tribunal).	31, s. 75 (2).
c. 69 ...	Public Bodies Corrupt Practices Act, 1889.	S. 4 amended ...	25, ss. 2, 3.
53 & 54 Vict. : c. 5 ...	Lunacy Act, 1890 ...	Ss. 317 (3), 325 (2) amended S. 25 saved ...	25, s. 1. 31, s. 116.
c. 21 ...	Inland Revenue Act, 1890.	S. 21 amended ...	25.
c. 25 ...	Barracks Act, 1890 ...	Extended to naval forces...	23, s. 46.
c. 37 ...	Foreign Jurisdiction Act, 1890.	Excluded (attachment of Indian States).	14.
54 & 55 Vict. : c. 17 ...	Charitable Trusts (Recovery) Act, 1891.	S. 3 amended ...	25, s. 1.
c. 24 ...	Public Accounts and Charges Act, 1891.	S. 2 extended ...	30, s. 4.
c. 65 ...	Lunacy Act, 1891 ...	Saved (persons detained by order of court).	31, s. 116.
c. 73 ...	Mortmain and Charitable Uses Act, 1891.	Excluded (property for educational purposes).	31, ss. 87, 119.
55 & 56 Vict. : c. 11 ...	Mortmain and Charitable Uses Act Amendment Act, 1892.	Excluded (property for educational purposes).	31, ss. 87, 119.
c. 23 ...	Foreign Marriage Act, 1892.	Ss. 14, 24 amended ...	25, s. 1.
c. 40 ...	Superannuation Act, 1892.	Pensions increased (<i>temp.</i>)	21, ss. 1-3, 10, schs. 1, 2.
c. 55 ...	Burgh Police (Scotland) Act, 1892.	S. 514 amended ...	25, s. 2.
56 & 57 Vict. : c. 66 ...	Rules Publication Act, 1893.	S. 1 excluded ...	10, s. 20 (3) ; 15, s. 16 (3) ; 21, s. 3 (7) ; 43, s. 4 (2) ; 44, s. 2 (3) ; 46, s. 6 (7) ; 47, s. 63 (3).
57 & 58 Vict. : c. 15 ...	Music and Dancing Licences (Middlesex) Act, 1894.	Repealed ...	xxi, s. 481, sch. 8.
c. 30 ...	Finance Act, 1894 ...	Ss. 4 modified, 3 (2), 7 (1) applied.	23, ss. 40, 42, 49, schs. 3, 4 Part II para. 4.

Session and Chapter.	Short title or Subject.	How affected.	Chapter of 1944 Act or number of Measure.
57 & 58 Vict. : c. 60 ...	Merchant Shipping Act, 1894.	S. 512 (2) amended (Jan. 1, 1945).	23, s. 49, sch. 5 Part II.
58 & 59 Vict. : c. 16 ...	Finance Act, 1895 ...	Applied as adapted ...	47, s. 65 (3), sch. 6 para. 5 (1).
60 & 61 Vict. : c. 38 ...	Public Health (Scotland) Act, 1897.	S. 147 (water supply) extended.	26, ss. 3, 7 (3).
61 & 62 Vict. : c. 35 ...	Vexatious Actions (Scotland) Act, 1898.	Amended ...	25, s. 2.
c. 48 ...	Benefices Act, 1898 ...	S. 2 (2) excluded ...	C.A.M. No. 1, s. 14 (2).
c. 57 ...	Elementary School Teachers (Superannuation) Act, 1898.	Pensions increased (<i>temp.</i>)	21, ss. 1-3, 10, schs. 1, 2.
62 & 63 Vict. : c. 9 ...	Finance Act, 1899 ...	S. 4 (2) excluded ...	23, s. 44 (b).
c. 33 ...	Board of Education Act, 1899.	Repealed (August 10, 1944 : see S.R. & O. 1944 No. 937); property and functions of Board of Education transferred to Minister.	31, ss. 2 (1), 121.
63 & 64 Vict. : c. 51 ...	Moneylenders Act, 1900	S. 1 extended (powers of court).	40, s. 17.
1 Edw. 7 : c. 7 ...	Finance Act, 1901 ...	S. 7 (1) excluded ...	23, s. 11 (6).
3 Edw. 7 : c. 6 ...	Naval Forces Act, 1903	S. 1 excluded (extension of service of naval reserves).	13, s. 2.
6 Edw. 7 : c. 34 ...	Prevention of Corruption Act, 1906.	S. 2 (1) amended ...	25, s. 3.
7 Edw. 7 : c. 23 ...	Criminal Appeal Act, 1907.	S. 1 (6) amended ...	25, s. 1.
c. 29 ...	Patents and Designs Act, 1907.	Ss. 25 (3) (a), 27 (11), 94 (3) amended.	25.
8 Edw. 7 : c. 16 ...	Finance Act, 1908 ...	S. 6 (4) amended (Jan. 1, 1945).	23, s. 49, sch. 5 Part II.
c. 45 ...	Punishment of Incest Act, 1908.	S. 6 amended ...	25, ss. 1, 3.
c. 47 ...	Lunacy Act, 1908 ...	Saved (persons detained by order of court).	31, s. 116.
c. 48 ...	Post Office Act, 1908 ...	S. 46 (1) modified (compulsory purchase of land), 46 (2) restricted.	47, ss. 4, 9 (4), sch. 2 Part II.
9 Edw. 7 : c. 10 ...	Superannuation Act, 1909.	Pensions increased (<i>temp.</i>)	21, ss. 1-3, 10, schs. 1, 2.
c. 12 ...	Marine Insurance (Gambling Policies) Act, 1909.	S. 1 (3) amended ...	25.
c. 47 ...	Development and Road Improvement Funds Act, 1909.	S. 10 applied ...	47, s. 21.
1 & 2 Geo. 5 : c. 20 ...	Geneva Convention Act, 1911.	S. 1 (4) amended ...	25, s. 1.
c. 28 ...	Official Secrets Act, 1911	Ss. 8, 12 amended ...	25, ss. 2, 3.

Session and Chapter.	Short title or Subject.	How affected.	Chapter of 1944 Act or number of Measure.
1 & 2 Geo. 5: c. 50 ...	Coal Mines Act, 1911 ...	Ss. 107, 124 (1), 125 (3) amended.	25.
2 & 3 Geo. 5: c. 12 ...	Elementary School Teachers (Superannuation) Act, 1912.	Pensions increased (<i>temp.</i>)	21, ss. 1-3, 10, schs. 1, 2.
c. cv ...	London County Council (Finance Consolidation) Act, 1912.	S. 3 excluded ...	47, s. 47 (2).
3 & 4 Geo. 5: c. 3 ...	Provisional Collection of Taxes Act, 1913.	Excluded ...	23, s. 11 (1).
c. 20 ...	Bankruptcy (Scotland) Act, 1913.	S. 118 extended ...	15, s. 21. 25, s. 2.
c. 28 ...	Mental Deficiency Act, 1913.	Ss. 2 (2), 30 proviso (iv), 31 repealed, 2 (1) (b) (v) substituted, 3, 6, 8, 9, 50, 51 (2) saved, 31 applied.	31, ss. 57, 116, 119-21, schs. 8, 9.
4 & 5 Geo. 5: c. 54 ...	Constabulary and Police (Ireland) Act, 1914.	Pensions increased (<i>temp.</i>)	21, ss. 1-3, 10, schs. 1, 2.
c. 56 ...	Charitable Trusts Act, 1914.	S. 1 (2) amended ...	25, s. 1.
c. 59 ...	Bankruptcy Act, 1914	S. 33 extended ...	15, ss. 18 (1) (4), 22 (2).
c. 84 ...	Irish Police Constables (Naval and Military Service) Act, 1914.	Pensions increased (<i>temp.</i>)	21, ss. 1-3, 10, schs. 1, 2.
c. 86 ...	Superannuation Act, 1914.	Pensions increased (<i>temp.</i>)	21, ss. 1-3, 10, schs. 1, 2.
5 & 6 Geo. 5: c. 32 ...	Irish Police (Naval and Military Service) Act, 1915.	Pensions increased (<i>temp.</i>)	21, ss. 1-3, 10, schs. 1, 2.
6 & 7 Geo. 5: c. 12 ...	Local Government (Emergency Provisions) Act, 1916.	Ss. 2, 3 modified (increase of pensions) (<i>temp.</i>).	21, ss. 1, 3, 5, 10, schs. 1, 2.
c. 50 ...	Larceny Act, 1916 ...	S. 21 amended ...	25, ss. 1, 3.
8 & 9 Geo. 5: c. 39 ...	Education Act, 1918 ...	S. 42 virtually repealed (<i>prosp.</i>).	31, s. 101 (4) (b).
c. 40 ...	Income Tax Act, 1918	Ss. 122 (1) amended 118 restricted, 17 modified (maintenance payments); sch. 1, Rules applicable to Cases I, II of sch. D: Rules 3 excluded (scientific research), 6 para. (3) extended; Rule 1 of Rules applicable to Case III of sch. D extended; General Rules: Rules 2 para. (1) (b) amended, 19, 21 excluded; schs. B, D modified (notices of assessment).	23, ss. 22 25-7, 30.
c. 53 ...	Constabulary and Police (Ireland) Act, 1918.	Pensions increased (<i>temp.</i>)	21, ss. 1-3, 10, schs. 1, 2.
c. 55 ...	School Teachers (Superannuation) Act, 1918.	Pensions increased (E.S.) (<i>temp.</i>).	21, ss. 1-3, 10, schs. 1, 2.

Session and Chapter.	Short title or Subject.	How affected.	Chapter of 1944 Act or number of Measure.
9 & 10 Geo. 5 : c. 17 ...	Education (Scotland) (Superannuation) Act, 1919.	Pensions increased (<i>temp.</i>)	21, ss. 1, 3, 9, 10, schs. 1, 2.
c. 20 ...	Scottish Board of Health Act, 1919.	S. 5, power to alter constitution and functions of councils by O. in C.	46, s. 6 (3) (a).
c. 21 ...	Ministry of Health Act, 1919.	S. 4, power to alter constitution and functions of councils by O. in C.	46, s. 6 (3) (a).
c. 57 ...	Acquisition of Land (Assessment of Compensation), Act, 1919.	S. 5 (2) excluded ... Applied as modified, ss. 5 (2) restricted, 2 rule (5) excluded.	36, s. 6 (4). 47, ss. 18 (2), 24 (2), 26 (2) (b), 60 (1), 64, schs. 4, 5 Part II, 6.
c. 67 ...	Superannuation (Prison Officers) Act, 1919.	S. 1 modified (increase of pensions) (<i>temp.</i>)	21, ss. 1-3, 10, schs. 1, 2.
c. 68 ...	Constabulary and Police (Ireland) Act, 1919.	Pensions increased (<i>temp.</i>)	21, ss. 1-3, 10, schs. 1, 2.
c. 91 ...	Ministry of Agriculture and Fisheries Act, 1919.	S. 7 (2) amended ...	31, ss. 119-21, schs. 8, 9.
10 & 11 Geo. 5: c. 18 ...	Finance Act, 1920 ...	Ss. 24 (1) amended, 42 (1) applied.	23, ss. 23, 44
c. 46 ...	Dangerous Drugs Act, 1920.	S. 13 (2A) (3) amended ...	25.
c. 65 ...	Employment of Women, Young Persons and Children Act, 1920.	S. 4, definition of "child" repealed.	31, ss. 119, 121, sch. 9 Part I.
c. 67 ...	Government of Ireland Act, 1920.	Excluded ... S. 63 saved ... S. 4 (2) modified ... S. 14 (4) amended (on resolution passed Feb. 6, 1945).	10, s. 22 (2); 34, s. 6 (2). 15, s. 22 (4). 43, s. 3. 45, s. 2.
c. 72 ...	Roads Act, 1920 ...	Ss. 5 (6) repealed, 1 (1), 5 (1) amended (Jan. 1, 1945).	23, s. 49, sch. 5.
c. 75 ...	Official Secrets Act, 1920	S. 8 (2) amended ...	25.
11 & 12 Geo. 5: c. 31 ...	Police Pensions Act, 1921.	Pensions increased (<i>temp.</i>)	21, ss. 1, 3, 10, schs. 1, 2.
c. 32 ...	Finance Act, 1921 ...	S. 12 (7) (8) applied ... S. 32 (2) amended ...	22, s. 2 (3) (a). 12, ss. 2 (1), 9, sch.
c. 51 ...	Education Act, 1921 ...	Repealed with saving ...	31, ss. 44, 47, 119, 121, sch. 9 Part I.
c. 58 ...	Trusts (Scotland) Act, 1921.	S. 26 amended ...	25, s. 2.
12 & 13 Geo. 5: c. 42 ...	School Teachers (Superannuation) Act, 1922.	Pensions increased (<i>temp.</i>)	21, ss. 1-3, 10, schs. 1, 2.
c. 48 ...	Education (Scotland) (Superannuation) Act, 1922.	Pensions increased (<i>temp.</i>)	21, ss. 1, 3, 9, 10, schs. 1, 2.
c. 55 ...	Constabulary (Ireland) Act, 1922.	S. 1, sch. 1 modified (increase of pensions) (<i>temp.</i>)	21, ss. 1-3, 10, schs. 1, 2.
c. 59 ...	Local Government and Other Officers' Superannuation Act, 1922.	Pensions increased (<i>temp.</i>)	21, ss. 1, 3, 4, 10, schs. 1, 2.

Session and Chapter.	Short title or Subject.	How affected.	Chapter of 1944 Act or number of Measure.
13 & 14 Geo. 5: c. 5 ...	Dangerous Drugs and Poisons (Amendment) Act, 1923.	S. 2 (1) amended ...	25.
c. 9 ...	Agricultural Holdings Act, 1923.	Ss. 23, 25 applied ...	34, s. 1 (1) (c).
c. 10 ...	Agricultural Holdings (Scotland) Act, 1923.	S. 26 (war-time leases): <i>see</i>	34, s. 5.
c. 20 ...	Mines (Working Facilities and Support) Act, 1923.	S. 15 excluded ...	47, s. 18 (4).
c. 38 ...	Education (Institution Children) Act, 1923.	Repealed with saving ...	31, ss. 106 (2) (b), 119, 121, sch. 9.
14 & 15 Geo. 5: c. 13 ...	Education (Scotland) (Superannuation) Act, 1924.	Pensions increased (<i>temp.</i>)	21, ss. 1, 3, 9, 10, schs. 1, 2.
c. 24 ...	Isle of Man (Customs) Act, 1924.	S. 4 (cocoa) continued ...	27.
c. 27 ...	Conveyancing (Scotland) Act, 1924.	S. 33 amended ...	25, s. 2.
c. 37 ...	Agricultural Wages (Regulation) Act, 1924.	Ss. 2 (3) amended, 2 (1) extended, 2 (2) saved, 4 excluded.	28, s. 3.
15 & 16 Geo. 5: c. 15 ...	Housing (Scotland) Act, 1925.	Ss. 32 (3), 116 (1) amended Part III extended (temporary accommodation), ss. 80 restricted, 51 extended.	25, s. 2. 36, ss. 1, 4 (2) (4), 6 (4), 7.
c. 18 ...	Settled Land Act, 1925	S. 51, sch. 3, local inquiries suspended (<i>temp.</i>).	39, s. 2.
c. 20 ...	Law of Property Act, 1925.	Sch. 3 Part II extended ... S. 183 (4) amended ... S. 64 modified ...	47, s. 43 (11). 25, s. 1. 47, sch. 6 para. 5 (2).
c. 22 ...	Land Charges Act, 1925	Saved ... Ss. 6 (1) extended, 23 excluded. S. 15 extended ...	28, s. 7 (3). 40, s. 16 (1). 47, ss. 17 (3), 33 (2).
c. 36 ...	Finance Act, 1925 ...	S. 19 extended ...	23, s. 24 (4).
c. 45 ...	Guardianship of Infants Act, 1925.	S. 9 (1)-(3) amended ...	8, s. 1 (8).
c. 47 ...	Fire Brigade Pensions Act, 1925.	Pensions increased (<i>temp.</i>)	21, ss. 1, 3, 10, schs. 1, 2.
c. 49 ...	Supreme Court of Judicature (Consolidation) Act, 1925.	Ss. 10 (7) (8), 24 (1) (b) applied. Ss. 2 (1), 4 (1), 5 (1), 11 (1) amended, 4 (2) substituted. Ss. 51 (1), 181, 188 (4) amended.	22, ss. 2 (3) (b), 6 (5). 9, s. 1 (5), sch. 25, s. 1.
c. 55 ...	Education (Scotland) (Superannuation) Act, 1925.	Pensions increased (<i>temp.</i>)	21, ss. 1, 3, 9, 10, schs. 1, 2.
c. 56 ...	Isle of Man (Customs) Act, 1925.	Ss. 5, 7 continued ...	27.
c. 59 ...	Teachers (Superannuation) Act, 1925.	Pensions increased (<i>temp.</i>), s. 14 (3) (b) excluded.	21, ss. 1-3, 10, schs. 1, 2.
c. 81 ...	Circuit Courts and Criminal Procedure (Scotland) Act, 1925.	Ss. 1 (1) (3), 2 (1) amended	25, s. 2.

Session and Chapter.	Short title or Subject.	How affected.	Chapter of 1944 Act or number of Measure.
15 & 16 Geo. 5: c. 84 ...	Workmen's Compensation Act, 1925.	Secy. of State's functions transferred to Min. of National Insurance (<i>prosp.</i>).	46 s. 6 (1) (g).
c. 86 ...	Criminal Justice Act, 1925.	S. 1 modified (increase of pensions) (<i>temp.</i>). S. 16 amended	21, ss. 1, 3, 4, 10, schs. 1, 2. 25, s. 1.
c. 90 ...	Rating and Valuation Act, 1925.	S. 9 applied as modified ... S. 15 (effect of protection order): <i>see</i>	31, s. 110, sch. 7, Part II para. 4. 40, s. 9 (b).
16 & 17 Geo. 5: c. 9 ...	Economy (Miscellaneous Provisions) Act, 1926.	S. 12 repealed	31, ss. 119, 121, sch. 9 Part I.
c. 22 ...	Finance Act, 1926 ...	S. 7 (1) extended	23, s. 2 (1).
c. 27 ...	Isle of Man (Customs) Act, 1926.	S. 8 continued (silk) ...	27.
c. 63 ...	Sale of Food (Weights and Measures) Act, 1926.	Ss. 12 (7), 13 (4) (c) amended	25, s. 2.
17 & 18 Geo. 5: c. 10 ...	Finance Act, 1927 ...	S. 6 (2) extended	23, s. 5.
c. 12 ...	Auctions (Bidding Agreements) Act, 1927.	S. 1 (3) amended	25, s. 1.
c. 21 ...	Moneylenders Act, 1927	Ss. 10, 13* (2) extended (powers of court).	40, s. 17.
c. 22 ...	Trade Disputes and Trade Unions Act, 1927.	Ss. 1 (3), 7 amended ...	25, ss. 1, 2.
c. 35 ...	Sheriff Courts and Legal Officers (Scotland) Act, 1927.	Ss. 1 (2), 2-5, 7 (3), 8 (1), 9, 12 amended.	25, s. 2.
18 & 19 Geo. 5: c. 17 ...	Finance Act, 1928 ...	S. 23 (4) amended	23, s. 47 (2).
c. 30 ...	Educational Endowments (Scotland) Act, 1928.	S. 39 amended	25, s. 2.
c. 43 ...	Agricultural Credits Act, 1928	S. 10 (3) amended ... Part I modified (increase of guarantee fund), s. 2 (3) excluded.	25, s. 1. 28, s. 2.
c. 44 ...	Rating and Valuation (Apportionment) Act, 1928.	S. 2 (2) applied	27, s. 58 (1).
19 & 20 Geo. 5: c. 11 ...	Superannuation (Diplomatic Service) Act, 1929.	Pensions increased (<i>temp.</i>)	21, ss. 1-3, 10, schs. 1, 2.
c. 13 ...	Agricultural Credits (Scotland) Act, 1929.	Part I modified (increase of guarantee fund), s. 2 (3) excluded.	28, ss. 2, 8.
c. 17 ...	Local Government Act, 1929.	S. 82 (1) repealed	31, ss. 119, 121, sch. 9 Part I.
c. 23 ...	Companies Act, 1929 ...	Ss. 78, 264 extended ... Ss. 277, 369 amended ... Excluded, s. 5 (6) (7) applied as amended.	15, ss. 18 (2)-(4), 21 (3), 22 (2). 25, s. 2. 28, s. 2 (4).

Session and Chapter.	Short title or Subject.	How affected.	Chapter of 1944 Act or number of Measure.
20 & 21 Geo. 5: c. 1 ...	Isle of Man (Customs) Act, 1929.	S. 3 (hop oil) continued ...	27.
c. 23 ...	Mental Treatment Act, 1930.	Ss. 1, 5 saved ...	31, s. 116.
c. 28 ...	Finance Act, 1930 ...	S. 48 excluded ...	23, s. 48.
c. 32 ...	Poor Prisoners' Defence Act, 1930.	S. 4 amended ...	25, s. 1.
c. 34 ...	Coal Mines Act, 1930 ...	Part I (schemes) continued	[8 & 9 Geo. 6] 2.
c. 40 ...	Housing (Scotland) Act, 1930.	S. 37 (2) (a) amended ... Sch. 2 extended ... Sch. 2 excluded ...	25, s. 2. 36, ss. 6 (4), 7. 39, s. 2.
21 & 22 Geo. 5: c. 6 ...	Education (Local Authorities) Act, 1931.	Repealed ...	31, ss. 119, 121, sch. 9 Part I.
c. 15 ...	Yarmouth Naval Hospital Act, 1931.	Ss. 9 (2), 10 (2) (d) amended	25, ss. 1, 3.
c. 28 ...	Finance Act, 1931 ...	S. 28 excluded ...	34, s. 3 (5).
c. 30 ...	Probation of Offenders (Scotland) Act, 1931.	Pensions increased (probation officers) (<i>temp.</i>).	21, ss. 1, 3-4, 10, schs. 1, 2.
c. 43 ...	Improvement of Livestock (Licensing of Bulls) Act, 1931.	Extended to pigs, ss. 3 (7), 5 (1) (b) amended, 2 (2) extended.	28, s. 6.
22 & 23 Geo. 5: c. 22 ...	Army and Air Force (Annual) Act, 1932.	S. 15 (1) excluded ...	18, s. 2 (2).
c. 25 ...	Finance Act, 1932 ...	S. 29 modified (increase of pension) (<i>temp.</i>). S. 19 extended ...	21, ss. 1-3, 10, schs. 1, 2. 23, s. 30.
c. 37 ...	Solicitors Act, 1932 ...	Ss. 45 (2), 55 (2) amended...	25, s. 1.
c. 41 ...	Isle of Man (Customs) (No. 2) Act, 1932.	S. 9 continued (silk) ...	27.
c. 48 ...	Town and Country Planning Act, 1932.	Ss. 12 (3) virtually repealed with saving; 10 (9), 12 (1), 19 (2) (ii) (c) (war period) amended; 2 (2), 3, 10 (8), 17, 49 except first proviso extended; 10 (4), 19 (2) (ii) (d) (3) (4) applied; 10 (9) excluded; 10 restricted and modified; 41 modified (implied consent); 53 "material date" proviso saved, "existing use" proviso (i) modified; power to suspend schemes under s. 8 (4).	47, ss. 11 (7) (10), 32 (4) (6), 33 (1) (3) (4), 38- 41, 43-5, 55 (2) (3).
23 & 24 Geo. 5: c. 12 ...	Children and Young Persons Act, 1933.	Ss. 96 (2), 106 (2) (b) repealed, 22 (3A) added, 10 (1) (2), 18 (2) (a) (i), 30, 46 (3), 61 (1) (c), 96 (1) (3)-(7), 97, 104 amended, 10 (3) 18, (1) (a) substituted, 67 (1) modified, 52 (3), 54, 62 extended, 28 (1) (3) applied.	31, ss. 40 (3) (5), 59 (4), 119, 120 (2) (3), 121, schs. 8, 9.
c. 25 ...	Pharmacy and Poisons Act, 1933.	S. 30 (j) amended ...	25, s. 2.
c. 29 ...	Education (Necessity of Schools) Act, 1933.	Repealed ...	31, ss. 119, 121, sch. 9 Part I.
c. 38 ...	Summary Jurisdiction (Appeals) Act, 1933.	S. 2 (7) amended ...	25, s. 1.

Session and Chapter.	Short title or Subject.	How affected.	Chapter of 1944 Act or number of Measure.
23 & 24 Geo. 5: c. 40 ...	Isle of Man (Customs) Act, 1933.	S. 4 continued (silk) ...	27.
c. 41 ...	Administration of Justice (Scotland) Act, 1933.	Ss. 19, 21, 24 (7), 25 amended.	25, s. 2.
c. 51 ...	Local Government Act, 1933.	Sch. 4 applied as modified... Sch. 4 applied as modified... Part IV extended (chief education officers), ss. 94, 118, 163-5, sch. 7 amended, 290 (8) extended (Min. of Education), 150, (2) (3), sch. 4 modified, 293 saved. S. 290 (2) (3) applied ...	28, s. 1 (4), sch. Part I. 29, s. 5 (3). 31, ss. 88, 90, 93, 98, 119-21, schs. 8 Part I, 9 Part I. 41, s. 1, sch. 1 Part III para. 5. 47, ss. 14 (7), 19 (3) (10) (11), 15 (2).
24 & 25 Geo. 5: c. 7 ...	Rural Water Supplies Act, 1934.	Repealed with saving ...	26, ss. 1 (7), 8, sch.
c. 14 ...	Arbitration Act, 1934	Restricted (Independent Schools Tribunal).	31, s. 75 (2).
c. 29 ...	Unemployment Act, 1934	Part II, functions of Min. of Labour and National Service transferred to Min. of National Insurance (<i>prosp.</i>).	46, s. 6 (1) (f).
c. 32 ...	Finance Act, 1934 ...	Ss. 1 (2), 16 amended ...	23, ss. 2 (2), 11 (5).
c. 53 ...	County Courts Act, 1934	S. 111 saved ...	5, s. 2 (2).
25 & 26 Geo. 5: c. 2 ...	Supreme Court of Judicature (Amendment) Act, 1935.	S. 1 repealed ...	9, s. 2 (2).
c. 8 ...	Unemployment Insurance Act, 1935.	Ss. 76, 80 (2) (a), 81 (1) (a) (3) (4), 112 repealed, 78 (2) (a) (4), 113 (1) definition of "authorised course" substituted, 78, 79 (1), 80 (1), 81 (1) (b), 83 (1), 87 (1) (3), 104 (1) (2) amended. Ss. 36 rates increased, 38 (1), 39 (4) amended, 37 (1), sch. 4 substituted, sch. 5 extended. Functions of Min. transferred to Min. of National Insurance, except those under ss. 76-9, 82, 100-2, (<i>prosp.</i>).	31, ss. 44, 120-1, schs. 8 Part II, 9 Part II. 42, ss. 1, 3-6, 8, sch. 1. 46, s. 6 (1) (e).
c. 9 ...	Herring Industry Act, 1935.	Ss. 9 (3) proviso paras. (ii) (iii) (5) (8) virtually repealed, 3 (b) (i), 7, 9 (3) proviso para. (iv) (9) (10), 10 amended, 15 applied as modified, 2 extended (powers by scheme).	32, ss. 2, 6, 8-9, sch.

Session and Chapter.	Short title or Subject.	How affected.	Chapter of 1944 Act or number of Measure.
25 & 26 Geo. 5: c. 23 ...	Superannuation Act, 1935.	Pensions increased (<i>temp.</i>) S. 9 applied	21, ss. 1-3, 10, schs. 1, 2. 28, s. 1 (2) (4), sch. Part II.
c. 24 ...	Finance Act, 1935 ...	S. 10 excluded	23, s. 11 (2).
c. 35 ...	Teachers (Superannuation) Act, 1935.	Pensions increased (<i>temp.</i>)	21, ss. 1-3, 9, 10, schs. 1, 2.
c. 41 ...	Housing (Scotland) Act, 1935.	S. 47 (3) restricted, 47 (5) applied.	39, ss. 1 (2), 5 (a).
26 Geo. 5 & 1 Edw. 8: c. 2 ...	Government of India Act, 1935.	Excluded (attachment of States). Ss. 86 (3), 314 (3), sch. 9 amended, 220 (2) (c) added, 86 (6), 87 substituted, 93 term of office extended (members of Provisional Legislation Councils); re-printing of Act.	14. 38.
c. 13 ...	Unemployment Insurance (Agriculture) Act, 1936.	S. 3 rates increased, 3 (2) (a) amended, sch. 3 substituted.	42, ss. 2, 4, 8, sch. 2.
c. 16 ...	Coinage Offences Act, 1936.	S. 4 (3) amended	25, ss. 1, 3.
c. 31 ...	Old Age Pensions Act, 1936.	Functions of Min. of Health transferred to Min. of National Insurance (<i>prosp.</i>).	46, s. 6 (1) (b).
c. 32 ...	National Health Insurance Act, 1936.	Ss. 93 (3), 94 modified (increase of pensions) (<i>temp.</i>). Functions of Min. of Health transferred to Min. of National Insurance, except those under ss. 35-43 (<i>prosp.</i>).	21, ss. 1, 3, 4, 10, schs. 1, 2. 46, s. 6 (1) (a).
c. 33 ...	Widows', Orphans' and Old Age Contributory Pensions, Act, 1936.	Functions of Min. of Health transferred to Min. of National Insurance (<i>prosp.</i>)	46, s. 6 (1) (c).
c. 41 ...	Education Act, 1936 ...	Repealed	31, ss. 119, 121, sch. 9 Part I.
c. 45 ...	Isle of Man (Customs) Act, 1936.	S. 3 continued (Silk) ...	27.
c. 49 ...	Public Health Act, 1936	Ss. 65 (5), 298 amended ... Ss. 308 (1) (a) (b) (2) repealed, 12, 308 (3), 322 amended, 111 extended, 123 applied, 308 excluded, obligations of joint board under s. 9 extended. S. 71 (a) substituted ...	25, s. 1. 26, ss. 1 (3), 3 (2) (3), 4, 6, 8, sch.
c. 51 ...	Housing Act, 1936 ...	Ss. 66 (1), 99 (2) amended S. 74 modified, sch. 1 excluded (<i>temp.</i>). Part V extended (temporary housing accommodation), ss. 103 (4) proviso (b) (iv) added, 73 (a), 74, sch. 1 extended, 138 (2) restricted. Ss. 137 excluded, 157-8 extended.	31, s. 63 (1). 25, s. 1. 33, s. 2. 36, ss. 1, 4, 6 (4). 47, s. 30 (2), sch. 5 para. 9 (5).

Session and Chapter.	Short title or Subject.	How affected.	Chapter of 1944 Act or number of Measure.
i Edw. 8 & 1 Geo. 6 : c. 6 ...	Public Order Act, 1936	Ss. 1 (2), 2 (2) (3), 8 (2), 9 (2) amended.	25, ss. 1, 2.
c. 15 ...	Geneva Convention Act, 1937.	S. 1 (5) amended	25, ss. 1, 3.
c. 25 ...	Education (Deaf Children) Act, 1937. ...	Repealed	31, ss. 119, 121, sch. 9 Part I.
c. 37 ...	Children and Young Persons (Scotland) Act, 1937.	S. 50 (2) (ii) amended ...	25, s. 2.
c. 38 ...	Ministers of the Crown Act, 1937.	Applied	31, s. 1 (3).
c. 46 ...	Physical Training and Recreation Act, 1937.	S. 6 applied Ss. 1, 2, 6, 8 (2) repealed, 3 (1) (3) amended.	46, s. 3 (2). 31, ss. 53 (4), 121, sch. 9, Part I.
c. 47 ...	Teachers (Superannuation) Act, 1937.	Pensions increased (<i>temp.</i>)	21, ss. 1-3, 9, 10, schs. 1, 2.
c. 53 ...	Agricultural Wages (Regulation) (Scotland) Act, 1937.	Ss. 2 (6) amended, 2 (1) extended, 2 (2) saved, 4 excluded.	28, ss. 3, 8 (c).
c. 57 ...	Matrimonial Causes Act, 1937.	S. 1 excluded	43, s. 1 (1) (b).
c. 58 ...	Summary Procedure (Domestic Proceedings) Act, 1937.	S. 3 (3) amended	25, s. 1.
c. 64 ...	Isle of Man (Customs) Act, 1937.	S. 3 continued (silk) ...	27.
c. 67 ...	Factories Act, 1937 ...	S. 152 (1) definition of "young person" amended	31, ss. 110-21, schs. 8, 9.
c. 68 ...	Local Government Superannuation Act, 1937.	S. 12 (3) modified (increase of pensions) (<i>temp.</i>).	21, ss. 1, 3, 5, 10, schs. 1, 2.
c. 69 ...	Local Government Superannuation (Scotland) Act, 1937.	S. 12 (3) modified (increase of pensions) (<i>temp.</i>). Part I applicable by Scottish Special Housing Association.	21, ss. 1, 3, 9, 10, schs. 1, 2. 39, s. 6.
c. 70 ...	Agricultural Act, 1937	S. 16 amended	28, s. 8 (d).
i & 2 Geo. 6 : c. 2 ...	Supreme Court of Judicature (Amendment) Act, 1937.	Repealed	9, s. 2 (2).
c. 8 ...	Unemployment Insurance Act, 1938.	S. 1 repealed	31, ss. 44, 121, sch. 9, Part II.
c. 13 ...	Superannuation (Various Services) Act, 1938.	Pensions increased (<i>temp.</i>)	21, ss. 1-3, 10, schs. 1, 2.
c. 16 ...	Housing (Financial Provisions) Act, 1938.	S. 1, extension of contributions (new houses) (<i>temp.</i>). Ss. 1 (5) (a) (ii) amended, 4 extended.	33, s. 1. 47, s. 48.
c. 40 ...	Children and Young Persons Act, 1938.	Ss. 3 repealed, 4 (1) (2), 6 (1) (2) amended.	31, ss. 119, 121, sch. 9, Part I.
c. 42 ...	Herring Industry Act, 1938.	S. 5 (1) amended	32, s. 8, sch.
c. 56 ...	Food and Drugs Act, 1938.	Ss. 20, 21 (1), 22 amended, 65 (3) restricted, 92 applied as modified (<i>prosp.</i>).	29, ss. 1-3, 4 (1) (2), sch.
c. 63 ...	Administration of Justice (Miscellaneous Provisions) Act, 1938.	S. 12 amended	25, s. 1.

Session and Chapter.	Short title or Subject.	How affected.	Chapter of 1944 Act or number of Measure.
1 & 2 Geo. 6 : c. 67 ...	Supreme Court of Judicature (Amendment) Act, 1938.	S. 3 repealed	9, s. 2 (2).
c. 68 ...	Isle of Man (Customs) Act, 1938.	S. 5 continued	27.
c. 72 ...	Fire Brigades Act, 1938	Ss. 16, 17 modified (increase of pensions) (<i>temp.</i>).	21, ss. 1, 3, 10, schs. 1, 2.
2 & 3 Geo. 6 : c. 3 ...	Housing (Financial Provisions) (Scotland) Act, 1938.	Ss. 1 (5) modified, 4 (2) restricted, 2 extended.	39, ss. 1, 3.
c. 18 ...	Local Government Superannuation Act, 1939.	S. 1 modified (increase of pensions) (<i>temp.</i>).	21, ss. 1, 3, 5, 9, 10, schs. 1, 2.
c. 40 ...	London Government Act, 1939.	Part IV extended (chief education officers), ss. 61 (1), 64, 85, 106-8, sch. 5 amended, 189 (6) extended.	31, ss. 88, 90, 93, 117 (4), 119-21, schs. 8, 9.
c. 41 ...	Finance Act, 1939 ...	Ss. 106 restricted, 106 (2) (3), 109 applied, 106 (1), 107-8 excluded.	47, ss. 14 (7), 19 (3) (10) (11).
c. 48 ...	Agricultural Development Act, 1939.	Computation of relief under s. 31 (1) modified.	23, s. 40, sch. 3.
c. 50 ...	Prevention of Violence (Temporary Provisions) Act, 1939.	S. 32 amended	28, s. 2 (2).
c. 60 ...	Senior Public Elementary Schools (Liverpool) Act, 1939.	Continued	[8 & 9 Geo. 6] 2.
c. 75 ...	Compensation (Defence) Act, 1939.	Repealed	31, ss. 119, 121, sch. 9, Part II.
c. 81 ...	National Service (Armed Forces) Act, 1939.	Ss. 12 (2) restricted, 15 applied.	5, ss. 3 (2) (3), 5.
c. 88 ...	Royal Marines Act, 1939	S. 14 (1)-(3) repealed, (4) amended.	15, ss. 13 (2), 24, sch. 3.
c. 89 ...	Trading with the Enemy Act, 1939.	S. 1 period of service extended.	13.
c. 89 ...	Trading with the Enemy Act, 1939.	S. 1 (4) amended	25, s. 3.
c. 94 ...	Local Government Staffs (War Service) Act, 1939.	Pensions increased (<i>temp.</i>)	21, ss. 1, 3, 5, 10, schs. 1, 2.
		S. 4 applied	28, s. 1 (2) (4), sch. Part II.
		S. 4 applied	29, s. 6 (2) (a).
		S. 1, sch. paras. 15, 16 modified.	31, s. 97.
.95 ...	Teachers Superannuation (War Service) Act, 1939.	Pensions increased (<i>temp.</i>)	21, ss. 1-3, 10, schs. 1, 2.
c. 96 ...	Education (Scotland) (War Service Superannuation) Act, 1939.	Pensions increased (<i>temp.</i>)	21, ss. 1, 3, 9, 10, schs. 1, 2.
c. 103 ...	Police and Firemen (War Service) Act, 1939.	Ss. 1(2), 2, 5-6, 8-9 amended, 4, 10 (2) substituted, 4 (1)-(4), 7 (2) restricted, 2-6, 7 (2) (iii), 10 (2) applied, 1 (3), 15 extended, 1 (2), 2 (1), 4 (1) (2) modified (presumption of death).	22, ss. 1 (1), 2-5, 6 (1) (3) (5), 7.
c. 109 ...	Finance (No. 2) Act, 1939.	Ss. 1 amended, 11 extended, 15 excluded, 13 (2) applied, sch. 1 substituted.	23, ss. 1, 21, 32 (2) (4), 49, sch. 1.

Session and Chapter.	Short title or Subject.	How affected.	Chapter of 1944 Act or number of Measure.
2 & 3 Geo. 6 : c. 111 ...	Education (Emergency) Act, 1939.	Repealed	31, ss. 119, 121, sch. 9 Part I.
c. 113 ...	Courts (Emergency Powers) (Scotland) Act, 1939.	S. 1 (1) (b) virtually repealed with saving, 1 (2) amended, 1 (3) restricted.	6.
c. 115 ...	Local Elections and Register of Electors (Temporary Provisions) Act, 1939.	Continued	[8 & 9 Geo. 6] 3.
c. 117 ...	National Loans Act, 1939	S. 1 extended Extended	19. 23, s. 47 (2) (3) ; 36, s. 8 (2) ; 39, s. 4 (3). 25, s. 2.
c. 118 ...	Prices of Goods Act, 1939.	S. 21 (b) amended	25, s. 2.
3 & 4 Geo. 6 : c. 13 ...	Old Age and Widows' Pensions Act, 1940.	Part II functions of Min. of Health transferred to Min. of National Insurance (<i>prosp.</i>).	46, s. 6 (1) (d).
c. 14 ...	Agriculture (Miscellaneous War Provisions) Act, 1940.	S. 15 (1) (water for farm houses, &c.) modified.	28, s. 5.
c. 20 ...	Emergency Powers (Defence) Act, 1940.	S. 1 (2) excluded	22, s. 6 (2).
c. 21 ...	Treachery Act, 1940 ...	Ss. 2, 5 (3), 7 amended ...	25, ss. 1, 2.
c. 26 ...	Superannuation Schemes (War Service) Act, 1940.	Pensions increased (<i>temp.</i>)	21, ss. 1-3, 10, sehs. 1, 2.
c. 29 ...	Finance Act, 1940 ...	Ss. 46 (2), 51 (2), 59 definition of "Average rate" substituted, 55 (2A) (2B) (2C) added, 49, 58-9, applied, 44 modified (relief from estate duty), 49 extended (determination of loss).	23, ss. 35-41 sch. 3.
c. 34 ...	Middlesex Deeds Act, 1940.	S. 3 (5) amended	25, s. 1.
c. 44 ...	Unemployment Insurance Act, 1940	S. 1, sch. 1 repealed, s. 6 amended.	42, s. 8 (4) (5).
c. 48 ...	Finance (No. 2) Act, 1940.	S. 11 (1) (2) repealed with saving. Ss. 22, 31 (3) (4), 41 (1) definitions in part repealed; 18, 21 (imported chargeable goods), 23 (9), 24 (2) (3), 25 (1), 29 (1)-(3), 31 (1) (2), 40 (1) (b) (c), 41 (1) (fresh definitions), sch. 8 paras. 4, 5 amended; sch. 8 para. 2 (aa) added; ss. 18, 20 (3), 23 (3) (a) (b) substituted; 7 (1) Table, 25 applied; 23 (1) (2) excluded; 23 (8) restricted; 24 (1) proviso, power to require security; 25 modified (relief against double tax); Part V penalties increased.	12, s. 9, sch. 23, ss. 10, 11 (2) (4), 12-16, 18, 20, 49, schs. 2, 5, Part I.

Session and Chapter.	Short title or Subject.	How affected.	Chapter of 1944 Act or number of Measure.
3 & 4 Geo. 6 : c. 49 ...	Isle of Man (Customs) Act, 1940.	Ss. 1, 6 continued	27.
c. 50 ...	Agriculture (Miscellaneous War Provisions) (No. 2) Act, 1940.	Ss. 1 modified (water for farm houses, &c.), 2 (2) amended.	28, ss. 5, 7.
4 & 5 Geo. 6 : c. 3 ...	Local Elections and Register of Electors (Temporary Provisions) Act, 1940.	Continued with principal Act.	[8 & 9 Geo. 6] 3.
c. 4 ...	Naval and Marine Forces (Temporary Release from Service) Act, 1940.	S. 1 (2) amended	13, s. 1 (2).
c. 7 ...	Diplomatic Privileges (Extension) Act, 1941.	Amended	44, s. 5.
c. 8 ...	House of Commons Disqualification (Temporary Provisions) Act, 1941.	S. 2 (2) amended	11.
c. 15 ...	National Service Act, 1941.	S. 10 (1) (3) repealed, 10 (2) amended.	15, s. 24, sch. 3.
c. 22 ...	Fire Services (Emergency Provisions) Act, 1941.	Power of Secy. of State extended.	22, s. 6 (3).
24 ...	Liabilities (War-Time) Adjustment Act, 1941.	Ss. 1 (2) proviso (a), 8 (1)-(3), 9 (2), 10 (1), 15 (6) (b) repealed; 1 (1), 2 (1), 3 (1) (2) (3) (b) (4) (6), 4 (1) (3), 6 (2) (3), 10 (2)-(4), 12 (1), 14 (5) (a), 16 (2) (e), 17 (2) (a), 20 (2) (3) (b), 24 (4), 28 (1) definitions in part, 29 (2) amended; 1 (5), 6 (1), 7 (3) proviso (a) (4), 9 (1) (4) substituted; 2 (4) (5), 4 (3) (e) (f) (g), 16 (2) (f) (g) added; 13 (2) (3) applied as modified; 11, 16 extended; 15 excluded; 20 proviso restricted; Part I modified (property and businesses held on trust).	40, ss. 1, 2 (5) (9), 4, 5, 6 (1) (2); 7 (1)-(3), 8 (4), 10-1, 13 (2), 14, 20, schs. 1, 2.
c. 30 ...	Finance Act, 1941 ...	Ss. 25-6 saved S. 35 amended	12, s. 2 (1). 23, s. 33.
c. 31 ...	Goods and Services (Price Control) Act, 1941.	Ss. 16 (3), 21 (b), 22 amended	25.
c. 49 ...	Local Elections and Register of Electors (Temporary Provisions) Act, 1941.	Continued with principal Act.	[8 & 9 Geo. 6] 3.
c. 50 ...	Agriculture (Miscellaneous Provisions) Act, 1941.	S. 1 (1), sch. 3, para. 1 amended, ss. 7 (2), 8 (2) restricted.	28, ss. 4, 7.
5 & 6 Geo. 6 : c. 11 ...	Ministers of the Crown and House of Commons Disqualification Act, 1942.	S. 2 amended	11.

Session and Chapter.	Short title or Subject	How affected.	Chapter of 1944 Act or number of Measure.
5 & 6 Geo. 6 : c. 21 ...	Finance Act, 1942 ...	Ss. 10, 18 (3) (a), sch. 6 Part I para. 5 amended, ss. 18 (3) (b) substituted, 7 extended, sch. 10 Part I para. 7 (2) (3) restricted.	23, ss. 2 (1), 8-9, 10 (5), 26 (4) (6), 49, schs. 2 Part I, 5 Part I
c. 38 ...	Local Elections and Register of Electors (Temporary Provisions) Act, 1942.	Continued with principal Act.	[8 & 9 Geo. 6] 3.
6 & 7 Geo. 6 : c. 10 ...	House of Commons Disqualification (Temporary Provisions) Act, 1944.	Amended	11.
c. 21 ...	War Damage Act, 1943	S. 78 applied (<i>temp.</i>) ... Ascertainment of compensation for purchase of land: <i>see</i> S. 76 (1) applied	44, s. 1 (5) (6). 47, s. 61, sch. 8.
c. 28 ...	Finance Act 1943 ...	S. 1 (1), sch. 1 Parts I, III, IV repealed, ss. 21 amended, 12 (3) extended.	C.A.M. No. 1, s. 34 (3). 23, ss. 17 (3), 34, 49, sch. 5 Part I.
c. 29 ...	Town and Country Planning (Interim Development) Act, 1943.	Ss. 2-4 excluded, 2, 5 restricted, 4 modified 6 (2) extended, 6 (1) applied.	47, ss. 11 (3), 31 (2), 32 (6), 35 (7), 36-7, 41 (b), 45 (4), Sch. 4 Part I.
c. 35 ...	Foreign Service Act, 1943.	Part I modified (increase of pensions) (<i>temp.</i>).	21, ss. 1-3, 10, schs. 1, 2.
c. 37 ...	Isle of Man (Customs) Act, 1943.	Ss. 1-4 continued	27.
c. 45 ...	Income Tax (Employments) Act, 1943.	Ss. 3 (6), 4 definition of "pension", sch. 1 Part II repealed, ss. 1 (5) amended, 1 (2)-(4) substituted, 3 restricted, 2, 3 (3)-(5), sch. 2 paras. 2, 3 extended Applied	12, ss. 1, 3-4, 5 (2), 6 (3), 7, 9, sch.
c. 46 ...	Prolongation of Parliament Act, 1943.	Ss. 1, 2 amended (<i>temp.</i>) ...	23, s. 19 (2). 45.
c. 48 ... (Part I)	Parliamentary Electors (War-Time Registration) Act, 1943.	Ss. 1 (4), (5) (1) (b), 6(1) amended, 5 (1) substituted, 12 (3) restricted (<i>temp.</i>), s. 22 appointed day (December 1, 1944) <i>see</i> S.R. & O. 1944 No. 1191.	24.
7 & 8 Geo. 6 : c. 2 ...	Local Elections and Register of Electors (Temporary Provisions) Act, 1943.	Continued with principal Act.	[8 & 9 Geo. 6] 3.
c. 10 ...	Disabled Persons (Employment) Act, 1944.	S. 19 (6) amended	25, s. 2.
c. 12 ...	Income Tax (Offices and Employments) Act, 1944.	Applied	23, s. 19 (2).

INDEX

TO THE

PUBLIC GENERAL ACTS

AND

CHURCH ASSEMBLY MEASURES

OF 1944.

[NOTE.—References are to chapters of 7 & 8 Geo. 6 unless otherwise stated.]

A.

ACT OF PARLIAMENT :

Construction of Acts under Education Act (c. 31, s. 2)	p. 225
Expiring laws continuance (8 & 9 Geo. 6. c. 2)	p. 514
Northern Ireland legislature's powers. <i>See</i> NORTHERN IRELAND.	
Provisional order confirmation (Town and Country Planning Act) (c. 47, s. 35 (3))	p. 466
Reprinting (Government of India Act, 1935) (c. 38, s. 6)	p. 360
Retrospective enactment (c. 14, s. 1 (2))	p. 44

ADMIRALTY. *See* ARMED FORCES ; PRIZE SALVAGE ACT.

ADVISORY COUNCILS, &c. *See* AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT ; DISABLED PERSONS (EMPLOYMENT) ACT.

AGRICULTURE (*see also* AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT ; BUILDINGS ; TOWN AND COUNTRY PLANNING ACT).

Agricultural benefit (increase of rates) (c. 42)	p. 396
Agricultural property, compensation for, if acquired for public purposes (c. 47, ss. 57-60, sch. 7)	pp. 482-6, 508

AGRICULTURE AND FISHERIES, MINISTER OF. Powers. *See* AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT ; FOOD AND DRUGS (MILK AND DAIRIES) ACT ; TOWN AND COUNTRY PLANNING ACT.

AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT : c. 28.

- § 1. and Schedule. National Agricultural Advisory Service. pp. 155, 164.
2. Increase of resources of Agricultural Mortgage Corporation. p. 157.
3. Minimum time rates of wages for agricultural piece work. p. 158.
4. Period for Exchequer contributions towards purchases of lime. p. 159.
5. Supply of water to farm houses and cottages. p. 159.
6. Extension, &c., of Improvement of Live Stock (Licensing of Bulls) Act, 1931. p. 160.
7. Extension of time for recovery of expenses of drainage works or of improving ways over fen-land. p. 161.
8. Application to Scotland. p. 162.
9. Application to Northern Ireland (purchases of lime). p. 163.
10. Short title. p. 163.
- Schedule. Compensation and superannuation benefits of officers. p. 164.

- AIR COUNCIL.** Competent authority under Reinstatement in Civil Employment Act (c. 15, s. 20 (1)) p. 59
- AIR FORCE** (*see also* ARMED FORCES). Annual Act (c. 18) p. 71
- AIRCRAFT.** *See* PRIZE SALVAGE ACT.
- ANNUITIES :**
 Compensation to incumbent of benefice ceasing to exist (No. 1, s. 15)... p. xii
 Estate duty on purchases of annuities from relatives (c. 23, ss. 40-1, sch. 3)
 pp. 124, 134
 Transfer of annuities to Schedule E (income tax) (c. 12, s. 2) ... p. 37
- APPROPRIATION ACTS** (applying sums from the Consolidated Fund for service of the year 1944-45, &c.) :
 Appropriation Act, 1944 : c. 30 p. 174
 Appropriation (No. 2) Act, 1944 : c. 37 p. 355
- ARBITRATION.** Provisions under—
 Reinstatement in Civil Employment Act (c. 15, ss. 8 (4), 10)... .. p. 52
 Town and Country Planning Act (c. 47, ss. 60-1, 64, sch. 1 para. 3, sch. 5 para. 5, sch. 8 para. 2) pp. 486-7, 489, 491, 500, 511
- ARMED FORCES** (*see also* NAVAL FORCES (EXTENSION OF SERVICE) ACT ; STAMP DUTY).
 Army Act and Air Force Act continued (c. 18) p. 71
 Disabled Persons (Employment) Act (preference for ex-service men and women) (c. 10, s. 16, sch. 1) pp. 16, 34
 expenditure (surpluses on 1942 votes, &c.) (c. 30, ss. 5-7, &c.) pp. 175-6
 Herring Industry Act scheme (grants for ex-service men) (c. 32, ss. 1, 2 (1) (a))
 p. 332-3
 Income Tax (Offices and Employments) Act (c. 12, ss. 1, 5, 9 (2))
 pp. 37-8, 41
 pensioners (increase of pensions) (c. 21, ss. 7, 10, sch. 2 para. 8) pp. 80, 82 85
 Police and Firemen (War Service) Act (c. 22) p. 86
 Reinstatement in Civil Employment Act (c. 15, ss. 6, 13, 17, sch. 1) pp. 50, 55, 57, 63
 Voluntary Aid Detachments (application of Army Act) (c. 18, s. 3) p. 71
- ARMORIAL BEARINGS.** Repeal of duties (c. 23, ss. 6, 49, sch. 5 Part II)
 pp. 101, 128, 142
- ARMY AND AIR FORCE (ANNUAL) ACT** (continuance of Army Act and Air Force Act : amdt. of Army Act as to V.A.D.) : c. 18 p. 69
- ARMY COUNCIL** (*see also* ARMED FORCES ; ARMY AND AIR FORCE (ANNUAL) ACT). Competent authority under Reinstatement in Civil Employment Act (c. 15, s. 20 (1)) p. 59
- ATTORNEY GENERAL.** *See* LAW OFFICERS ACT.
- ATTORNEY GENERAL FOR NORTHERN IRELAND.** *See* LAW OFFICERS ACT.
- AUDIENCE, RIGHT OF.** Before Independent Schools Tribunals (counsel or solicitor) (c. 31, s. 75 (1)) p. 278
- AUXILIARY COASTGUARD.** Reinstatement in Civil Employment Act provision (c. 15, s. 20 (8)) p. 61

B.

BANK OF ENGLAND AND BANK OF IRELAND. Advances to Treasury. *See* TREASURY BILLS.

BANKRUPTCY :

Liabilities (War-Time Adjustment) Act :

priority debts (c. 40, s. 11) p. 373

personal representatives (c. 40, s. 13) p. 374

Reinstatement in Civil Employment Act (priority in bankruptcy of sums to be paid in compensation) (c. 15, ss. 18, 21 (2), 22 (2)) ... pp. 58, 61

BARRISTER :

Chairman of compensation tribunal under Town and Country Planning Act (c. 47, s. 13, sch. 4 Part II) pp. 437, 498

Right of audience, &c. before Independent Schools Tribunals (c. 31, s. 75 (1), sch. 6) pp. 278, 321

BEER (*see also* ISLE OF MAN (CUSTOMS) ACT ; LICENSED PREMISES). Customs and excise duties (c. 23, s. 1, sch. 1) pp. 100, 129

BENEFICE (*see also* REORGANISATION AREAS MEASURE). War damage to glebe of benefice (8 & 9 Geo. 6, No. 1, s. 8) p. xliii
Patronage. *See* CORNWALL, DUCHY OF ; CROWN.

BIRTHS AND DEATHS, REGISTRAR OF :

Member of Boundary Commissions under House of Commons (Redistribution of Seats) Act (c. 41, s. 1, sch. 1 Part I) pp. 384, 389

Supply of birth certificates and returns under Education Act (c. 31, s. 94) p. 287

BOARD AND LODGING. Provision of and recovery of cost under Education Act (c. 31, ss. 50, 52) pp. 264-5

BUILDINGS :

agricultural buildings (c. 47, s. 41) p. 469

appeals as to design, protection for existing buildings and uses, &c. (c. 47, ss. 44-6) pp. 472-4

building byelaws exemption for buildings approved by Min. of Education (c. 31, s. 63) p. 272

protection for buildings of historical, architectural or artistic interest under—
Reorganisation Areas Measure (No. 1, s. 26) p. xix
Town and Country Planning Act (c. 47, ss. 42-3) pp. 469, 470

BURIAL GROUNDS :

Protection of churchyards and burial grounds, rights of parishioners (No. 1, ss. 22-3, 28) pp. xviii, xix, xx

Town and Country Planning Act provisions (c. 47, s. 28) p. 457

BURMA. Prize Salvage Act applied to British Burma (c. 7, s. 2)... .. p. 7

C.

CARRIAGE DUTIES. *See* HACKNEY CARRIAGE.

CHANNEL ISLANDS. Application to, of—

Church Assembly Measures (8 & 9 Geo. 6, No. 1, s. 10, sch.) p. xlv

Importation of goods from (c. 23, s. 11 (6)) p. 105

Prize Salvage Act (c. 7, s. 2) p. 7

Reorganisation Areas Measure (No. 1, s. 57) p. xxxvii

- CHIEF EDUCATION OFFICERS. Appointment by local authority (c. 31, s. 88)
p. 285
- CHILDREN AND YOUNG PERSONS (*see also* EDUCATION ACT; GUARDIANSHIP
(REFUGEE CHILDREN) ACT; PENSIONS (INCREASE) ACT; UNEMPLOYMENT
INSURANCE (INCREASE OF BENEFIT) ACT).
employment restrictions (c. 31, ss. 58-60) pp. 270-1
illegitimate children, rate of succession and legacy duty (c. 23, s. 43) p. 126
parents' duty to secure education (c. 31, ss. 36-40) pp. 252-6
Police and Firemen (War Service) Act (allowances to children under 16
(c. 22, ss. 1, 5 (2)) pp. 88, 95
- CHURCH ASSEMBLY MEASURES, 1944 :
Emergency Legislation Measure [8 & 9 Geo. 6] No. 1 p. xlii
Reorganisation Areas Measure (No. 1) p. ii
- CHURCH-DOOR NOTICES. Abolished (dog licences, &c.) (c. 23, ss. 7, 49, sch. 5)
pp. 101, 128, 141
- CIVIL DEFENCE. Application of Reinstatement in Civil Employment Act
(c. 15, s. 6) p. 50
- CLERGYMEN. Increased house allowance (income tax) (c. 23, s. 22) ... p. 109
- CLOTHING (Education Act provisions) :
Cleansing of (c. 31, s. 54) p. 266
Provision of and recovery of cost (c. 31, ss. 51-2, 53 (3), 113) pp. 265-6, 301
- COCOA. Customs duties continued in Isle of Man (c. 27) p. 154
- COLONY, BRITISH PROTECTORATE, &c. Application to, of Prize Salvage Act
(c. 7, s. 2) p. 7
- COMMON, RIGHTS OF. Town and Country Planning Act provisions (c. 47,
ss. 14, 29) pp. 439, 460
- COMMUNITY CENTRES. Under Education Act (c. 47, ss. 43, 53) pp. 257, 266
- COMPANY (*see also* CORPORATION) :
Disabled Persons (Employment) Act (formation of companies) (c. 10,
s. 15) p. 28
Estate duty on benefits from certain companies (c. 23, ss. 35-41) pp. 121-5
Priority of debts in winding up (c. 15, ss. 18 (2) (3), 21 (3), 22 (2))
pp. 58, 61-2
- COMPTROLLER AND AUDITOR GENERAL :
Herring Marketing Fund Account, certified copies and report (c. 31, s. 4 (6))
p. 336
Housing (Temporary Accommodation) Act provision (c. 36, s. 8 (7)) p. 354
- CONSECRATED LAND. Town and Country Planning Act provisions (c. 47, s. 28)
p. 457
- CONSOLIDATED FUND (*see also* APPROPRIATION ACTS)—
(No. 1) ACT, 1944, to apply sums to the service of the years ending on March
31, 1944 and 1945 : c. 4 p. 1
(No. 2) ACT, 1944, for the like : c. 17 p. 68
(No. 3) ACT, 1944, for service of year ending March 31, 1945 : c. 20... p. 72
(No. 1) ACT, 1944 (SESSION 2), for the like : [8 & 9 Geo. 6] c. 1 ... p. 513
- Issue out of, for—
advances to Scottish Special Housing Association (c. 39, s. 4) ... p. 362
Govt. of N.I. under Disabled Persons (Employment) Act (c. 10, s. 22 (3))
p. 33
Min. of Works under Housing (Temporary Accommodation) Act (c. 36, s. 8)
p. 353
salaries of puisne judges (c. 9, s. 1 (6)) p. 13

CONTRACT :

- Courts (Emergency Powers) (Scotland) Act (contracts made after the commencement of war) (c. 6, s. 1) p. 5
 Housing (Temporary Accommodation) Act (contracts by local authority) (c. 36, s. 6 (6) (b)) p. 352
 Rural Water Supplies and Sewerage Act (c. 26, s. 1 (3)) p. 147

CONTRIBUTORY PENSIONS. Transfer of functions to Min. of National Insurance (c. 46, ss. 1 (a), 6 (1) (c)) pp. 408, 410

COPYRIGHT. Sale for lump sum (income tax) (c. 23, s. 24) p. 110

CORNWALL, DUCHY OF :

- Application to, of Landlord and Tenant (Requisitioned Land) Act (c. 5, s. 4) p. 4
 Patronage of benefices (No. 1, s. 49) p. xxxi

CORPORATION (see also COMPANY) :

- Agricultural Mortgage Corporation (increase of resources) (c. 28, ss. 2, 8 (b)) pp 157, 162
 Disabled Persons (Employment) Act offences (c. 10, s. 19 (3) (4)) p. 31
 Land development (capacity of body corporate) (c. 47, s. 22 (4)) p. 450

COUNTY COURT, ENGLAND (see also LIABILITIES (WAR-TIME ADJUSTMENT ACT). Jurisdiction under—

- Landlord and Tenant (Requisitioned Land) Act (c. 5, s. 2) p. 3
 Town and Country Planning Act (c. 47, s. 60 (1)) p. 486

COURTS (EMERGENCY POWERS) (SCOTLAND) ACT (c. 6) p. 5

- § 1. Extension of 1939 Act to contracts made after commencement of war. p. 5.
 2. Power of appropriate court to grant relief against exercise of right under section 1 (2) of 1939 Act. p. 6.
 3. Property in goods subject to hire purchase agreement. p. 6.
 4. Construction and citation. p. 6.

CROWN (see also CORNWALL, DUCHY OF ; GOVERNMENT DEPARTMENT) :
Application to, of—

- Income Tax (Offices and Employment) Act (c. 12, s. 6) p. 39
 Landlord and Tenant (Requisitioned Land) Act (c. 5, s. 4) p. 4
 Validation of War-Time Leases Act (c. 34, s. 4) p. 343
 Benefices in patronage of the Crown (No. 1, s. 49) p. xxxi
 Education Act saving for persons in Crown employment (c. 31, s. 115) p. 306

CUSTODIAN OF ENEMY PROPERTY (trading with the enemy, income tax, death duties) (c. 23, s. 42, sch. 4) pp. 126, 135

CUSTOMS AND EXCISE (see also FINANCE ACT (Part I) ; ISLE OF MAN (CUSTOMS) ACT ; and cross-references under EXCISE) :

- Imported chargeable goods (c. 23, s. 11) p. 103
 Vintage port in bond (bottling) (c. 23, s. 4) p. 101

D.

DEATH. See **DEATH DUTIES ; POLICE AND FIREMEN (WAR SERVICES) ACT.**

DEATH DUTIES. Finance Act provisions (c. 23) :

- Part VI (for sections see p. 98), sch. 3 pp. 121-5, 134
 trading with the enemy (s. 42, sch. 4 Part II) pp. 126, 138

DEBTOR. See **BANKRUPTCY ; LIABILITIES (WAR-TIME ADJUSTMENT) ACT.**

DIPLOMATIC PRIVILEGES (EXTENSION) ACT : c. 44 p. 402

- § 1, and Schedule. Privileges, immunities and capacities of certain international organisations and their staffs. p. 403.
2. Provisions as to Orders in Council. p. 404.
3. Diplomatic immunities of representatives attending international conferences. p. 405.
4. Reciprocal treatment. p. 405.
5. Amendment of Diplomatic Privileges (Extension) Act, 1941. p. 406.
6. Short title. p. 406.
- Schedule. Immunities and privileges. p. 406.

DISABLED PERSONS (EMPLOYMENT) ACT : c. 10 p. 15

Disabled Persons.

- § 1. Definition of " disabled person ". p. 16.

Vocational training and industrial rehabilitation courses.

2. Vocational training courses. p. 16.
3. Industrial rehabilitation courses. p. 17.
4. Payments to persons attending courses. p. 17.
5. Expenses of courses, how defrayed. p. 17.

Provisions for enabling registered persons to obtain employment or to undertake work on their own account.

6. Register of disabled persons. p. 17.
- 7, and Schedule 1. Entry of names of disabled persons in the register. pp. 18, 34.
8. Duration of registration, and subsequent applications for registration. p. 20.
9. Obligations as to employment of quota of registered persons in substantial staffs. p. 21.
10. Determination of employers' quotas. p. 23.
11. Permits for employment of persons not registered, where quota condition not satisfied. p. 24.
12. Appropriation of vacancies in designated classes of employments to registered persons only. p. 25.
13. Interpretation, &c., of preceding sections. p. 25.
14. Records to be kept by employers. p. 27.
15. Provision for registered persons who are seriously disabled of employment, or work on their own account, under special conditions. p. 28.

Administration.

- 16, and Schedule 1. Preference for ex-service men and women. pp. 29, 34.
- 17, and Schedule 2. National Advisory Council and district advisory committees. pp. 30, 34.
18. Officers, &c. p. 30.
19. Offences. p. 30.
20. Regulations and orders. p. 31.

Application, commencement, etc.

21. Application as respects place of employment and nationality. p. 32.
22. Provisions as to Northern Ireland. p. 32.
23. Short title, interpretation and commencement. p. 33.
- Schedule 1. Women's services. p. 34.
- Schedule 2. Provisions as to Advisory Council and committees. p. 34.

DOMINIONS :

- Income tax relief (c. 23, s. 23) p. 109
- Matrimonial Causes (War Marriages) Act provisions (c. 43, ss. 4-5) pp. 401-2

E.

EASEMENTS. Interference under Town and Country Planning Act (c. 47, s. 22) p. 450

ECCLESIASTICAL PROPERTY. Town and Country Planning Act provisions (c. 47, ss. 18, 52, sch. 5 para. 6) pp. 444, 477, 500

EDUCATION (see also EDUCATION ACT ; PENSIONS (INCREASE) ACT).

Supply of water to schools (c. 26, ss. 3, 7 (3)) pp. 149, 152

EDUCATION ACT : c. 31 (E.) p. 220

Part I.—Central Administration :

- § 1. Appointment of Minister in charge of education and establishment of Ministry of Education. p. 224.
2. Transfer of property and functions to Minister and construction of Acts and documents. p. 225.
3. Seal and acts of Minister. p. 225.
4. Central Advisory Councils. p. 226.
5. Annual report to Parliament. p. 226.

Part II.—The Statutory System of Education :

Local Administration.

6. and Schedule 1. Local education authorities. pp. 227, 310.
7. Stages and purposes of statutory system of education. p. 227.

*Primary and Secondary Education.**Provision and Maintenance of Primary and Secondary Schools.*

8. Duty of local education authorities to secure provision of primary and secondary schools. p. 227.
9. County schools, voluntary schools, nursery schools, and special schools. p. 228.
10. Requirements as to school premises. p. 229.
11. Development plans for primary and secondary education. p. 229.
12. Local education orders for primary and secondary education. p. 232.
13. and Schedule 2. Establishment and discontinuance of county and voluntary schools. pp. 233, 315.
14. Restrictions on discontinuance of voluntary schools by managers and governors. p. 234.
15. and Schedule 3. Classification of voluntary schools as controlled schools, aided schools, or special agreement schools. pp. 235, 316.
16. Transfer of county and voluntary schools to new sites, and substitution of new voluntary schools for old. p. 237.

Management of Primary Schools and Government of Secondary Schools.

17. Constitution of managers and governors and conduct of county schools and voluntary schools. p. 238.
18. Managers of primary schools. p. 239.
19. Governors of secondary schools. p. 239.
20. Grouping of schools under one management. p. 240.
21. and Schedule 4. Proceedings of managers and governors of county and voluntary schools. pp. 241, 318.
22. Powers of local education authority as to use and care of voluntary school premises. p. 241.

Secular Instruction and Appointment and Dismissal of Teachers in County and Voluntary Schools.

23. Secular instruction in county and voluntary schools. p. 242.
24. Appointment and dismissal of teachers in county and voluntary schools. p. 243.

Religious Education in County and Voluntary Schools.

25. Religious education in county and voluntary schools generally. p. 243.
26. Religious education in county schools. p. 245.
27. Religious education in controlled schools. p. 245.
28. Religious education in aided schools and special agreement schools. p. 247.
29. and Schedule 5. Religious instruction under agreed syllabus. pp. 247, 319.
30. Saving for teachers. p. 248.

Transitional Provisions as to County and Voluntary Schools.

31. Transitional provisions as to separation of primary and secondary schools. p. 248.
32. Transitional provisions as to management and maintenance of voluntary schools. p. 249.

EDUCATION ACT—*continued.**Primary and Secondary Education of pupils requiring Special Educational Treatment.*

- § 33. Education of pupils requiring special educational treatment. p. 250.
34. Duty of local education authorities to ascertain what children require special educational treatment. p. 250.

Compulsory attendance at Primary and Secondary Schools.

35. Compulsory school age. p. 252.
36. Duty of parents to secure the education of their children. p. 252.
37. School attendance orders. p. 252.
38. Additional provisions as to compulsory attendance at special schools. p. 254.
39. Duty of parents to secure regular attendance of registered pupils. p. 254.
40. Enforcement of school attendance. p. 255.

Further Education.

41. General duties of local education authorities as to further education. p. 256.
42. Schemes of further education. p. 257.
43. County colleges. p. 257.
44. Duty to attend county colleges (college attendance notices). p. 258.
45. Administrative provisions to secure attendance at county colleges. p. 261.
46. Enforcement of attendance at county colleges. p. 262.
47. Interim provisions as to further education. p. 263.

*Supplementary Provisions as to Primary, Secondary and Further Education.**Ancillary Services.*

48. Medical inspection and treatment of pupils. p. 263.
49. Provision of milk and meals. p. 264.
50. Provision of board and lodgings otherwise than at boarding schools or colleges. p. 264.
51. Provision of clothing at local education authorities' schools. p. 265.
52. Recovery of cost of board and clothing. p. 265.
53. Facilities for recreation and social and physical training. p. 266.
54. Power to ensure cleanliness. p. 266.
55. Transport and other facilities. p. 268.
56. Power to provide primary and secondary education otherwise than at school. p. 268.
57. Duty of local education authorities to report to local authorities under the Mental Deficiency Act, 1913. p. 268.

Employment of Children and Young Persons.

58. Adaptation of enactments as to employment of children or young persons. p. 270.
59. Local education authorities' power to prohibit or restrict employment of children. p. 270.
60. Effect of college attendance notices on computation of working hours. p. 271.

Miscellaneous Provisions.

61. No fees in local education authorities' schools or county colleges. p. 271.
62. Duties of Minister and of local education authorities as to training of teachers. p. 272.
63. Exemption from building byelaws of buildings approved by the Minister. p. 272.
64. Exemption of voluntary schools from rates. p. 273.
65. Endowments for maintenance of voluntary schools. p. 273.
66. Power of local education authorities to assist governors of aided secondary schools in respect of liabilities incurred before commencement of Part II. p. 273.
67. Determination of disputes and questions. p. 273.
68. Power of Minister to prevent unreasonable exercise of functions. p. 274.
69. Power of Minister as to medical examinations and inspections. p. 274.

EDUCATION ACT—*continued.*

Part III.—Independent Schools :

- § 70. Registration of independent schools. p. 274.
 71. Complaints. p. 276.
 72, and Schedule 6. Determination of complaints. pp. 276, 321.
 73. Enforcement. p. 278.
 74. Removal of disqualifications. p. 278.
 75. Independent Schools Tribunals, Lord Chancellor's rules, sittings, right of audience, &c. p. 278.

Part IV.—General :

General Principle to be observed by Minister and Local Education Authorities.

76. Pupils to be educated in accordance with parents' wishes. p. 279.

Miscellaneous Provisions.

77. Inspection of educational establishments. p. 279.
 78. Medical treatment, milk, clothing, &c., for pupils not attending local education authorities' schools. p. 280.
 79. Local authorities' functions as to medical inspection and treatment. p. 281.
 80. Registration of pupils at schools. p. 282.
 81. Power of local education authorities to give assistance (scholarships, &c.). p. 282.
 82. Powers of local education authorities as to educational research. p. 283.
 83. Powers of local education authorities as to educational conferences. p. 283.
 84. Power of local education authorities to make grants to universities and university colleges. p. 283.
 85. Power of local education authorities to accept gifts for educational purposes. p. 283.
 86. Extension of power to make schemes under Endowed Schools Acts; modification of those Acts and of School Sites Act, 1841. p. 283.
 87. Exemption of assurances of property for educational purposes from Mortmain Acts. p. 285.

Administration Provisions.

88. Appointment of chief education officers of local education authorities. p. 285.
 89. Remuneration of teachers. p. 286.
 90. Compulsory purchase, reappropriation, sale, letting and exchange of land by local education authorities. p. 286.
 91. Accounts of councils of county boroughs; audit. p. 287.
 92. Reports and returns. p. 92.
 93. Power of Minister to direct local inquiries. p. 287.
 94. Certificates of birth and registrars' returns. p. 287.
 95. Evidence. p. 288.
 96. Trusts, property, officers, &c., of former authorities. p. 289.
 97. Modification of Local Government Staffs (War Service) Act, 1939. p. 289.
 98. Compensation of persons prejudicially affected. p. 290.
 99. Powers of Minister in default of local education authorities, managers or governors. p. 291.

Financial Provisions.

100. Grants in aid of Educational services. p. 292.
 101. Special provisions for Wales and Monmouthshire. p. 293.
 102. Maintenance contributions payable by Minister for aided schools and special agreement schools. p. 295.
 103. Power of Minister to make grants for aided schools and special agreement schools transferred to new sites or substituted for former schools. p. 295.
 104. Power of Minister to make grants for aided schools and special agreement schools established for accommodating displaced pupils. p. 295.
 105. Power of Minister to make loans to aided schools and special agreement schools for initial expenditure. p. 296.
 106. Contributions between local education authorities. p. 297.
 107. Expenses of Ministers of Education and Health. p. 298.

EDUCATION ACT—*continued*.

Part V.—Supplemental :

- § 108. Power to facilitate commencement of Part II. p. 299.
 109. Power of Minister to authorise local education authorities to provide temporary assistance for voluntary schools. p. 299.
 110, and Schedule 7. Power of Minister to adjust variations of rates consequentially. pp. 300, 321.
 111. Revocation and variation of orders and directions. p. 300.
 112. Regulations to be laid before Parliament. p. 300.
 113. Notices. p. 300.
 114. Interpretation. p. 301.
 115. Saving for persons in the service of the Crown. p. 306.
 116. Saving for persons of unsound mind or detained by order of court. p. 306.
 117. Application to London. p. 306.
 118. Application to Isles of Scilly. p. 307.
 119. Commencement. p. 307.
 120, and Schedule 8. Amendment of enactments, statutory references, &c. pp. 307, 323.
 121, and Schedule 9. Repeal of enactments. pp. 309, 328.
 122. Short title and extent. p. 309.
- Schedule I. Local administration. p. 310.
 „ II. Transfer to local education authority of interest in voluntary school premises. p. 315.
 „ III. Special agreements for certain voluntary schools. p. 316.
 „ IV. Meetings and proceedings of managers and governors. p. 318.
 „ V. Procedure for preparing and bringing into operation agreed syllabus of religious instruction. p. 319.
 „ VI. Constitution of Independent Schools Tribunals. p. 321.
 „ VII. Adjustment of variations of rates consequent upon commencement of Part II of this Act. p. 110.
 „ VIII. Amendment of enactments. p. 323.
 „ IX. Enactments repealed. p. 328.

EDUCATION, MINISTER OF (*see also* EDUCATION ACT). Appointment of (10 August, 1944; *see* S.R. & O. 1944 No. 937), transfer of property and functions to (c. 31, ss. 1-2) pp. 224-5

EMERGENCY. Restrictions on borrowing (c. 47, s. 47 (3)) p. 476

EMERGENCY LEGISLATION MEASURE : [8 & 9 Geo. 6] No. 1 p. xlii

- § 1. Expiration of Clergy (National Emergency Precautions) Measure, 1939, and Regulations. p. xlii.
 2. Temporary continuance of certain directions. p. xlii.
 3. Power of bishop to extend leave of absence of incumbent. p. xlii.
 4. Powers of Ecclesiastical Commissioners and Queen Anne's Bounty under section 3 of Clergy (National Emergency Precautions) Measure, 1939. p. xlii.
 5. Power of Ecclesiastical Commissioners to make special grants to clergymen. p. xliii.
 6. Further suspension of liabilities for maintenance and insurance. p. xliii.
 7. Continuance of Benefice Buildings (Postponement of Inspections and Repayment of Loans) Measure, 1940. p. xliii.
 8. War damage to glebe. p. xliii.
 9. Basis of representation to House of Laity at next election. p. xliv.
 10, and Schedule. Application of Measures to Channel Islands. p. xliv.
 11, and 12. Short title and interpretation. p. xliv.
 Schedule. p. xliv.

EMPLOYMENT (*see also* DISABLED PERSONS (EMPLOYMENT) ACT; REINSTATEMENT IN CIVIL EMPLOYMENT ACT) :

children and young persons (c. 31, ss. 58-60) pp. 270-1

ENTERTAINMENTS DUTY on season tickets, &c. (c. 23, s. 3) p. 100

ENTRY, POWER OF :

Housing (Temporary Accommodation) Act (c. 36, s. 5) p. 350

Town and Country Planning Act (c. 47, ss. 18, 50, sch. 6 para. 3)
 pp. 444, 476, 504

ESTATE DUTY. See DEATH DUTIES.

EVIDENCE : Under

- Diplomatic Privileges (Extension) Act (proof of title) (c. 44, ss. 1 (4), 3 (2))
pp. 404-5
- Disabled Persons (Employment) Act (c. 10, ss. 9 (7) (c), 14 (5), 19 (2) (6))
pp. 22, 27, 30-1
- Education Act : certificate of Minister and medical officer (c. 31, ss. 3 (3),
95) pp. 226, 288
- House of Commons (Redistribution of Seats) Act (Boundary Commission
instruments) (c. 41, s. 1, sch. 1 Part III) pp. 384, 391
- Landlord and Tenant (Requisitioned Land) Act (right to compensation, &c.)
(c. 5, s. 3) p. 3
- Ministry of National Insurance Act (certificate of Minister) (c. 46, s. 5) p. 409
- Police and Firemen (War Service) Act (grant of pensions, allowances or
gratuities) (c. 22, ss. 2, 3 (2)) pp. 91-2
- Prize Salvage Act (consent of Admiralty or Secy. of State) (c. 7, s. 1 (4))
p. 7
- Proving of reduced debts (c. 40, s. 18) p. 376
- Reinstatement in Civil Employment Act (certificate of Minister or competent
authority) (c. 15, ss. 17, 20, sch. 1) pp. 57, 59, 63
- Town and Country Planning Act (local inquiries) (c. 47, s. 51 (2)) ... p. 477
- Validation of War-Time Leases Act (tenancy agreements) (c. 34, s. 2 (1))
p. 342
- EXCESS PROFITS TAX. Finance Act provisions : c. 23 Part V (for sections see
p. 98) pp. 117-20
- EXCISE. See ARMORIAL BEARINGS ; BEER ; ENTERTAINMENTS DUTY ;
HACKNEY CARRIAGE ; SUGAR ; SWEETS ; WINE.
- EXPIRING LAWS CONTINUANCE ACT : [8 & 9 Geo. 6] c. 2 p. 514
- EYEMOUTH HARBOUR. Remission of arrears of principal and interest by
Public Works Loan Commissioners (c. 16, s. 2, sch. Part I) ... pp. 66-7

F.

FALSE STATEMENT (see also FRAUD ; PERJURY) :

- Disabled Persons (Employment) Act (records of employees) (c. 10, s. 14 (7))
p. 28
- Half-pay declaration (c. 30, s. 7 (2) ; c. 37, s. 4 (2)) pp. 176, 356
- Pensions (Increase) Act (c. 21, s. 6) p. 80
- FENLAND. Improving ways over fenland, recovery of expenses (c. 28, s. 7)
p. 161
- FINANCE ACT : c. 23 p. 97

Part I.—Customs and Excise :

- § 1, and Schedule 1. Beer. pp. 100, 129.
2. Sugar preferences. p. 100.
3. Entertainments duty on season tickets, &c. p. 100.
4. Bottling of vintage port in bond. p. 101.
5. Sweets. p. 101.
6. Repeal of armorial bearings and carriage duties. p. 101.
7. Repeal of provisions as to church-door notices and provision of forms. p. 101.
- 8, and 9. Licensed premises. pp. 101-2.

Part II (ss. 10-8, Schedule 2).—Purchase Tax. pp. 102-8, 131.

Part III (ss. 19-26).—Income Tax (charge of tax and miscellaneous). pp. 109-12.

Part IV (ss. 27-31).—Income Tax (expenditure on scientific research). pp. 113-6.

Part V (ss. 32-4).—Excess profits tax. pp. 117-20.

Part VI (ss. 35-41, Schedule 3).—Estate duty. pp. 121-5, 134.

FINANCE ACT—continued.

Part VII.—Miscellaneous :

- § 42, and Schedule 4. Trading with the enemy. pp. 126, 135.
- 43. Rate of succession and legacy duty (illegitimate children). p. 126.
- 44. Stamp duty on transfer of shares, stock or marketable securities previously transferable by delivery. p. 126.
- 45. Exemption of seamen's assignments from stamp duty. p. 127.
- 46. Extension of Barracks Act, 1890, s. 11 (stamp duty exemptions). p. 127.
- 47. Permanent annual charge for The National Debt. p. 127.
- 48. Amendment as to deficit for 1943-44. p. 127.
- 49, and Schedule 5. Short title, construction, extent and repeals. pp. 128, 141.
- Schedule I. Beer (Rates of Duty and Drawback). p. 129.
- „ II. Purchase tax (consequential and transitional provisions as to amendment of tax on imported goods). p. 131.
- „ III. Limitations on relief from estate duty chargeable under Finance Act, 1940, s. 44. p. 134.
- „ IV. Enemy property. p. 135.
- „ V. Enactments repealed. p. 141.

FIRE BRIGADES. See PENSIONS (INCREASE) ACT ; POLICE AND FIREMEN (WAR SERVICE) ACT.

FOOD AND DRUGS (MILK AND DAIRIES) ACT : c. 29 p. 166

- § 1, and 2. Amendments of ss. 20-1 (regulations, power of Min. of Health, &c., registration of dairymen, special designations, &c.) of Food and Drugs Act, 1938. pp. 166, 168.
- 3, and Schedule. Amendment of s. 22 (enforcement, &c.) of Food and Drugs Act, 1938. pp. 169, 173.
- 4. Consequential and supplementary amendments. p. 169.
- 5. Compensation to displaced officers. p. 170.
- 6. Superannuation rights of officers transferred from local authorities. p. 171.
- 7. Expenses of Minister of Agriculture and Fisheries. p. 172.
- 8. Interpretation. p. 172.
- 9. Short title, citation and commencement. p. 172.
- Schedule. Section 22 of Food and Drugs Act, 1938, as amended. p. 173.

FOREIGN STATE. See DIPLOMATIC PRIVILEGES (EXTENSION) ACT.

FRAUD (see also FALSE STATEMENT ; PERJURY). Fraudulent evasion of purchase tax (c. 23, s. 17) p. 108

G.

GOODS (see also PRIZE SALVAGE ACT) :

- Imported chargeable goods, &c. (purchase tax, customs) (c. 23, ss. 10-7, sch. 2) pp. 102-8, 131
- Property in goods subject to hire-purchase agreement (Scotland) (c. 6, s. 3) p. 6

GOVERNMENT DEPARTMENT (see also CROWN) :

- Disabled Persons (Employment) Act (vocational training expenses) (c. 10, ss. 2, 4-5, 18 (2)) pp. 16-7, 30
- Indemnity. *See NATIONAL FIRE SERVICE REGULATIONS (INDEMNITY) ACT.*
- Landlord and Tenant (Requisitioned Land) Act application (c. 5, s. 4). p. 4
- Transfers of powers under—
 - Education Act (c. 31, s. 2) p. 225
 - Food and Drugs (Milk and Dairies) Act (c. 29, s. 1)... .. p. 166
 - Min. of National Insurance Act (c. 46) p. 408

GOVERNOR-GENERAL OF INDIA. Leave of absence, &c. (c. 38, ss. 4-5) pp. 359-60

GREEN BELT. Saving under Town and Country Planning Act (c. 47, s. 14 (2)(5)) pp. 440-1

GREENWICH HOSPITAL. Pensions increased (temp.) (c. 21, s. 7) ... p. 80

GUARDIAN (see also GUARDIANSHIP (REFUGEE CHILDREN) ACT) :

Education Act provision (place of residence) (c. 31, s. 106) ... p. 297

GUARDIANSHIP (REFUGEE CHILDREN) ACT : c. 8 ... p. 8

- § 1. Appointment of guardian in England or Northern Ireland. p. 8.
 2. Appointment of tutor in Scotland. p. 11.
 3. Short title, interpretation and duration. p. 12.

H.**HACKNEY CARRIAGE.** Repeal of excise duties (c. 23, ss. 6, 49, sch. 5 Part II)
pp. 101, 128, 142**HEALTH, MINISTER OF :**

Milk and Dairies Regulations powers (c. 29, s. 1) ... p. 166

Transfer of power to Min. of National Insurance (c. 46, ss. 1 (a), 6 (1) (a)-(d))
pp. 408, 409*See also EDUCATION ACT (s. 107) ; HOUSING (TEMPORARY ACCOMMODATION) ACT ; HOUSING (TEMPORARY PROVISIONS) ACT ; RURAL WATER SUPPLIES AND SEWERAGE ACT.***HERRING INDUSTRY ACT : c. 32 ... p. 332**

- § 1. Grants for boats and equipment. p. 332.
 2. Additional powers for Herring Industry Board by scheme. p. 333.
 3. Payment of expenses of the Board, &c., out of moneys provided by Parliament. p. 334.
 4. Payment of advances to Board. p. 334.
 5. Power to extend period of financial assistance. p. 336.
 6. Extension of borrowing powers of Board. p. 336.
 7. Election of members of Board. p. 336.
 8. and Schedule. Minor and consequential amendments of Herring Industry Acts, 1935 and 1938. p. 337.
 9. Short title, construction and extent. p. 337
 Schedule. Amendments of Herring Industry Acts, 1935 and 1938. p. 337.

HIGH COURT. See SUPREME COURT.**HIGHWAY.** Town and Country Planning Act provisions (c. 47, ss. 3, 6, 9 (5), 14, 21, 23, sch. 2) ... pp. 421, 425, 429, 439, 449, 451, 492**HIRE-PURCHASE.** Property in goods subject to hire-purchase agreements (Scotland) (c. 6, s. 3) ... p. 6**HOME GUARD.** Reinstatement in Civil Employment Act restrictions (c. 15, ss. 20 (7), 22 (3)) ... pp. 60, 62**HOME SECRETARY :**Indemnity. *See NATIONAL FIRE SERVICE REGULATIONS (INDEMNITY) ACT.*

Transfer of functions to Min. of National Insurance (c. 46, ss. 1 (a) (c), 6 (1) (a)-(d) (g)) ... pp. 408-10

HOPS AND HOP OIL. Customs duties continued in Isle of Man (c. 27)... p. 154**HOUSE OF COMMONS. See PARLIAMENT.****HOUSE OF COMMONS DISQUALIFICATION (TEMPORARY PROVISIONS) ACT** (continuing the 1941 Act, and providing for the laying before House of Commons annual returns of certificates issued thereunder) : c. 11 p. 36**HOUSE OF COMMONS (REDISTRIBUTION OF SEATS) ACT : c. 41**

- § 1, and Schedule 1. Establishment of permanent Boundary Commissions. pp. 384, 389.
 2, and Schedule 2. Immediate division of constituencies having electorates exceeding 100,000. pp. 384, 392.
 3, and Schedule 3. Initial report of Commissions on redistribution. pp. 386, 392.

HOUSE OF COMMONS (REDISTRIBUTION OF SEATS) ACT—*continued.*

- § 4. Periodical reports of Commissioners on redistribution. p. 386.
 5. Reports and Orders in Council. p. 388.
 6. University constituencies excepted. p. 388.
 7. Interpretation. p. 389.
 8. Short title and citation. p. 389.
- Schedule I. Constitution, officers, expenses and procedure of Boundary Commissions. p. 389.
 „ II. Constituencies to be divided and number of new constituencies. p. 392.
 „ III. Rules for distribution of seats. p. 392.

HOUSING (*see also* HOUSING (SCOTLAND) ACT ; HOUSING (TEMPORARY ACCOMMODATION) ACT ; HOUSING (TEMPORARY PROVISIONS) ACT ; TOWN AND COUNTRY PLANNING ACT) :

- Displacements (c. 47, ss. 18, 30, 48, sch. 5) ... pp. 444, 461, 476, 499
 Parsonage houses (schemes) (No. I, s. 25) ... p. xix
- HOUSING (SCOTLAND) ACT : c. 39 ... p. 361
- § 1. Contributions for new housing accommodation provided by local authorities before Oct. 1, 1947. p. 361.
 2. Compulsory purchase orders : temporary suspension of local inquiries. p. 361.
 3. Grants to Scottish Special Housing Association. p. 362.
 4. Advances to Scottish Special Housing Association from moneys borrowed by Treasury. p. 362.
 5. Valuation of houses provided by Scottish Special Housing Association. p. 363.
 6. Scottish Special Housing Association and Local Government Superannuation (Scotland) Act, 1937. p. 363.
 7. Contributions to be paid out of Exchequer. p. 363.
 8. Short title. p. 363.

HOUSING (TEMPORARY ACCOMMODATION) ACT : c. 36 (E.S.) ... p. 347

- § 1. Structures for temporary housing available to housing authorities. p. 347.
 2. Removal of structures made available under s. 1. p. 348.
 3. Terms on which structures may be made available under s. 1. p. 348.
 4. Adaptation of Housing Act, 1936. p. 349.
 5. Power to enter on land to ascertain whether suitable for erection of structures under s. 1. p. 350.
 6. Temporary powers for obtaining land for erection of structures. p. 350.
 7. Application to Scotland. p. 352.
 8. Financial provisions. p. 353.
 9. Short title, construction, citation and extent. p. 354.

HOUSING (TEMPORARY PROVISIONS) ACT : c. 33 (E.) ... p. 338

- § 1. Contributions for new housing accommodation provided by local authorities before Oct. 1, 1947. p. 338.
 2. Compulsory purchase orders : temporary suspension of local inquiries. p. 339.
 3. Short title, construction, citation and extent. p. 339.

I.

INCOME TAX (*see also* INCOME TAX (OFFICES AND EMPLOYMENTS) ACT ; RAILWAY) :

Diplomatic Privileges (Extension) Act (exemption from tax) (c. 44, s. 1, sch.) pp. 403, 406

Finance Act, 1944, Parts III (charge of tax, &c.) and IV (expenditure on scientific research) (for sections *see* p. 98) : c. 23 ... pp. 109, 113
 annual rate of tax and surtax (ss. 19-20) ... p. 109
 clergymen's house allowance (s. 22) ... p. 109
 diminution of earned income (relief) (s. 21) ... p. 109
 Dominion income tax reliefs (s. 23) ... p. 109
 maintenance orders (s. 25) ... p. 111
 sale of copyrights for lump sum (s. 24) ... p. 110
 scientific research (allowances, &c.) (ss. 27-34) ... pp. 113-6
 simplification of procedure (s. 26) ... p. 112
 trading with the enemy (enemy property) (s. 42, sch. 4) ... pp. 126, 135

- INCOME TAX (OFFICES AND EMPLOYMENTS) ACT : c. 12 p. 37**
- § 1. Extension of Income Tax (Employments) Act, 1943, to all emoluments under Schedule E. p. 37.
2. Transfer of annuities out of superannuation funds to Schedule E. p. 37.
3. Deductions and repayment of tax. p. 38.
4. Extension of discharge provisions of 1943 Act. p. 38.
5. Service in or with armed forces of the Crown. p. 38.
6. Discharge of outstanding tax for years before 1943-44 (Crown or railway employment). p. 39.
7. Emoluments of offices and employments held in course of trade, profession or vocation. p. 40.
8. Certain increases in remuneration to be chargeable to tax. p. 41.
9. and Schedule. Short title, interpretation, construction and repeals. pp. 41-2.
- Schedule. Enactments repealed. p. 42.

INDEMNITY. See NATIONAL FIRE SERVICE REGULATIONS (INDEMNITY) ACT

INDEPENDENT SCHOOLS :

- Registration, &c. See EDUCATION ACT, c. 31 Part III (ss. 70-5, sch. 6)
pp. 274-8, 321
- Tribunals (c. 31, ss. 72-5, sch. 6) pp. 276-9, 321

INDIA (see also INDIA (ATTACHMENT OF STATES) ACT ; INDIA (MISCELLANEOUS PROVISIONS) ACT. Prize Salvage Act applicable to British India (c. 7, s. 2) p. 7

INDIA (ATTACHMENT OF STATES) ACT : c. 14 p. 43

INDIA (MISCELLANEOUS PROVISIONS) ACT (to amend the Government of India Act, 1935) : c. 38 p. 358

- § 1. Extension of term of office of members of Provincial Legislation Councils. p. 358.
2. Judges to vacate office on transfer. p. 359.
3. Reduction of minimum numbers of advisers of Secy. of State. p. 359.
4. Leave of absence of Governor-General, &c. p. 359.
5. Acting appointments during absence of Governor-General, &c., on leave. p. 360.
6. Supplemental. p. 360.
7. Short title. p. 360.

INDUSTRIAL REHABILITATION COURSES (c. 10, ss. 3-5) p. 17

INFORMATION. Furnishing of—

- by local authorities to Min. of Education (c. 31, s. 92) p. 287
- by local planning authority to Min. of Town and Country Planning (c. 47, s. 31) p. 462
- compulsory purchase orders registration (c. 47, s. 17 (2)) p. 443

INSURANCE. See MINISTRY OF NATIONAL INSURANCE ACT ; UNEMPLOYMENT INSURANCE (INCREASE OF BENEFIT) ACT.

ISLE OF MAN (see also ISLE OF MAN (CUSTOMS) ACT). Application to, of—
Prize Salvage Act (c. 7, s. 2) p. 7

Reinstatement in Civil Employment Act. (c. 15, s. 23)... .. p. 62

ISLE OF MAN (CUSTOMS) ACT (continuation of annual duties) : c. 27 ... p. 153

ISLES OF SCILLY. See SCILLY ISLES.

L.

LABOUR AND NATIONAL SERVICE, MINISTER OF.

- Transfer of functions to Min. of National Insurance (c. 46, ss. 1 (b), 6 (1) (e) (f)) pp. 408, 410
- See also DISABLED PERSONS (EMPLOYMENT) ACT ; REINSTATEMENT IN CIVIL EMPLOYMENT ACT.

- LAND (see also COMMON, RIGHTS OF ; HOUSING (TEMPORARY ACCOMMODATION) ACT ; LAND DRAINAGE ; TOWN AND COUNTRY PLANNING ACT) :
 acquisition for public purposes (compensation) (c. 47 Part II (ss. 57-62) schs. 7, 8) pp. 482-8, 508-9
 land for educational purposes (c. 31, ss. 85-7, 90) pp. 283-6
 requisitioned land. See LANDLORD AND TENANT (REQUISITIONED LAND) ACT.
- LAND DRAINAGE. Extension of time for recovery of expenses (c. 28, s. 7) p. 161
- LANDLORD AND TENANT (see also LANDLORD AND TENANT (REQUISITIONED LAND) ACT ; VALIDATION OF WAR-TIME LEASES ACT) :
 Leases under Liabilities (War-Time Adjustment) Act (c. 40, s. 6) ... p. 369
 Town and Country Planning Act provisions (c. 47, ss. 18, 53, 57, schs. 6, 7) pp. 444, 477, 482, 503, 508
- LANDLORD AND TENANT (REQUISITIONED LAND) ACT : c. 5 p. 2
- § 1. Modification of obligations under repairing covenants where damage occurs to requisitioned freeholds. p. 2.
 2. Rights of tenant upon making good damage for which compensation is paid to landlord. p. 3.
 3. Evidence of right to compensation, &c. p. 3.
 4. Application to Crown, Duchy of Cornwall, Govt. Department, &c. p. 4.
 5, and 6. Interpretation, short title and citation. pp. 4, 5.
- LAW OFFICERS ACT (for discharge of functions of Attorney General, Lord Advocate and Attorney General for Northern Ireland respectively by Solicitor General, Solicitor General for Scotland, and deputy in certain cases) : c. 25 p. 145
- LEASE (see also LANDLORD AND TENANT ; LANDLORD AND TENANT (REQUISITIONED LAND) ACT ; LIABILITIES (WAR-TIME ADJUSTMENT) ACT ; VALIDATION OF WAR-TIME LEASES ACT). Expenses under lease for supply of water or sewage disposal (c. 26, s. 1 (3)) p. 147
- LIABILITIES (WAR-TIME ADJUSTMENT) ACT : c. 40 p. 364
Adjustment and Settlement of Moratorium Debts.
- § 1. Services of liabilities adjustment officers in settling moratorium debts and liabilities. p. 364.
 2. Powers of court to settle moratorium debts and liabilities. p. 365.
 3. Power to extend foregoing sections to additional areas. p. 367.
Amendments of Liabilities (War-Time Adjustment) Act, 1941.
 4, and Schedule 1. Amendment of section 3 (application for adjustment) of 1941 Act. pp. 367, 377.
 5, and Schedule 1. Amendment of section 4 (liabilities adjustment order). pp. 368, 377.
 6. Amendment in relation to leases. p. 369.
 7. Amendment in relation to mortgages. p. 370.
 8. Relief from rates. p. 372.
 9. Effect of protection order on certain proceedings in respect of rates. p. 373.
 10. Repeal of part of section 8 (court's duty to secure payment under contract retained by debtor, &c.) of 1941 Act. p. 373.
 11. Abolition of preference for proved debts. p. 373.
 12. Power to compromise claims. p. 373.
 13. Power to allow personal representatives to bring liabilities adjustment proceedings. p. 374.
 14. Application of Part I of 1941 Act to property and businesses held on trust. p. 374.
 15. Protection of liabilities adjustment officers. p. 375.
 16. Registration of protection orders and liabilities adjustment orders. p. 375.
 17. Court to have powers under Moneylenders Act, 1900. p. 375.
 18. Proving of reduced debts. p. 376.
 19. Powers of court in pending proceedings. p. 376.
 20, and Schedule 2. Minor and consequential amendments of 1941 Act. p. 376.
 21, and 22. Interpretation, short title and citation. p. 376.
 Schedules 1 and 2. Amendments of 1941 Act. pp. 377, 379.

LICENSED PREMISES :

- Term licences (continuance in force pending confirmation) (c. 23, s. 8) p. 101
- Town and Country Planning Act provisions (purchase) (c. 47, s. 15)... p. 442
- War damage while licence suspended (c. 23, s. 9) p. 102

LIME. Exchequer contributions towards purchase of lime (c. 28, ss. 4, 9)
pp. 159, 163

LIVE STOCK. Improvement of Live Stock (Licensing of Bulls) Act, 1931,
extended to pigs (c. 28, s. 6) p. 160

LOCAL AUTHORITIES (*see also* **FOOD AND DRUGS (MILK AND DAIRIES) ACT ;
HOUSING (SCOTLAND) ACT ; HOUSING (TEMPORARY ACCOMMODATION)
ACT ; HOUSING (TEMPORARY PROVISIONS) ACT ; PENSIONS (INCREASE)
ACT ; RURAL WATER SUPPLIES AND SEWERAGE ACT ; TOWN AND COUNTRY
PLANNING ACT**) :

- Elections postponed. *See* **LOCAL ELECTIONS AND REGISTER OF ELECTORS
(TEMPORARY PROVISIONS) ACT.**
- Expenses under Disabled Persons (Employment) Act (c. 10, s. 15 (5)) p. 29
- Local education authorities. *See* **EDUCATION ACT.**
- London. *See* **LONDON.**

**LOCAL ELECTIONS AND REGISTER OF ELECTORS (TEMPORARY PROVISIONS)
ACT :** [8 & 9 Geo. 6] c. 3 p. 517

LOCAL LOANS. Assets of Local Loans Fund written off (c. 16, s. 2) ... p. 66

LONDON (*see also* **LOCAL AUTHORITIES ; LONDON COUNTY COUNCIL**) :

- Application to, of—
- Education Act (c. 31, s. 117) p. 306
- Housing (Temporary Accommodation) Act (c. 36, s. 4) p. 349
- Liabilities (War-Time Adjustment) Act (relief from poor rate) (c. 40,
s. 8 (5)) p. 373
- City of London constituency (c. 41, s. 3 (1), sch. 3) pp. 386, 394
- Town and Country Planning Act provisions (c. 47, ss. 17, 19, 56)
pp. 447, 481

LONDON COUNTY COUNCIL :

- Education Act application (c. 31, s. 117) p. 306
- Town and Country Planning Act (borrowing powers, registration of orders
as to land charges) (c. 47, ss. 17, 47 (2)) pp. 443, 475

LORD ADVOCATE (*see also* **LAW OFFICERS ACT**). Prosecution under Disabled
Persons (Employment) Act (c. 10, s. 19 (2) (6)) pp. 30-1

LORD CHANCELLOR :

- Independent Schools Tribunals (rules, legal panels, &c.) (c. 31, ss. 72, 75,
sch. 6) pp. 276, 278, 321
- Moratorium debt provisions (extension outside evacuation areas) (c. 40, s. 3)
p. 367
- Puisne judges (appointment, attachment and transfer) (c. 9) p. 12
- Town and Country Planning Act provisions (c. 47) :
- Appointment of chairman of compensation tribunal ; rules of procedure
(s. 13, sch. 4 Part II) pp. 437, 498
- Rules as to compensation for purchase of land under War Damage Act,
1943 (s. 61, sch. 8 para. 3) pp. 487, 512
- Trustee (owner-occupier), regulations adapting references as to (s. 58 (6) (a))
p. 485

LORD PRESIDENT OF THE COUNCIL. Independent Schools Tribunals (con-
stitution, &c.) (c. 31, s. 75, sch. 6) pp. 278, 321

M.

- MAINTENANCE ORDERS.** Income tax provisions (c. 23, s. 25) p. 111
- MANDAMUS.** Enforcement by, under—
 Education Act (c. 31, s. 99 (1)) p. 291
 Town and Country Planning Act (c. 47, s. 32 (2)) p. 463
- MANDATED TERRITORY.** Application to, of—
 Matrimonial Causes (War Marriages) Act (c. 43, s. 4 (3)) p. 401
 Prize Salvage Act (c. 7, s. 2) p. 7
- MARINES.** *See* ARMED FORCES; NAVAL FORCES (EXTENSION OF SERVICE) ACT; STAMP DUTY.
- MARRIAGE** (*see also* GUARDIANSHIP (REFUGEE CHILDREN) ACT; MATRIMONIAL CAUSES (WAR MARRIAGES) ACT):
 Parishioners' rights in respect of marriages in parish church (No. 1, s. 28) p. xx
 Women teachers not disqualified by (c. 31, s. 24 (3)) p. 243
- MATCHES.** Isle of Man customs duty continued (c. 27) p. 154
- MATRIMONIAL CAUSES (WAR MARRIAGES) ACT:** c. 43 p. 399
 § 1. Extension of High Court jurisdiction irrespective of domicile. p. 399.
 2. Extension of jurisdiction of Court of Session irrespective of domicile. p. 400.
 3. Power of Parliament of Northern Ireland to make similar provision. p. 400.
 4. Recognition of decrees and orders in British courts. p. 400.
 5 and 6. Interpretation and short title. p. 402.
- MEASURES.** *See* CHURCH ASSEMBLY MEASURES.
- MEDICAL INSPECTION.** Education Act provisions (c. 31):
 child suffering from disability of mind (ss. 34, 57, 116)... pp. 251, 268, 306
 persons and clothing of pupils (ss. 54, 117 (2)) pp. 266, 306
 regulations by Minister (s. 69) p. 274
 schools (examination and treatment) (ss. 13 (7), 34, 48, 78 (2), 79, 113) pp. 234, 250, 263, 281, 302
 signed certificate of medical officer as evidence (s. 95 (3) (d))... .. p. 288
- MEDICAL PROFESSION** (*see also* MEDICAL INSPECTION):
 Appointment of medical practitioners to district advisory committee (Disabled Persons (Employment) Act) (c. 10, s. 17, sch. 2 para. 3) pp. 30, 35
 Medical benefit transferred to Min. of National Insurance (c. 46, ss. 1 (a), 6 (1) (a)) pp. 408-9
- MERCANTILE MARINE** (*see also* PRIZE SALVAGE ACT):
 Disabled Persons (Employment) Act (employment in British ship) (c. 10, ss. 16, 21) pp. 29, 32
 Exemptions from—
 further education (member of mercantile marine or sea fishing industry) (c. 31, s. 44 (8) (d)) p. 261
 stamp duty (assignments by seamen) (c. 23, s. 45) p. 127
 Herring Industry Act scheme (c. 32, ss. 1, 2 (1) (a)) pp. 332-3
- MILK AND DAIRIES:**
 Milk and Dairies Regulations (powers, &c.). (*See* FOOD AND DRUGS (MILK AND DAIRIES) ACT).
 Provision of milk and meals at schools (c. 31, ss. 13 (7), 49, 78 (2)) pp. 234, 264, 281
- MINERALS.** Exception from compulsory purchase of land (c. 47, s. 18 (4)) p. 444

- MINISTRY OF NATIONAL INSURANCE ACT : c. 46** p. 408
- § 1. Appointment and functions of Minister. p. 408.
 2. Oath of allegiance and official oath. p. 408.
 3. Remuneration, appointment of officers, expenses, &c. p. 408.
 4. Capacity to sit in House of Commons. p. 409.
 5. Seal, style and acts of Minister. p. 409.
 6. Transfer of functions by Orders in Council. p. 409.
 7. Short title. p. 412.

MONMOUTH, COUNTY OF. Linked with Wales for purposes of—

- Education Act (finance) (c. 31, s. 101) p. 293
 House of Commons (Redistribution of Seats) Act (part of Wales) (c. 41, s. 1 (4))
 p. 384

MORATORIUM DEBT. See **LIABILITIES (WAR-TIME ADJUSTMENT) ACT.**

MORTGAGE :

- Agricultural Mortgage Corporation (increase of resources) (c. 28, ss. 2, 8 (b))
 pp. 157, 162
 Liabilities (War-Time Adjustment) Act provisions (c. 40, s. 7) ... p. 370

MORTMAIN. Exemption of assurances of property for educational purposes
 (c. 31, s. 87) p. 285

N.

NATIONAL ADVISORY COUNCIL (Disabled Persons (Employment)) (c. 10, s. 17
 sch. 2) pp. 30, 34

NATIONAL AGRICULTURAL ADVISORY SERVICE (c. 28, ss. 1, 8 (a), sch.)
 pp. 155, 162, 164

NATIONAL DEBT (see also **CONSOLIDATED FUND ; NATIONAL LOANS ACT ;
 PUBLIC WORKS LOANS ACT ; TREASURY BILLS**) :

- Deficit for 1943-44 (c. 23, s. 48) p. 127
 Interest on borrowing paid from, under Housing (Scotland) Act (c. 39,
 s. 4 (5)) p. 363
 Permanent annual charge for 1944-45 (c. 23, s. 47) p. 127

NATIONAL FIRE SERVICE. See **NATIONAL FIRE SERVICE REGULATIONS
 (INDEMNITY) ACT ; PENSIONS (INCREASE) ACT ; POLICE AND FIREMEN
 (WAR SERVICE) ACT.**

NATIONAL FIRE SERVICE REGULATIONS (INDEMNITY) ACT (indemnity for
 failure to lay before Parliament regulations made under Fire Services
 (Emergency Provisions) Act, 1941) : c. 35 p. 345

NATIONAL HEALTH INSURANCE. Transfer of functions to Min. of National
 Insurance (c. 46, ss. 1 (a), 6 (1) (a)) pp. 408-9

NATIONAL INSURANCE. See **MINISTRY OF NATIONAL INSURANCE ACT.**

NATIONAL LOANS ACT (to extend powers of Treasury under section 1 of 1939
 Act) : c. 19 p. 72

NATIONAL LOANS ACT, 1939. Power of Treasury to raise money under, by—
 Housing (Scotland) Act (c. 39, s. 4 (3)) p. 362
 Housing (Temporary Accommodation) Act (c. 36, s. 8 (2)) p. 353

NAVAL FORCES (EXTENSION OF SERVICE) ACT : c. 13 p. 42

- § 1. Extension of period of service of seamen, marines and members of naval
 reserves. p. 42.
 2. Extension of period for recall of members of naval reserves. p. 43.
 3. Short title and interpretation. p. 43.

NAVY. *See* ARMED FORCES ; NAVAL FORCES (EXTENSION OF SERVICE) ACT ;
STAMP DUTY.

NEWFOUNDLAND. Application of Prize Salvage Act (c. 7, s. 2) ... p. 7

NORTHERN IRELAND (*see also* HOUSE OF COMMONS (REDISTRIBUTION OF SEATS)
ACT ; PROLONGATION OF PARLIAMENT ACT).

Application to, of—

Finance Act (c. 23, s. 49 (8), sch. 4) ... pp. 128, 135

Guardianship (Refugee Children) Act (c. 8, s. 1 (9)) ... p. 10

Herring Industry Act (c. 32, s. 9 (2)) ... p. 337

Landlord and Tenant (Requisitioned Land) Act (c. 5, s. 1 (4)) ... p. 3

Reinstatement in Civil Employment Act (c. 15, s. 22) ... p. 61

Attorney General for. *See* LAW OFFICERS ACT.

Legislative competence to enact equivalent of—

Disabled Persons (Employment) Act (c. 10, s. 22 (2)) ... p. 32

Matrimonial Causes (War Marriages) Act (c. 43, s. 3) ... p. 400

Ministry of National Insurance Act (c. 46, s. 6 (5)) ... p. 411

Police and Firemen (War Service) Act (c. 22, s. 6 (1)) ... p. 95

Validation of War-Time Leases Act (c. 34, s. 6 (2)) ... p. 344

Smuggling, prevention of (c. 23, s. 11 (5)) ... p. 105

O.

OATH. Taken by Minister of—

Education (c. 31, s. 1 (4)) ... p. 225

National Insurance (c. 46, s. 2) ... p. 408

OLD AGE PENSIONS. Transfer of functions to Min. of National Insurance
(c. 46, ss. 1 (a), 6 (1) (b) (c) (d)) ... pp. 408-10

OPEN SPACES. Town and Country Planning Act (c. 47, ss. 10, 14, 29)
pp. 430, 439, 460

P.

PARLIAMENT (*see also* ACT OF PARLIAMENT) :

Boundary Commission, M.P. disqualified for membership of (c. 41, s. 1, sch. 1)
pp. 384, 390

Capacity to sit in House of Commons (Min. of National Insurance) (c. 46,
s. 4) ... p. 409

Disqualification for sitting in Parliament—

temporary exemption (on certificate) (c. 11) ... p. 36

Prolongation of Parliament (c. 45) ... p. 407

Provisional orders under Town and Country Planning Act (c. 47, ss. 35 (3),
36 (1)) ... pp. 466-7

Redistribution of seats (c. 41) ... p. 384

Regulations laid before Parliament, indemnity for default as to (Nat. Fire
Services Regs.) (c. 35) ... p. 345

Report to Parliament under—

Education Act (c. 31, s. 5) ... p. 226

Herring Industry Act (c. 32, ss. 4 (6), 7) ... pp. 336-7

House of Commons Disqualification (Temp. Provisions) Act (c. 11) p. 36

Resolution of both Houses required for—

draft O. in C.—

extending s. 1 of Pensions (Increase) Act (c. 21, s. 4 (4)) ... p. 79

giving effect to Boundary Commissions' recommendations (c. 41, s. 5

(4) (7)) ... p. 388

Treasury order as to compensation under Town and Country Planning
Act (c. 47, s. 60 (3)) ... p. 487

War-time registration of Parliamentary electors (c. 24) ... p. 143

- PARLIAMENTARY. ELECTORS (WAR-TIME REGISTRATION) ACT (temporarily amending the 1943 Act, as to qualifying date for an election and qualifications required for registration in the civilian residence and business premises registers) : c. 24 p. 143
- PENSION (*see also* PENSIONS (INCREASE) ACT ; POLICE AND FIREMEN (WAR SERVICE) ACT) :
 Income Tax (Offices and Employments) Act provisions (c. 12, ss. 1, 5, 9 (2)) pp. 37-8, 41
 Incumbent of benefice ceasing to exist (No. 1, s. 15) p. xii
 Old age and contributory pensions functions transferred from Min. of Health to Min. of National Insurance (c. 46, ss. 1 (a), 6 (1) (a), (c), (d)) pp. 408-10
- PENSIONS (INCREASE) ACT : c. 21 p. 73
- § 1. Increase of pensions for public service. p. 74.
 2. Special provisions for increase of pensions under the Superannuation Acts. p. 76.
 3. Supplementary and administrative provisions. p. 76.
 4. Extension of section one. p. 79.
 5. Financial provisions. p. 79.
 6. Penalty for false statements, &c. p. 80.
 7. Increase of pensions of naval, military and air force pensioners. p. 80.
 8. Interpretation. p. 80.
 9. Application to Scotland. p. 81.
 10. Short title, expiry and extent. p. 82.
- Schedule I. Pensions which may be increased under this Act. p. 83.
 .. II. Authorised increases of certain pensions. p. 84.
- PERJURY (*see also* FALSE STATEMENT). Half-pay declaration (Appropriation Acts) (c. 30, s. 7 (2) ; c. 37, s. 4 (2)) pp. 176, 356
- PIGS. *See* LIVE STOCK.
- POLICE. *See* PENSIONS (INCREASE) ACT ; POLICE AND FIREMEN (WAR SERVICE) ACT.
- POLICE AND FIREMEN (WAR SERVICE) ACT : c. 22 p. 86
- § 1. Grants in case of death or incapacity. p. 86.
 2. Determination of questions and medical appeals. p. 91.
 3. Presumption of death of persons serving in forces. p. 92.
 4. Alteration of certain time limits in 1939 Act. p. 93.
 5. Effect of suspension of right to retire on pension. p. 94.
 6. Consequential amendment of enactments. p. 95.
 7. Short title, citation, interpretation and extent. p. 97.
- POST OFFICE :
 Powers of Postmaster-General under Town and Country Planning Act (c. 47, ss. 4, 9 (4), 23 (4)) pp. 423, 429, 451
 Regulations as to chargeable goods (customs) (c. 23, s. 11 (7)) ... p. 105
- PRIZE SALVAGE ACT (to prevent claims being made without consent of Admiralty or Secretary of State) : c. 7 p. 7
- PROLONGATION OF PARLIAMENT ACT : c. 45 p. 407
- PUBLIC WORKS LOAN COMMISSIONERS :
 Illness, &c. of secretary (c. 16, s. 4) p. 67
 Power to make loans (c. 47, s. 47) p. 475

PUBLIC WORKS LOANS ACT : c. 16	p. 65
§ 1. Grants for public works.	p. 65.
2. and Schedule. Debts not reckoned as assets of Local Loans Fund.	pp. 66, 67.
3. Remission of arrears of principal and interest in respect of Eyemouth Harbour Board.	p. 66.
4. Performance of functions of secretary of Public Works Loan Commissioners in event of illness, &c.	p. 67.
5. Short title.	p. 67.
Schedule. Loans by Public Works Loan Commissioners.	p. 67.
PURCHASE TAX. Finance Act provisions (c. 23 Part II, sch. 2 (for sections see p. 98))	pp. 102, 131

R.

RAILWAY :

Compulsory purchase of land order (c. 47, s. 18 (4))	p. 444
Persons in railway employment (income tax discharge for years before 1943-44 (c. 12, s. 6))	p. 39

RATES :

Min. of Education's power to adjust variations (c. 31, s. 110, sch. 7)	pp. 300, 321
Protection order a remedy against liability for rates (c. 40, s. 9)	... p. 373
Protection from rates under—	
Diplomatic Privileges (Extension) Act (c. 44, s. 1, sch.)	... pp. 403, 406
Liabilities (War-Time Adjustment) Act (c. 40, s. 8)	... p. 372
Voluntary schools exemption (c. 31, s. 64)	... p. 273

RECREATION. Playing fields, social and physical training at schools (c. 31, ss. 13 (7), 43, 53)	pp. 234, 257, 266
---	-------------------

REGISTRATION (see also REORGANISATION AREAS MEASURE) :

Dairymen and dairies. See FOOD AND DRUGS (MILK AND DAIRIES) ACT.	
Disabled persons (c. 10, ss. 6-15, 22 (4))	... pp. 17-29, 33
Electoral registration. See PARLIAMENTARY ELECTORS (WAR-TIME REGISTRATION) ACT.	
Independent Schools Tribunal orders (c. 31, s. 75 (3))	... p. 279
Pedigree bulls or boars (c. 28, s. 6 (3) (a))	... p. 160
Protection orders and liabilities adjustment orders (c. 40, s. 16)	... p. 375
Pupils at schools (c. 31, ss. 80, 94)	... pp. 282, 287
Purchase tax (small businesses, &c.) (c. 23, ss. 10-8)	... pp. 102-8
Town and Country Planning Act (orders as local land charges) (c. 47, s. 17)	p. 443

REINSTATEMENT IN CIVIL EMPLOYMENT ACT : c. 15

§ 1. Obligation of employers to reinstate former employees.	p. 45.
2. Applications for reinstatement (method, time and duration).	p. 47.
3. Applicant to state date of availability for employment.	p. 48.
4. Obligation of employers to continue to employ reinstated employees.	p. 48.
5. Priority of claims to employment.	p. 49.
6. and Schedule 1. Persons to whom Act applies ; meaning of references to beginning and end of war service.	pp. 50, 63.
7. Meaning of " former employer ".	p. 50.
8. Reinstatement Committees, umpire and deputy umpire.	p. 51.
9. and Schedule 2. Jurisdiction of Reinstatement Committee.	pp. 52, 63.
10. Appeals from Reinstatement Committees.	p. 52.
11. Enforcement.	p. 53.
12. Special provisions as to re-enlistment, &c.	p. 54.
13. Application of Act to certain persons whose war services ended before its commencement.	p. 55.

REINSTATEMENT IN CIVIL EMPLOYMENT ACT—*continued.*

- § 14. Prevention of evasion. p. 56.
- 15. Waiver, &c. p. 56.
- 16. Regulations. p. 57.
- 17. and Schedule I. Evidence. pp. 57, 63.
- 18. Priority in bankruptcy, winding-up, &c., of sums ordered to be paid under Act. p. 58.
- 19. Expenses. p. 59.
- 20. Interpretation. p. 59.
- 21. Application to Scotland. p. 61.
- 22. Application to Northern Ireland. p. 61.
- 23. Power to extend Act to Isle of Man. p. 62.
- 24. Short title, commencement and repeals. p. 62.
- Schedule I. Women's services. p. 63.
- " II. Orders of Reinstatement Committees. p. 63.
- " III. Enactments repealed. p. 65.

RELIGIOUS EDUCATION. In schools (c. 31, ss. 25–30, 67 (3), 77 (5) (6), 86, sch. 3 para. 7, sch. 5) pp. 243–8, 273, 280, 283, 317, 319

REORGANISATION AREAS MEASURE : No. I p. ii

Part I.—Reorganisation Areas :

- § 1. Proposals for forming ecclesiastical reorganisation areas. p. ii.
- 2. Power of Ecclesiastical Commissioners to approve or reject proposals. p. iii.
- 3. Publication of order forming area. p. iv.

Part II.—Preparation and Confirmation of Reorganisation Schemes :

- 4. Proposals for preparing reorganisation schemes. p. iv.
- 5. Procedure for preparing schemes. p. v.
- 6. Procedure as to objections to schemes and confirmation of schemes. p. v.
- 7. Constitution of Special Committees. p. vii.
- 8. Effect, commencement and publication of confirmed schemes. p. viii.
- 9. Supplementary schemes. p. ix.

Part III.—Contents and effect of Schemes :

New benefices and patronage.

- 10. Effect of formation of new benefices. p. x.
- 11. First incumbents of new benefices. p. x.
- 12. Patronage of new benefices. p. x.
- 13. Agreements as to exchange, surrender or assignment of patronage rights. p. xi.
- 14. Exclusion of certain enactments. p. xi.

Compensation to certain Incumbents.

- 15. Compensation to incumbent of benefice ceasing to exist, or incumbent or curate displaced from his residence. p. xii.

Endowments and Property.

- 16. Vesting of endowments of benefices in Commissioners. p. xiv.
- 17. Allocation of income to benefices. p. xv.
- 18. Vesting of curacy endowments. p. xvi.
- 19. Vesting of churches, parsonage houses, &c. p. xvii.

Churches, parsonage houses, &c.

- 20. Schemes dealing with churches. p. xvii.
- 21. and schedule 1. Removal of human remains from church site, disposal of urns, monuments, &c. pp. xviii, xxxvii.
- 22. Protection of churchyards and burial grounds. p. xviii.
- 23. Protection of site of demolished church and churchyard. p. xix.
- 24. Transfer of registers. p. xix.
- 25. Schemes dealing with parsonage houses, &c. p. xix.
- 26. Protection for buildings of historical, architectural and artistic interest or value. p. xix.

Church and Parochial Trusts and Funds, and Rights of Parishioners.

- 27. and schedule 2. Church and parochial trusts and funds, and lectureships attached to churches. pp. xx, xxxix.
- 28. Rights of parishioners in respect of marriages, burials, &c. p. xx.

Subsidiary Provisions.

- 29. Incidental, supplementary and consequential provisions. p. xx.

REORGANISATION AREAS MEASURE—*continued.*

Part IV.—Administration, Miscellaneous and General Provisions.

Administration and finance.

- § 30. Diocesan stipends funds. p. xxi.
 31. Execution of works. p. xxii.
 32. Vesting of property directed to be demolished or disposed of. p. xxii.
 33. General and diocesan reorganisation funds. p. xxiv.
 34. War damage payments. p. xxv.
 35. Variation of existing dilapidation assessments, &c. p. xxvi.
 36. Transfer of stocks, bank credits, &c. p. xxvi.
 37. Fees payable to diocesan registrars. p. xxvii.

Miscellaneous.

38. Temporary restriction on exercise of patronage. p. xxvii.
 39. Orders and schemes affecting two dioceses. p. xxviii.
 40. Benefices having no incumbent and parishes having no parochial church council. p. xxix.
 41. Conventional districts. p. xxix.
 42. Extra-parochial places. p. xxix.
 43. Cases where patronage is in doubt, or patron cannot be found, &c. p. xxix.
 44. Patrons who are minors, &c. p. xxx.
 45. Amendments of Diocesan Reorganisation Committees Measure. p. xxx.
 46. Inductions, &c., in certain special cases. p. xxxi.
 47. Temporary continuance of emergency provisions in certain areas. p. xxxi.

Savings.

48. Saving for Charity Commission and Board of Education. p. xxxi.
 49. Savings, &c. for benefices in patronage of Crown. p. xxxi.
 50. Saving for civil parishes and civil rights. p. xxxii.

General.

51. Notices and consents. p. xxxii.
 52. Service of documents. p. xxxii.
 53. Interpretation. p. xxxiv.
 54. Diocesan boards of finance not regularly constituted. p. xxxvi.
 55. Suspension in reorganisation areas of Union of Benefices Measures, 1923 to 1936. p. xxxvii.
 56. and schedule 3. Repeals. pp. xxxvii, xli.
 57. Extent, duration and short title. p. xxxvii.
 Schedule I. p. xxxvii.
 " II. p. xxxix.
 " III. p. xli.

RIGHT OF AUDIENCE. *See* AUDIENCE, RIGHT OF.

RIGHTS OF WAY. Provisions under—

Housing (Temporary Accommodation) Act (c. 36, s. 6 (6) (c)) ... p. 352
 Town and Country Planning Act (c. 47, ss. 23–5) ... pp. 451–4

ROYAL IRISH CONSTABULARY. *See* PENSIONS (INCREASE) ACT.

RULES PUBLICATION ACT. *See* STATUTORY RULES.

RURAL WATER SUPPLIES AND SEWERAGE ACT: c. 26 ... p. 147

- § 1. Government contributions to local authorities for rural water supplies and sewerage. p. 147.
 2. Contributions by county councils. p. 148.
 3. Extension of duties of local authorities and joint boards as to water supply. p. 149.
 4. Amendment of s. 322 (defaulting authorities) of Public Health Act, 1936. p. 150.
 5. Duty of statutory water undertakers to accept guarantees from local authorities. p. 150.
 6. Sewerage, sewage disposal and water supply expenses to be general expenses. p. 151.
 7. Application to Scotland. p. 151.
 8. Short title, extent and repeals. p. 152.

Schedule. Enactments repealed. p. 153.

S.

- SCIENTIFIC RESEARCH. *See* INCOME TAX.
- SCHILLY ISLES. Education Act application (c. 31, s. 118) ... p. 307
- SCOTLAND (*see also* HOUSE OF COMMONS (REDISTRIBUTION OF SEATS) ACT ; HOUSING (SCOTLAND) ACT) :
 Appointment of tutor under Guardianship (Refugee Children) Act (c. 8, s. 2) p. 11
 Solicitor General for Scotland. *See* LAW OFFICERS ACT.
- SCOTTISH SPECIAL HOUSING ASSOCIATION. *See* HOUSING (SCOTLAND) ACT.
- SEALS of—
 Min. of Education (c. 31, s. 3) ... p. 225
 Min. of National Insurance (c. 64, s. 5) ... p. 409
- SEAMEN. *See* MERCANTILE MARINE.
- SESSION, COURT OF, SCOTLAND :
 Guardianship (Refugee Children) Act powers (c. 8, s. 2 (5) (6)) ... p. 11
 War marriages jurisdiction (c. 43, s. 2) ... p. 400
- SEWERAGE. *See* RURAL WATER SUPPLIES AND SEWERAGE ACT.
- SHERIFF COURT, SCOTLAND. Jurisdiction under Landlord and Tenant (Requisitioned Land) Act (c. 5, s. 2 (3)) ... p. 3
- SHIPS. *See* MERCANTILE MARINE ; PRIZE SALVAGE ACT.
- SILK. Isle of Man customs duty continued (c. 27) ... p. 154
- SOLICITOR :
 Appearance before Independent Schools Tribunals (c. 31, s. 75 (1))... p. 278
 Chairman of tribunal for assessment of compensation (c. 47, s. 13, sch. 4 Part II) ... pp. 437, 498
- SOLICITOR GENERAL. *See* LAW OFFICERS ACT.
- SPEAKER OF THE HOUSE OF COMMONS. Chairman of Boundary Commissions (c. 41, s. 1, sch. 1 Part I) ... pp. 384, 389
- SPIRITS (*see also* LICENSED PREMISES). Isle of Man customs duty continued (c. 27) ... p. 154
- STAMP DUTY :
 Assignments by seamen (exemption) (c. 23, s. 45) ... p. 127
 Barracks Act, 1890, provisions (extended to naval forces) (c. 23, s. 46) p. 127
 Transfer of shares, stocks, &c. (c. 23, s. 44) ... p. 126
- STATUTORY RULES. Exclusion of s. 1 (prior notice) of Rules Publication Act, 1893, under—
 Diplomatic Privileges (extension) Act (O. in C.) (c. 44, s. 2 (3)) ... p. 405
 Disabled Persons (Employment) Act (Regs.) (c. 10, s. 20 (3)) ... p. 32
 Matrimonial Causes (War Marriages) Act (O. in C.) (c. 43, s. 4 (2)) ... p. 401
 Ministry of National Insurance Act (O. in C.) (c. 46, s. 6 (7)) ... p. 412
 Pensions (Increase) Act (Regs.) (c. 21, s. 3 (7)) ... p. 78
 Reinstatement in Civil Employment Act (Regs.) (c. 15, s. 16 (3)) ... p. 57
 Town and Country Planning Act (Regs.) (c. 47, s. 63 (3)) ... p. 488
- STATUTORY UNDERTAKERS :
 Town and Country Planning Act provisions :
 rights, powers, duties, compensation, &c. (c. 47, ss. 13, 25-7, 32, 34-7, schs. 1, 3, 4) ... pp. 437, 453-6, 463, 465-8, 491, 494, 496
 Water undertakers. *See* RURAL WATER SUPPLIES AND SEWERAGE ACT.

SUGAR. Imperial preference rates (c. 23, s. 2)	p. 100
SUMMARY PROCEEDINGS. Under—	
Disabled Persons (Employment) Act (c. 10, s. 19 (2) (6)) ...	pp. 30-1
Food and Drugs (Milk and Dairies) Act (c. 29, s. 3, sch. para. 3) ...	pp. 169, 173
SUPERANNUATION (see also PENSIONS (INCREASE) ACT) :	
Agriculture (Miscellaneous Provisions) Act benefits (c. 28, s. 1, sch. Part II)	pp. 155, 165
Scottish Special Housing Association employees (c. 39, s. 6) ...	p. 363
Transferred officers under Food and Drugs (Milk and Dairies) Act (c. 29, s. 6)	p. 171
SUPREME COURT, ENGLAND :	
Guardianship (Refugee Children) Act (c. 8, s. 1)	p. 9
Landlord and Tenant (Requisitioned Land) Act (c. 5, s. 2 (2)) ...	p. 3
Puisne judges (number, attachment, &c.) (c. 9)	p. 12
Town and Country Planning Act (jurisdiction) (c. 47, s. 16) ...	p. 442
War marriages (extension of jurisdiction) (c. 43, s. 1)	p. 399
SUPREME COURT OF JUDICATURE (AMENDMENT) ACT (number and distribution of puisne judges) : c. 9	
p. 12	
SWEETS :	
Excise duty (c. 23, s. 5)	p. 101
Isle of Man customs duty continued (c. 27)	p. 154

T.

TAXES :

Diplomatic Privileges (Extension) Act (exemption) (c. 44, s. 1, sch.)	pp. 403, 406
Particular taxes. See ARMORIAL BEARINGS; CUSTOMS AND EXCISE; ENTERTAINMENTS DUTY; ESTATE DUTY; EXCESS PROFITS TAX; HACKNEY CARRIAGE; INCOME TAX; LICENSED PREMISES; PURCHASE TAX; STAMP DUTY.	
TEA. Isle of Man customs duty continued (c. 27)	p. 154
TEACHERS. Education Act provisions (c. 31) :	
appointment and dismissal (ss. 24, 71-2)	pp. 243, 276-7
religious opinions (saving for) (s. 30)	p. 248
remuneration (s. 89)	p. 286
training (s. 62)	p. 272
women not disqualified by marriage (s. 24 (3))	p. 243
TOBACCO. Isle of Man customs duty continued (c. 27)	p. 154
TOWN AND COUNTRY PLANNING ACT : c. 47	
p. 413	
Part I.—Town and Country Planning :	
<i>Areas of extensive war damage : acquisition of land, and grants towards expenses of requisition and clearing.</i>	
§ 1, and Schedule 1. Designation of areas of extensive war damage, and of land needed for re-location of population and industries of such areas.	pp. 416, 491.
2, and Schedule 2. Power to purchase land for re-development of areas of extensive war damage, or for re-location of population and industries of such areas.	pp. 419, 492.

TOWN AND COUNTRY PLANNING ACT—*continued.*

- § 3. and Schedule 2. Power to purchase land for highways in connection with areas of extensive war damage, or with land needed for re-location. pp. 421, 492.
4. and Schedule 2. Power to purchase land designated under s. 1 for the public service. pp. 423, 494.
5. Grants towards loan charges for acquiring and clearing land for dealing with war damage. p. 423.
6. Contributions of local planning authorities to highway authorities under this Part, and grants for such contributions. p. 425.
7. General provisions as to grants under ss. 5 and 6. p. 427.
8. Quinquennial review of financial effect of re-development. p. 427.

Acquisition of land for certain planning purposes.

9. and Schedule 2. Power to purchase land for redevelopment of areas of bad lay-out and obsolete development. pp. 428, 492.
10. and Schedule 2. Power to purchase land for planning purposes. pp. 430, 492.
11. Obligation to purchase war-damaged land where development permission refused. p. 432.

General provisions as to acquisition of land under Part I.

12. Power to authorise purchase by local planning authority for area where land is, in lieu of by promoting authority. p. 436.
13. and Schedules 3 and 4. Modifications as to procedure and compensation for purchase where land held for carrying on statutory undertakings. pp. 437, 494, 496.
14. Purchase and appropriation of open spaces, &c. p. 439.
15. Purchase of licensed premises. p. 442.
16. Validity and date of operation of orders, &c. p. 442.
17. Registration of orders as local land charges. p. 443.
18. and Schedules 5 and 6. Incorporation of Lands Clauses Acts, &c., with modifications (including those for expedited completion of purchases). pp. 444, 499, 503.

Powers in relation to land acquired or appropriated.

19. Disposal or appropriation by local planning authority of land held by them for purposes of this Part. p. 445.
20. Power by local planning authority to carry out development of land held by them for purposes of this Part. p. 448.
21. Power of local highway authority to construct new roads for purposes of this Part. p. 449.
22. Authorisation of development on land acquired for purposes of this Part. p. 449.
23. Power to extinguish highways over land acquired for purposes of this Part. p. 451.
24. Extinguishment of private ways, and rights as to apparatus, over or in land acquired for purposes of this Part. p. 452.
25. and Schedule 4. Extinguishment of rights of way, and rights as to apparatus, of statutory undertakers. pp. 453, 496.
26. Extension and modification of powers and duties of statutory undertakers. p. 454.
27. Relief of statutory undertakers from obligations rendered impracticable by exercise of powers of this Part. p. 456.
28. Authorisation of use and development of consecrated land and burial grounds, notwithstanding restrictions. p. 457.
29. Authorisation of use and development of open spaces, &c. notwithstanding restrictions. p. 460.
30. Displacements from land acquired for purposes of this Part. p. 461.

Planning Provisions.

31. Duty of local planning authority to furnish information to the Minister. p. 462.
32. Control of development carried out by interim development authorities and responsible authorities. p. 462.
33. Power to suspend planning schemes and reimpose interim development control. p. 464.
34. Statutory Undertakers: interim development control. p. 465.

TOWN AND COUNTRY PLANNING ACT—*continued.*

- § 35. and Schedule 4. Statutory undertakers: applications for interim development permission. pp. 466, 496.
36. and Schedule 4. Statutory undertakers: revocation of interim development permission. pp. 467, 496.
37. Statutory undertakers: postponement of interim development applications. p. 467.
38. Interim development orders: exclusion of permission in particular areas or particular cases. p. 468.
39. Suspension of byelaws, &c. by interim development order on other planning scheme in force: additional powers. p. 468.
40. Establishment of joint committees for planning purposes. p. 469.
41. Application to agricultural buildings of provisions of planning schemes as to buildings. p. 469.
42. Designation of buildings of special architectural or historic interest. p. 469.
43. and Schedule 2. Preservation of buildings of special architectural or historic interest. pp. 470, 492.
44. Appeals in respect of design or external appearance of buildings. p. 472.
45. Extension during war period of protection for existing buildings and uses. p. 473.
46. Power during war period to give under planning schemes consent to development with effect for a limited period. p. 474.

Miscellaneous provisions relating to Part I.

47. Borrowing for purposes of this Part. p. 475.
48. Subsidy under the Housing (Financial Provisions) Act, 1938, as respects housing for persons displaced in exercise of powers under this Part. p. 476.
49. Works below high water mark. p. 476.
50. Power of entry for purposes of survey and valuation. p. 476.
51. Local inquiries. p. 477.
52. Ecclesiastical property. p. 477.
53. and Schedule 6. Notification of purchases of war-damaged land to War Damage Commission. pp. 477, 503.
54. Service of notices. p. 478.
55. Definition of local planning authority; and delegation to county councils and joint committees. p. 479.
56. London. p. 481.

Part II.—Compensation in connection with acquisition of Land for Public Purposes.

57. and Schedule 7. Assessment of compensation in connection with acquisition of land for public purposes by reference to 1939 prices. pp. 482, 508.
58. Supplement to compensation in case of owner-occupiers. p. 483.
59. Supplement to compensation in case of improvements. p. 486.
60. Supplemental provisions relating to the two preceding sections. p. 486.
61. and Schedule 8. Ascertainment of compensation for purchase of land valued under the War Damage Act, 1943. pp. 487, 509.
62. Power to prescribe rate of interest payable where entry made before payment of compensation. p. 488.

Part III.—General.

63. Regulations. p. 488.
64. Power of official arbitrator on references to him. p. 489.
65. and Schedule 6. Interpretation. pp. 489, 503.
66. Short title and extent. p. 490.
- Schedule I. Procedure for dealing with objections. p. 491.
- “ II. Procedure for authorising compulsory purchase. p. 492.
- “ III. Procedure for authorising compulsory purchase of statutory undertakers' land. p. 494.
- “ IV. Assessment of compensation to statutory undertakers. p. 496.
- “ V. Modifications of Lands Clauses Acts and Acquisition of Land (Assessment of Compensation) Act, 1919, for purposes of Part I. p. 499.
- “ VI. Procedure for completion of compulsory purchase under orders providing for expedited completion. p. 503.
- “ VII. Operation in certain special cases of rule in s. 57 (1) as to assessment of compensation. p. 508.
- “ VIII. Ascertainment of compensation for purchase of land valued under the War Damage Act, 1943. p. 509.

TRADING WITH THE ENEMY. See DEATH DUTIES; INCOME TAX.

TREASURY :

- Annual return of certificates (House of Commons disqualification) (c. 11, s. 2) p. 36
- Civil service employment on staff of Min. of Agriculture and Fisheries (superannuation) (c. 29, s. 6 (2)) p. 171
- Exclusion from registration of small businesses (purchase tax) (c. 23, s. 13) p. 106
- Expenses under Reinstatement in Civil Employment Act (c. 15, s. 19) p. 59
- General powers, &c. See AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT; APPROPRIATION ACTS; CONSOLIDATED FUND; DISABLED PERSONS (EMPLOYMENT) ACT; FINANCE ACT; HERRING INDUSTRY ACT; HOUSING (SCOTLAND) ACT; HOUSING (TEMPORARY ACCOMMODATION) ACT; NATIONAL LOANS ACT; PENSIONS (INCREASE) ACT; SUPREME COURT OF JUDICATURE (AMENDMENT) ACT; TOWN AND COUNTRY PLANNING ACT; TREASURY BILLS.
- Government contributions for rural water supplies and sewerage (c. 26, s. 1) p. 147

TREASURY BILLS. Borrowing by, under—

- Appropriation Acts (c. 30, s. 3; c. 37, s. 2) pp. 174, 355
- Consolidated Fund Acts (c. 4, s. 3; c. 17, s. 3; c. 20, s. 2; [8 & 9 Geo. 6] c. 1, s. 2) pp. 1, 69, 73, 513

TRUSTS :

- Church and parochial trusts, &c. (No. 1, s. 27, sch. 2)... .. pp. xx, xxxix
- Disabled Persons (Employment) Act provision (c. 10, s. 13 (4)) ... p. 26
- Endowments for maintaining voluntary schools (c. 31, s. 65) ... p. 273
- Liabilities (War-Time Adjustment) Act (c. 40) :
- property and businesses held on trust (s. 14)... .. p. 374
- registration of protection orders and liabilities adjustment orders (vesting of land in trustee) (s. 16) p. 375
- Trustee owner-occupier, compensation (acquisition of land for public purposes) (c. 47, s. 58 (5) (6) (a)) pp. 484-5

U

UNEMPLOYMENT ASSISTANCE. Transfer of functions to Min. of National Insurance (c. 46, ss. 1 (b), 6 (1) (f)) pp. 408, 410

UNEMPLOYMENT INSURANCE. Transfer of functions to Min. of National Insurance (c. 46, ss. 1 (b), 6 (1) (e)) pp. 408, 410

UNEMPLOYMENT INSURANCE (INCREASE OF BENEFIT) ACT (to increase the benefit under the Unemployment Insurance Acts, 1935 to 1940) : c. 42

- p. 395
- § 1, and Schedule 1. Ordinary rates of benefit, other than agricultural benefit. pp. 395, 398.
- 2, and Schedule 2. Ordinary rates of agricultural benefit. pp. 396, 398.
3. Dependent children. p. 396.
4. Adult dependents. p. 397.
5. Maximum agricultural benefit. p. 397.
6. Extension of Schedule 5 (provisions which may be amended under s. 59) of 1935 Act. p. 397.
7. Expenditure out of moneys provided by Parliament. p. 397.
8. Short title, citation, interpretation, repeal, commencement and extent. p. 397.
- Schedule 1. Weekly rates of benefit other than agricultural benefit. p. 398.
- .. II. Weekly rates of agricultural benefit. p. 398.

UNIVERSITY (see also EDUCATION ACT) :

- Income tax allowance on payments for scientific research (c. 23, ss. 27, 31) pp. 113, 116
- Power of local authorities to make grants (c. 31, s. 84) p. 283
- University constituencies exempted from House of Commons (Redistribution of Seats) Act (c. 41, ss. 6-7) pp. 388-9

V

- VALIDATION OF WAR-TIME LEASES ACT: c. 34... .. p. 339
- § 1. Validation of tenancies for duration of the war. p. 339.
 2. Construction of tenancy agreements. p. 341.
 3. Savings. p. 342.
 4. Application to the Crown. p. 343.
 5. Application to Scotland. p. 343.
 6. Northern Ireland provisions. p. 344.
 7. Short title, interpretation, operation and extent. p. 345.
- VALUATION OFFICE. Town and Country Planning Act provisions (c. 47, ss. 7 (2), 50, 61, sch. 8 para. 2) pp. 427, 476, 487, 511
- VOCATIONAL TRAINING COURSES (c. 10, ss. 2, 4-5) pp. 16-7

W

- WAGES. Minimum time rates for agricultural workers employed on piece work (c. 28, ss. 3, 8 (c))... .. pp. 158, 163
- WALES (see also HOUSE OF COMMONS (REDISTRIBUTION OF SEATS) ACT; MONMOUTHSHIRE). Special financial provisions under Education Act (c. 31, s. 101) p. 293
- WAR DAMAGE (see also LICENSED PREMISES; TOWN AND COUNTRY PLANNING ACT):
 International organisation (contributions) (c. 44, s. 1 (5)) p. 404
 Reorganisation Areas Measure (payments) (No. 1, s. 34) p. xxv
- WAR SERVICE (see also POLICE AND FIREMEN (WAR SERVICE) ACT; RE-INSTATEMENT IN CIVIL EMPLOYMENT ACT). Superannuation of civil servant on staff of Min. of Agriculture and Fisheries (c. 29, s. 6 (2)) p. 171
- WAR TRANSPORT, MINISTER OF (see also TOWN AND COUNTRY PLANNING ACT). Disabled Persons (Employment) Act (determination of questions) (c. 10, s. 7 (4)) p. 19
- WATER SUPPLY (see also RURAL WATER SUPPLIES AND SEWERAGE ACT).
 Supply of water to:
 Farm houses and cottages (c. 28, ss. 5, 8 (d)) pp. 159, 163
 Schools (c. 26, ss. 3, 7 (3)) pp. 149, 152
- WIDOWS', ORPHANS' AND OLD AGE CONTRIBUTORY PENSIONS. Functions transferred from Min. of Health to Min. of National Insurance (c. 46, ss. 1 (a), 6 (1) (c)) pp. 408, 410
- WINE:
 Bottling of vintage port in bond (c. 23, s. 4) p. 101
 Isle of Man customs duty continued (c. 27) p. 154
- WITNESS (see also EVIDENCE):
 Attendance at local enquiries of Boundary Commissions (c. 41, s. 1, sch. 1 Part III) pp. 384, 391
 Regulations under Food and Drugs (Milk and Dairies) Act (c. 29, s. 1 (3) (d)) p. 167
- WOMEN. See ARMED FORCES; CHILDREN AND YOUNG PERSONS; PENSIONS (INCREASE) ACT; TEACHERS; UNEMPLOYMENT INSURANCE (INCREASE OF BENEFIT) ACT.
- WORKMEN'S COMPENSATION. Transfer of functions to Min. of National Insurance (c. 46, ss. 1 (c), 6 (1) (g)) pp. 408, 410

& 8 GER

... P. 1

s (c. 1
48/57
pp. 117

10 117
137 117
147
157
167
177

187
197
207
217
227
237
247
257

267
277
287
297
307

317
327

337
347

357
367

377
387

397
407

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